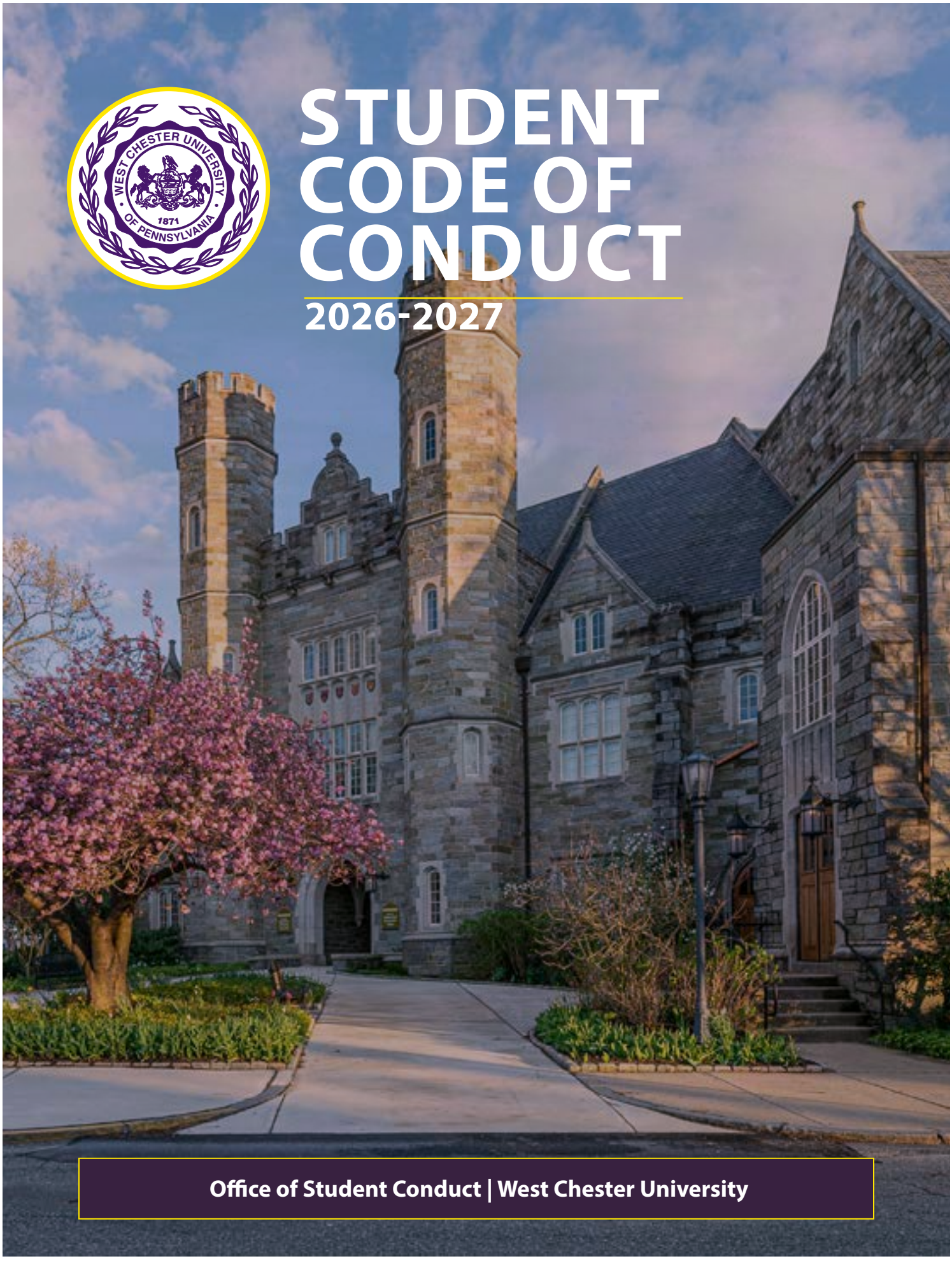


STUDENT CODE OF CONDUCT

2026-2027

Office of Student Conduct | West Chester University

MISSION

The Office of Student Conduct maintains an educational environment through upholding community standards and fosters personal development by assisting individuals in evaluating decisions to promote learning and social responsibility.

Christina Brenner (She/Her)
Assistant Dean of Students

Rhonda D'Annunzio (She/Her)
Administrative Assistant

Khadijah Greene (She/Her)
Assistant Director of Student Conduct

Elaine Markowitz (She/Her)
Assistant Director of Student Conduct

Jared Rodrigues (He/Him)
Associate Director of Student Conduct

Shelley Siedzikowski (She/Her)
Assistant Director of Student Conduct

Rick Stumpf (He/Him)
Assistant Director, Case Management

Maria Turner (She/Her)
Office Manager

Our Commitment to Civility

We, the members of the WCU University community…

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

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

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

(Taken from West Chester University's Values Statement. If you believe that you have been the victim of student misconduct, please report it at www.wcupa.edu/conduct.)

Table of Contents

I. DEFINITIONS 9

A. APPLICABILITY 12

B. VIOLATIONS OF THE STUDENT CODE OF CONDUCT 15

II. INITIATION OF ALLEGED VIOLATIONS 23

A. FILING AN INCIDENT REPORT (NON-SEXUAL MISCONDUCT) 23

B. FILING A SEXUAL MISCONDUCT INCIDENT REPORT 23

C. JURISDICTION AND DISMISSALS 25

D. EMERGENCY REMOVAL FOR STUDENTS 25

III. PROCEDURES FOR RESOLUTION 27

A. ALTERNATIVE RESOLUTION PROCESSES (NONSEXUAL MISCONDUCT) 27

B. INVESTIGATIONS (NONSEXUAL MISCONDUCT) 27

C. INTERIM ACTIONS 28

D. STUDENT GROUP INVESTIGATIONS 29

E. WRITTEN LETTER OF NOTICE OF ALLEGATIONS 30

F. CONDUCT MEETING 30

G. SANCTION RECONSIDERATION REQUEST 30

H. FORMAL HEARINGS 31

I. PROCEDURES 31

IV. SEXUAL MISCONDUCT RESOLUTION PROCESS 33

A. INFORMAL RESOLUTION PROCESS 33

B. FORMAL COMPLAINT 33

C. NOTICE OF ALLEGATIONS 33

D. DETERMINING JURISDICTION AND MANDATORY DISMISSAL FOR CERTAIN VIOLATIONS 33

E. DISCRETIONARY DISMISSALS FOR ALL ALLEGATIONS 34

F. ALLEGATIONS POTENTIALLY FALLING UNDER TWO POLICIES 34

G. NOTICE OF DISMISSAL 34

H. SEXUAL MISCONDUCT INVESTIGATION 34

I. GENERAL RULES OF HEARINGS 36

J. DECISIONS 38

K. DISCIPLINARY SANCTIONS 39

V. SANCTIONS 41

A. INDIVIDUAL STUDENTS 41

B. SANCTION CONDITIONS 42

C. STUDENT GROUP SANCTIONS 44

D. STUDENT GROUP SANCTION CONDITIONS 45

VI. APPEALS 47

VII. DISCIPLINARY RECORDS AND RETENTION 49

VIII. REVISIONS TO THE STUDENT CODE OF CONDUCT 50

Dear Students,

Welcome to West Chester University! By choosing WCU, you've joined a community that is committed to your learning, personal growth, well-being, and success. Together, our students, faculty, and staff create an environment where everyone can learn, thrive, and feel respected.

The West Chester University Student Code of Conduct outlines the rights, responsibilities, and expectations that help make our campus a safe, inclusive, and engaging place for all students.

- As a member of the WCU community, you have the **RIGHT** to:
- Participate in all university activities free from unlawful harassment and discrimination.
- Expect personal privacy unless laws say otherwise; and

Have fair and consistent handling of proceedings.

- As a member of our community, you also have the **RESPONSIBILITY** to:
- Respect others' rights and property;
- Familiarize yourself with and follow university regulations; and

Understand that your actions reflect on you and the university.

When community standards are not upheld, disciplinary action may be necessary. Depending on the nature of the violation, sanctions may include disciplinary probation, loss of housing privileges, suspension, or other outcomes. In certain situations, parents or guardians may be notified in accordance with applicable laws and university policies.

At WCU, our goal is not only to hold students accountable but also to support their growth. We encourage you to ask questions, seek guidance, and take advantage of the many resources available to help you succeed academically, personally, and socially.

This booklet provides an overview of the Student Conduct program, including your rights, responsibilities, and the procedures that guide our work.We are excited to have you as part of the Golden Ram community and wish you a successful and rewarding experience at West Chester University.

Sincerely,

Dr. Jasmine H. Buxton



Vice President for Student Affairs

Student Code of Conduct

As stated in the University Mission and Values Statements, West Chester University is committed to providing a sound educational environment for intellectual pursuits. In addition, the University is engaged in developing socially responsible citizens, ensuring the welfare and freedom of all members of the University community, and protecting individual rights. Thus, the University is 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 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, as well as local, state, federal, and international laws. This Code does not create, alter, or detract from any rights otherwise afforded under federal or state law. Additionally, the rules and regulations of other institutions will also be applied when students are engaged in academic pursuits at those institutions.

Disciplinary information may be shared with academic programs in order to facilitate their consideration of professional licensure, certification requirements, or obligations. The *Student Code of Conduct* identifies those acts that constitute unacceptable behavior for students and student groups of the University.

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

A student's disciplinary file may be shared with the dean of the student's academic program(s) in order to facilitate that program's consideration of professional licensure, certification requirements, or obligations.

The Office of Student Conduct sends all official correspondence through email utilizing the student's West Chester University issued email address. This is our primary and official form of communication. Students are expected to check their University email daily. Any and all consequences that result when University email is not read or checked regularly are the responsibility of the individual student.

University and residence hall guests are expected to follow all University policies. Student hosts are accountable for the conduct of their guests and may be subject to disciplinary action as the responsible Party for violations of University policy incurred by their guests. This applies to individuals and student groups.

This *Student Code of Conduct* is intended to be consistent with other University policies that are referenced herein. Every effort will be made to construe the Code in a manner that is consistent with such policies.

I. Definitions

Except as otherwise provided herein, the language contained in this document shall be construed according to ordinary common usage. Terms used include the following:

Acceptable Use: Demonstrated awareness and sensitivity towards the intent of the University in granting users' access, the coexisting privileges of other users, privacy interests and freedom from harassment or annoyance, the intellectual property rights of others, and the ownership and confidentiality of data.

Administrative Withdrawal: Under exceptional circumstances, the University may administratively withdraw students from a semester. This is done when the student is unavailable to complete the term withdrawal process due to extenuating circumstances (for example, incarceration or hospitalization of the student). All courses will be given a grade of "W" for the indicated withdrawn term.

Advisor: An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

- Advisors may consult and interact privately with the Party.
- The advisor cannot actively participate in the hearing unless asked a specific question by a hearing officer or when conducting cross-examination in a sexual misconduct case.
- Each party is responsible for coordinating and scheduling with their choice of Advisor.
- The Advisor may be a family member, friend, attorney, University Policy or Process Advisor, or a union representative (when applicable).
- A witness cannot serve as an advisor unless it is a sexual misconduct case.
- Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except in sexual misconduct cases for the limited purpose of cross-examination.
- In a sexual misconduct case, if a Party does not have an Advisor of choice present for a hearing, the University will appoint an Advisor.
- In a sexual misconduct case, if a Party does not attend the hearing, the Party's Advisor may appear and conduct cross-examination on the Party's behalf.
- In a sexual misconduct case, if neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination.
- In a sexual misconduct case, the Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.
- A student who serves as a complainant in a conduct case may also have an Advisor.

Appeal: A review of the outcome determined by a University designee.

Appeals Board: A board comprised of three University Hearing Officers, at least one student, and at least one faculty or staff member, who are trained and authorized to weigh an outcome determined by a University hearing officer/board. In cases of sexual misconduct, the board does not include undergraduate students.

Appeals Officer: The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals.

Complaint: The request for an alleged incident to be resolved or investigated through either a formal or informal process.

Complainant: An individual who has reported being or is alleged to be subjected to conduct that could constitute a violation of misconduct as defined under University Policy.

Conduct Meeting: An initial meeting between the responding student or student group and the hearing officer to review the information, discuss the allegations, and ask the respondent their position on the alleged violations. The respondent will also have the ability to waive or request a hearing or file a sanction reconsideration request.

Consent: A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood. In order to be valid, Consent must be active, present, and ongoing. Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time, and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individ-

ual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

De Novo Hearing: A new hearing where all issues are reviewed as if for the first time.

Designee: A person who is authorized to make decisions in the place of the named administrative officer.

Disciplinary Sanction: The penalty imposed on an individual found responsible for violating University Policy. For students, Disciplinary Sanctions are subject to applicable University/System policies, up to and including expulsion from the University.

Education Program or Activity: For purposes of this Policy, the term "Education Program or Activity" includes any activity that occurs in, on or within:

A. Any on-campus premises.

B. Any off-campus premises the University has substantial control over. This includes buildings or property owned or controlled by a recognized student organization or a recognized affiliated entity.

C. Computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of the University's programs and activities over which the University has substantial control.

Employee: An individual who is employed by the State System (either at a State System University or in the Office of the Chancellor) including, but not limited to, faculty members, coaches, staff, managers, and student employees.

Final Rule: Issued on May 19, 2020, by the U.S. Department of Education under Title IX of the Education Amendments of 1972. The full text of the Final Rule and its extensive Preamble is available at http://bit.ly/TitleIXReg

Formal Complaint: A document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in the Sexual Misconduct Policy to investigate the allegation of sexual misconduct.

Good Disciplinary Standing: A student is in good disciplinary standing when they have complied with all their obligations and are not currently subject to any form of outstanding disciplinary sanction, overdue sanction condition, disciplinary suspension, or disciplinary expulsion due to a violation of the *Student Code of Conduct*.

Hearing: A formal proceeding at which presentations are made by or on behalf of the Complainant and the Respondent or group to the hearing officer or University Hearing Board. The Hearing Officer(s) will determine the Respondent's responsibility for the violation. As further explained below, not all cases will warrant the convening of a University Hearing Board.

Hearing Facilitator: The Office of Student Conduct representative responsible for directing the formal hearing to ensure a fair process.

Hearing Officer: A University employee or student who is appointed by the University, trained and authorized to evaluate the information presented in a conduct meeting or University hearing. The Hearing Officer, also referred to as the Decision Maker(s), will be free of conflict of interest and bias, and will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party, or Appeals Officer in the same matter.

Incident Report: An official document which provides information about an alleged policy violation and may include the names of the Complainant, Respondent, witnesses, location, date, time and a summary of the incident. Incident reports may be submitted anonymously except by a University employee. An incident report is not considered a Formal Complaint in sexual misconduct cases.

Information Meeting: An initial meeting, prior to identifying alleged violations, to gather additional details regarding an incident.

Interim Action: A formal notice instituted temporarily when a University official determines the student's immediate presence may be a health, safety, or property concern.

Investigator: The Title IX Coordinator or the individual designated to perform an investigation. The Investigator may not have a conflict of interest or bias for or against an individual or group party, or for or against complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer, or Advisor to any Party in the same matter.

No-Contact Directive: An official written instruction issued by a University administrator restricting or limiting contact (in person, electronic, via social media or 3rd parties) between individuals.

Notice of Allegations: The written notice required to be provided to the Parties of alleged violations and/or following receipt of a Formal Complaint of sexual misconduct.

Notice of Hearing: The written notice required to be provided to the Parties prior to the hearing.

Outcome Letter: A letter that provides the official decision on the alleged violations. When the Respondent has been found responsible for a violation, it includes the disciplinary sanction and sanction conditions.

Parties or Party: A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

Possession: Students are responsible for items located on their person (e.g., a backpack, car, etc.), within their property, and in their residence (bedroom and any shared areas such as living rooms and bathrooms). Objects within a student's assigned residential unit may be considered as in that student's possession, if the circumstances demonstrate that the student had knowledge or control of the item.

Process and Policy Advisor: An individual who may be present to provide support and guidance to a Complainant or Respondent throughout an investigation and/or conduct proceedings. The Policy and Process Advisor serves as a key resource in helping students understand their rights and responsibilities. In sexual misconduct hearings, this person will also have an additional responsibility to conduct cross examinations.

Preponderance of Evidence: The standard of proof used to determine whether violations of University policy have occurred and means "it is more likely than not" that a violation has occurred.

Quorum: Two hearing board members is the minimum number needed to decide an outcome.

Rebuttal Statement: A statement that refutes another's version of events or facts.

Reporter: Any person other than the complainant who submits an incident report alleging that a person violated a University policy.

Respondent: Also known as the accused, is any individual who has been reported to have participated in conduct that could constitute a violation as defined under University Policy.

Sanction: Status assigned to hold a students or group accountable for conduct that violates a University Policy. Disciplinary sanctions ranging from reprimand to expulsion are reflected in a student's Disciplinary Record maintained by the University.

Sanction Condition: An outcome imposed based upon a finding of responsibility for a violation of the Student Code of Conduct, including any modifications of a student or student organization status or standing, and any additional assigned requirements.

Sanction Reconsideration Request: Occurs during the conduct case resolution process when a student or group accepts responsibility for the violations and rejects the sanctions proposed.

Semester: An academic period of time also known as term, during which coursework is offered by the University.

Student: Any person who is seeking admission to the University through the formal application process or is eligible to register for or attends classes. Individuals who applied but declined admission, are not currently enrolled, or have been academically dismissed, may be subject to the No Trespass Order Policy in lieu of the Student Code of Conduct.

Student Group: To comply with the Pa General Assembly Anti-Hazing Statute Chapter 28 and the Stop Campus Hazing Act 118th Congress (2023-2024), the University will work with two definitions to meet the mandatory reporting requirements specific to each.

1. "Student Group" Consistent with Pennsylvania's Timothy J. Piazza Anti-Hazing Law (18 Pa. C.S. §§ 2808-2809), any organized group of students that has complied with or is in the process of complying with the University's requirements for registration, recognition, or is formed through a University academic, athletic, or auxiliary department, or is funded by Student Services Incorporated.
2. For the purposes of reporting and classifying hazing statistics under The Jeanne Clery Campus Safety Act (Clery Act), a student organization is more broadly defined as an organization in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.

Supportive Measures: Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly burdening the other Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent, regardless of whether a Formal Complaint is filed. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties known as No Contact Directives, (See University Policy Library), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

Support Person: A support person, optional in cases of harm and/or sexual misconduct, is present to provide support to the Parties. They are not permitted to participate in the proceeding, nor advise a Party. A witness cannot serve as a support person.

Technology Facilitator: The Office of Student Conduct's representative responsible for managing the technical aspects of a virtual meeting or hearing.

Title IX Coordinator: The individual designated by the University to coordinate the University's compliance with Title IX and VAWA and to respond to reports of violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may serve as the Investigator of a Formal Complaint for Formal Complaints against Respondents who are Employees. The Title IX Coordinator may not serve as a Decision-Maker or Appeals Officer.

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

University Hearing Board: A board comprised of up to three University community members who are trained and authorized to weigh the information presented in a University hearing to determine an appropriate outcome. A typical board will include an employee and students. A sexual misconduct board includes three University employees and/or graduate students or other Pennsylvania State System Employees.

University Property: University property includes all real estate owned or controlled by the University, starting from the curb-edge inward, as well as sidewalks and building entrances. Public streets are controlled by the respective municipalities through their ordinances. University Avenue from the intersection of Church Street traveling west, North Campus Drive, South Campus Drive, East Campus Drive, Carey Drive, East Carey Drive, and the service road through the Gordon Environmental Center are not public streets and are considered University property.

University Representative: The person responsible for bringing the University's case against the respondent in a hearing also known as the case presenter. The University's case can include written, physical, and/or testimonial evidence.

Volunteer: A recognized volunteer or any individual who represents or acts on behalf of the University or whose actions may bind the University, regardless of whether the individual receives monetary or other compensation. For purposes of this Policy, employees and officials of recognized affiliated entities, ROTC instructors, visiting professors and unpaid camps and conference personnel will be considered volunteers.

Witness: A person who has knowledge related to specific aspects of a case and may have reported such aspects to the University.

A. APPLICABILITY

a. Any student or student group committing an act in violation of the applicable portion of the Student Code of Conduct shall be subject to disciplinary action.

b. Any student or student group who aids, abets, encourages, requests, initiates, or assists any other student, non-student, or student group in acts which violate this document or participates in a violation of this document shall be subject to disciplinary action.

c. Any violation of the Student Code of Conduct by a student or members of a student group may result in both the group and the members involved in the misconduct being subject to disciplinary action. All statements made by a student or group relative to an incident may be used in any disciplinary proceeding. Students or groups may have allegations of violations of the Student Code of Conduct for incidents occurring off University property when such conduct interferes with the educational objectives of the University community.

d. Violations found under this document may be applied concurrently with any civil or criminal prosecution brought against a student or student group.

1. Jurisdiction

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

b. When a student is charged with violating international, federal, state, or local laws or ordinances at a location off-campus, disciplinary action may be taken and sanctions imposed for misconduct.

c. University disciplinary proceedings may be instituted against a student or group charged with violating laws or ordinances, when such conduct also violates the Student Code of Conduct and if the violations result from the same factual situation. The University will determine whether action under the Student Code of Conduct will be carried out before, simultaneously, or following civil or criminal proceedings.

d. When international, federal, state, or local authorities charge a student with violating laws or ordinances, the University will not request or agree to special consideration for that individual because of their status as a student.

e. The University may advise non university authorities of the existence of the Student Code of Conduct and how such matters will be handled internally within the University.

2. Burden of Proof

The University bears the burden of establishing any alleged violation of this Code. The responding Party does not have the burden to prove that a violation did not occur. A responding Party may decide not to participate in the conduct process or an investigation. Neither of these decisions shift the burden of proof away from the University.

Additionally, Decision-Maker(s) shall not make an adverse inference against a Respondent for the Respondent's refusal to participate in an investigation or hearing, nor will Respondent's refusal to participate result in increased sanctions if the Respondent is found responsible for the violation(s).

3. Standard of Proof

The University is responsible for establishing any charged violation by a "preponderance of the evidence" standard. This means that University must show that it is more likely than not that the responding Party engaged in the alleged violation of the *Student Code of Conduct*.

4. Right of Search

The Right of Search is governed by the Pennsylvania State Laws, and in the private residential facilities, by the Residential Occupancy Agreement, USH Lease and the Community Living Standards.

5. Medical Amnesty:

In order to assure the safety and well-being of students, West Chester University has established a policy of medical amnesty. WCU holds individual students and student groups to the same standard. The WCU Medical Amnesty policy has been instituted to encourage students to seek immediate emergency medical assistance in situations that are possibly life-threatening, such as alcohol or other drug use, and hazing, without fear of individual or group conduct violations. The referred student and bystander is eligible for medical amnesty if they meet the criteria in a. or b. below.

a. **Individual Amnesty:** In order for the student or bystander to receive medical amnesty, the student and/or bystander seeking assistance must:
    i. Call 911, Public Safety, Police, Emergency Services, or otherwise contact another Authorized University Representative based on a reasonable belief that someone, including themselves, is in need of immediate medical assistance;
    ii. Reasonably believe that they were the first person to make the 911 call or a call to Public Safety, Police, Emergency Services, or otherwise contact another authorized University representative and reported that a person needed immediate medical assistance;
    iii. Provide their own name to the 911 operator, Public Safety, Police Emergency Officer, University Staff or other authorized University representative;
    iv. Remain with the person needing medical assistance until emergency health care providers have arrived and taken care of the person in need of medical assistance; and
    v. Comply with post-event educational/counseling objectives issued by the Office of Student Conduct.
b. **Group Amnesty:** In order for the group and student needing assistance to receive medical amnesty from the University, the group seeking assistance must:
    i. Call 911, Public Safety, Police, Emergency Services, or otherwise contact another Authorized University Representative based on a reasonable belief that someone, including themselves, is in need of immediate medical assistance;
    ii. Reasonably believe that they were the first person to make the 911 call or a call to Public Safety, Police, Emergency Services, or otherwise contact another authorized university representative and reported that a person needed immediate medical assistance;
    iii. Provide their own name to the 911 operator, Public Safety, Police Emergency Officer, University Staff, or other authorized university representative;
    iv. Remain with the person needing medical assistance until emergency health care providers have arrived and taken care of the person in need of medical assistance;
    v. Report this incident to the group's University advisor, and affiliated university office, and,
    vi. Comply with post-event educational/counseling objectives issued by the Office of Student Conduct.

Student groups that fail to seek immediate medical assistance for members or guests in need of attention will likely be charged with violations of the *Student Code of Conduct*. If found responsible, the student group should expect revocation or suspension of recognition as the outcome of such violations. It is imperative that student organizations seek medical assistance for their members or guests in such an emergency situation.

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

Additionally, the University strongly encourages students to report incidents of sexual misconduct. A witness to or an individual who experiences sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement will not be sanctioned under the University's Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct.

6. Submitting a Referral

While any individual may report an alleged violation of the Student Code of Conduct by a University Student or Student Organization/Group, only a member of the University community may submit a Referral to the Office of Student Conduct. For purposes of referrals, the University Community includes students, employees, faculty, guests, and visitors of the University, and employees of the University's affiliated entities.

In instances where a Reporting Party cannot be identified or wishes not to participate, the University may, at its discretion, initiate a referral against a responding Party. If the Reporting Party remains anonymous, the University will be limited in response.

All referrals must be in writing and should be submitted as soon as possible after the events on which the referral is based. Referrals, other than those relating to alleged sexual misconduct, must be submitted to the Office of the Student Conduct. Referrals may be submitted: electronically at www.wcupa.edu/Report or in person at Ruby Jones, Room 200.

Students may choose to report anonymously; however, the University is often unable to take action on anonymous reports. If a student wishes to protect their anonymity AND wants action to be taken, please report via text at 256-WCU-CARE (256-928-2273). Reporting via text allows staff to contact the reporter for follow-up, while preserving their anonymity.

7. Referral Review

The Office of Student Conduct will review referrals to determine if sufficient information is alleged to indicate that the referred Party has engaged in behavior constituting a violation of the Student Code of Conduct.

If the Office of Student Conduct determines that sufficient information is alleged to indicate that a violation or violations occurred, the referral will proceed, and appropriate interim measures may be imposed. Should further investigation be required, additional information and evidence will be gathered prior to a determination.

If the Office of Student Conduct determines that no violation of the Student Code of Conduct is indicated, the referral will be dismissed. There will be no appeal for this dismissal decision.

8. Evidence

Only evidence that is admitted during the student conduct meeting or hearing shall be considered in judging the matter.

The University is not bound by formal rules of evidence. Evidence or information that may not be admissible in a court of law may be admissible in a conduct hearing or as part of an investigation. The Hearing Officer or the Chairperson of the University Conduct Board will decide what information is admissible as part of a hearing.

If the University Hearing Board determines that key evidence is missing, the hearing may be continued to a later time at their discretion to accommodate the presentation of such evidence at the hearing.

The Office of Student Conduct has discretion to control the methods of presentation of evidence or physical appearance of participants (e.g., remote presentation of evidence) in order to ensure orderly and efficient presentation of evidence and the integrity of the hearing process. A Party wishing to request a modification relating to the hearing should do so within 48 hours of the scheduled hearing time.

9. Principles of Group Responsibility

Student groups enrich the University and community by providing a source of intellectual, personal, and social development of students through their programs and activities. The University and off-campus partners fulfill an important educational mission by providing the policies and procedures with which to support and guide student groups.

Inherent in the University's recognition of student groups is the obligation of each group to conduct activities in accordance with University rules and policies. These rules and policies of the University are in addition to other rules and policies that may govern the group by their parent organization, or government laws. Further, any student group advisor, chapter advisor, affiliate advisor, coach or associate of a local, state, national, or international organization (collectively "parent organization") must provide notice of an alleged conduct violation and details to the Assistant Dean of Students within 24 hours of receiving notice of any violation of University policy, international, federal, state, local laws, or other reasonably publicized policy violations.

a. Organizational Responsibility for Policy Violations

Student groups are required to comply with all University policies, including the *Student Code of Conduct* and all additional policies pertaining to the specific group. A group may be held responsible for the actions and behaviors of its members and guests. The decision to hold a group responsible as a whole is ultimately determined by examining all the circumstances of a situation and by taking into account factors including, but not limited to, whether the actions:

- Were committed by one or more leaders or authorized representatives acting in the scope of their group capacities;
- Were committed by a significant number of group members or alumni, or guests that reasonable people would associate with the group;
- Were condoned by (actively or passively) a significant number of group members, alumni, or guests;
- Occurred at, or in connection with, an activity or event funded, sponsored, publicized, or advertised, by the group or group members;
- Occurred at a location over which the group or its members had control at the time of the action;
- Occurred at, or in connection with, an activity or event that reasonable people would associate with the group;
- Should have been foreseen by the group or its leaders, but reasonable precautions against such actions were not taken;
- Were the result of a policy or practice of the group;
- Would be attributable to the group under the group's own policies (including local or national risk management guidelines); and,
- Were taken by individuals who, but for their affiliation with the group, would not have been involved in the incident.

In addition, a group may be held responsible if:

- One or more leaders or members of a group fail to report knowledge or information about a violation to, or otherwise fail to cooperate with, appropriate University or emergency officials;
- The group, or any member acting on its behalf, fail to satisfactorily complete the terms of any disciplinary sanction or outcome.

Along with student groups, their members, leaders, and associated individuals may also be held individually responsible for violations of the *Student Code of Conduct* or other University policies. It is the responsibility of the student group's president, leader, or designee to represent the group through the conduct process.

B. VIOLATIONS OF THE STUDENT CODE OF CONDUCT

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

1. **Infliction of Harm -** Commission of any act which results in or which may result in the infliction of pain, injury, or damage to any person or property by willful and deliberate means or through gross negligence. This offense includes (a) assault, (b) attempted assault, or (c) reckless behavior, which may result in injuries to others or property. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student or student group found responsible for this violation.

   Please be advised that pre-mediated/planned violence and a finding of responsibility for 1. Infliction of Harm may be offered an individualized assessment to evaluate the nature and extent of the risk of harm to others and to determine whether supportive measures, reasonable accommodations, or other interventions can effectively address the identified concerns.

2. **Threat of Harm -** This violation may be established in any of the following ways:
   (a) where a student directs words to a person or group of persons that could reasonably have the effect of placing the victim in fear of imminent bodily harm; (b) where a student engages in conduct that can be reasonably understood as a threat of bodily harm; (c) where a student directs physical, verbal, or written actions toward any Party or witness, or their property, involved in a University conduct process or law enforcement matter, which can be reasonably understood as attempting to influence an outcome or to retaliate against such person; or (d) where a speaker directs physical, verbal or written words toward a University employee related to the performance of their job. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student or student group found responsible for this violation.

   Any of the foregoing may occur in person or via electronic means.

Please be advised that pre-mediated/planned violence and a finding of responsibility for 2. Threat of Harm may be offered an individualized assessment to evaluate the nature and extent of the risk of harm to others and to determine whether supportive measures, reasonable accommodations, or other interventions can effectively address the identified concerns.

3. **Theft -** This includes (a) theft or attempted theft of the property or services of the University, any group, or any individual, by means of taking, deceiving, misappropriating, or misusing; and/or (b) possession of stolen property and/or receiving stolen property. In certain circumstances, a sanction of suspension or expulsion may be imposed on any student or student group found responsible for this violation.
4. **Vandalism -** This includes the intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, or tampering with the property of any person or business; or the misuse, or abuse of University property, or the property of any person or business.

   A sanction of suspension or expulsion may be imposed on any student or student group found responsible for this violation.
5. **Weapon -** Violations of the policy include either of the following:
   a. The use, possession, or transportation of (i) fireworks, (ii) a knife, (iii) a paintball, Airsoft or BB gun, (iv) explosive, (v) other weapon, except as described in 5b, below, or (vi) any item designed or used in such a way to inflict bodily harm or physical damage, except those items described in 5b, below.
   b. The unlawful use, possession, or transportation of (i) a firearm or (ii) firearm ammunition.

   A sanction of suspension or expulsion may be imposed on any student or student group found responsible for a weapons violation.
6. **Safety Violations -** Violation of safety regulations including, but not limited to, (a) setting unauthorized fires, (b) tampering with fire safety systems, firefighting equipment and/or defibrillators or rendering such equipment inoperable, (c) turning in false alarms by any means of communication, (d) tampering with or improper use of University emergency phones, (e) failure to evacuate facilities upon the sounding of an alarm/drill, or (f) creating any hazardous condition that endangers the health and safety of others. A sanction of loss of housing, suspension or expulsion may be imposed on any student or student group found responsible for these violations.
7. **Alcohol and/or Alcohol Containers -** West Chester University is a dry campus. Any violation of the University's alcohol policy shall be construed as a violation of this section. Specific violations include but are not limited to the following: (a) possession of empty alcohol containers on any University property, or affiliated University housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on-campus over 21 years of age, (c) underage use, possession, or consumption of alcoholic beverages, (d) possession of open containers of alcoholic beverages, (e) public intoxication, (f) driving under the influence, (g) selling and/or furnishing alcohol to minors. Exceptions to the alcohol violation are noted in the Medical Amnesty Policy. In the absence of extraordinary or mitigating circumstances, a sanction of loss of housing, suspension, or expulsion may be imposed on any student or student group found responsible for violating 7(g), or multiple incidents of these violations.
8. **Drugs and/or Drug Paraphernalia -** Students who engage in drug use or abuse shall be considered in violation of this section. Specific violations include but are not limited to the following: (a) possession or use, (b) possession of drug paraphernalia, (c) possession of a significant quantity, (d) sale of drugs including but not limited to the packaging for sale, scales, large amounts of cash, or other circumstances that reasonably indicate potential distribution and/ or (e) driving under the influence. The use of illegal substances, or the misuse of legal, prescribed, or controlled substances, may be considered reckless behavior as described in the violation of Infliction of Harm 1c: Reckless Behavior. Use or possession of prescription/medical marijuana is prohibited on campus. Exceptions to the drug violation are noted in the Medical Amnesty Policy. A sanction of loss of housing, suspension or expulsion may be imposed on any student or student group found responsible for this violation.
9. **Noncommercial Literature Distribution, Non-Sponsored Presentations or Demonstrations -** Any violation of the University's policy on Noncommercial Literature or Non-Sponsored Presentations or Demonstrations on University property, set forth in the online University Policy Library, shall be construed as a violation of this section.
10. **Hazing - (a)** A person (individually or with others) or organization, who intentionally, knowingly or recklessly,
    1) for the purpose of initiating, admitting or affiliating an individual into or with an organization,
    2) or continuing or enhancing an individual's membership or status in an organization, regardless of the willingness of such other person or persons to participate, do any of the following:

a. Cause, coerce, or otherwise induce another person to consume any food, drink, liquid, alcoholic liquid, drug, or other substances which subjects the individual to a risk of emotional or physical harm.

b. Cause, coerce, or otherwise induce another person to endure brutality of a physical nature, which may include but is not limited to whipping, beating, branding, paddling, kicking, striking, pushing, shoving, tackling, calisthenics, electronic shocking, placing of a harmful substance on someone's body, or exposure to the elements.

c. Cause, coerce, or otherwise induce another person to endure any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;

d. Cause, coerce, or otherwise induce another person to endure brutality of a mental nature, which may include but is not limited to activity adversely affecting the mental health or dignity of the individual, which may include, but not limited to sleep deprivation, confinement, exclusion from social contact, or conduct which could result in extreme embarrassment or degradation;

e. Cause, coerce, or otherwise induce another person to perform sexual acts or enduring brutality of a sexual nature;

f. Cause, coerce, or otherwise induce another person to endure any other activity that creates a reasonable likelihood of bodily injury to the student;

g. Engages in any activity against a person that includes a criminal violation of local, state, tribal, or federal law or University policy or rule;

h. Engages in any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law or University policy or rule.

Aggravated Hazing - (b) A person commits the violation of aggravated hazing if any of the above actions result in serious bodily injury or death to the individual, either from actions of reckless indifference to their health and safety, or by actions that cause, coerce, or force the consumption of an alcoholic liquid or drug.

Note: Hazing shall not include reasonable and customary athletic, law enforcement, or military training, contests, competitions, or events.

A sanction of suspension or expulsion may be imposed on any student or group found responsible for this violation. This language reflects current University policy but may be subject to amendments during the academic year

11. **Information Technology Violation** This includes (a) Failure to Protect Secured Data, including but not limited to obtaining passwords, circumventing account security, monitoring another user's data communications, or attempting to read, copy, change, delete or transmit another's user files or software, to gain unauthorized access to remote computers, or failure to protect data media by securing them immediately after use. Any person attaching a computer or network device to West Chester University's network is responsible for the security of the computer system and for any intentional or unintentional activities from or to those network connections. The use of any type of wireless network equipment, including but not limited to wireless switches and wireless routers on the University network, is strictly prohibited. Network services and wiring may not be modified or extended by users for any reason; (b) improper use or access to E-mail; (c) violation of Ownership and Use of Computing and Information Technology Facilities and Resources: may include computers, accounts, workstations, peripherals, networks, communication devices, switches, software programs, and systems, as well as related devices and hardware and telecommunications equipment; (d) privately owned devices improperly accessing University resources; (e) violation of applicable state, federal, and international laws, as well as University policies; (f) operating a network-intensive application or a defective computer, which causes network overload. Sanction considerations will include limiting or revoking electronic account privileges, suspension, or expulsion on any student or student group found responsible.

12. **Solicitation** Any violation of the University Commercial Advertising and Sales Policy as set forth online in the University Policy Library 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** This includes (a) engaging in conduct that is disorderly, unnecessarily disturbs others, and/or is disruptive to the normal practices, processes, and functions of the University, institution, business, or local municipality; (b) engaging in conduct that constitutes unlawful discrimination (based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, veteran status, disability or any other legally protected class), which a reasonable person would believe creates an imminent risk of harm to that person; or (c) engaging in a course of conduct directed at a person that serves no legitimate purpose and seriously alarms, annoys, or intimidates that person. A sanction of loss of housing, suspension or expulsion may be imposed on any student or student group found responsible for this violation. In the event a student is found responsible for Disruptive Conduct (c) by violating the No Contact Directive, possible sanctions may include a Disciplinary Suspension (minimum 1-year) or Disciplinary Expulsion from the University.

15. **Academic Integrity** Alleged violations of the Academic Integrity Policy shall be processed according to the Academic Integrity Policy as set forth in the West Chester University Catalog unless the incident also includes other alleged violations of the *Student Code of Conduct*. If managed jointly, Academic Integrity and *Student Code of Conduct* violations may be processed by the procedures set forth in the *Student Code of Conduct*. The relevant academic representative assigned from the Provost's Office and Student Conduct staff will participate in the resolution. Violations of the academic integrity standards include (a) plagiarism, the inclusion of someone else's words, ideas, or data as one's own work; (b) fabrication, the use of invented information or the falsification of research, information, citations, or other findings; (c) cheating, an act or an attempted act of deception by which a student seeks to misrepresent their mastery of the information or skills being assessed; (d) academic misconduct, defined but not limited to other academically dishonest acts such as tampering with grades; or taking part in obtaining or distributing any part of a test that has not yet been administered; or disrupting or interfering with the ability of others to complete academic assignments; (f) facilitating academic dishonesty by helping or attempting to help another to commit an act of academic dishonesty; or (g) breach of standards of professional ethics in degree program(s). Sanctions may include dismissal from an academic program, suspension, and/or expulsion for any student or student group found responsible.
16. **Fraud or Dishonesty** This includes (a) wrongful deception; (b) making, using, or possessing any falsified document or record; (c) providing false information in connection with an official inquiry or investigation; (d) altering or forging any University document or record, including identification, meal or access cards, and parking permits; (e) providing false statements during any police or University investigation or proceeding; or (f) the misrepresentation of oneself or of a group as an agency of the University. Sanctions may include a dismissal from an academic program, suspension, and/or expulsion for any student or student group found responsible.
17. **Trespassing** Unauthorized entry, use, or occupancy of University property or the property of others, which also includes electronic property.
18. **Violation of the Community Living Standards, Student Occupancy Agreement and/ or USH Lease** Students living in WCU Housing and the University affiliated housing ("on campus students"), are required to comply with the Policies and the applicable student occupancy agreements. Violations include, but are not limited to: (a) non-adherence to the guest visitation policy, including but not limited to extended visits, lack of roommate consent, number of allowable guests, and responsibility for actions of guests (b) covering or having a covered smoke detector; (c) use and/or possession of incendiary or combustible materials and devices (for example, including but not limited to candles, torches, vaping equipment, e-cigarettes); (d) removal or tampering with window screens; (e) non-adherence of the Courtesy/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; or (h) other reasonably publicized housing-related policies or persistent housing violations. Students are responsible for failing to report firsthand knowledge of violations which pose a risk of harm to other's health and safety or to University property (see Violation 25.).
19. **Community Responsibility** Students who engage in behavior off-campus that is disruptive to the community, including: (a) unreasonable noise as defined by the local noise ordinance; (b) fire, health, zoning, building and safety codes, including occupancy limits as defined by the municipality; (c) litter, trash and garbage violations (refer to the local regulations for trash disposal and be aware of your neighborhood's trash collection schedule); (d) failure to take proactive steps to manage the conduct of guests, including measures that reduce the risk of harm; or, (e) failure to engage in mediating and resolving problems or concerns with neighbors in a timely and civil manner.
20. **Failure to Comply** This includes; (a) willful obstruction and/or failure to comply with the legitimate oral or written directives of properly authorized persons, including police and/or a duly-authorized University official acting in performance of their prescribed duty, or by violating the No Contact Directive, emergency removal, interim residential suspension, or interim disciplinary suspension. Possible sanctions may include a Disciplinary Suspension (minimum 1-year) or Disciplinary Expulsion from the University; (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 to comply with all regulations regarding conduct on or off campus not cited in the *Student Code of Conduct* when such regulations have been reasonably publicized.
21. **Sanction Violation** Violation of a University sanction, including (a) violation of the terms of a sanction, which includes failure to complete and comply with any specified condition or assignment of a sanction, or (b) violating the *Student Code of Conduct* while on disciplinary probation, emergency removal, interim suspension, or suspension.
22. **Guest Policy** Students may be held responsible and assigned to complete educational sanctions commensurate with the policy violation(s) related to the behavior of their guests when the actions of their guests violate the *Student Code of Conduct*. Guests are expected to abide by University policies and local, state, federal, or international laws while visiting University property.
23. **Sexual Misconduct** Based on the Final Rule effective August 14, 2020, certain violations have regulatory standards that must be met to proceed under Title IX. The University's Sexual Misconduct Policy contains violations which may meet both regulatory and non-regulatory definitions. The Federal guidelines require the University to dismiss regulatory violations that do not meet the federal standards. However, the University may still proceed with investigating non-regulatory violations. If the standards of the allegations are substantiated through an investigation, regardless of whether the violation is defined as regulatory, the

adjudication process is the same. Parties will be notified of any dismissal or inclusion of alleged violations. Please refer to the Sexual Misconduct Policy for additional definitional requirements and examples. Violations of the policy include:

a. **Sexual Harassment** The range of sanctions for students responsible for this violation include Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters), and Disciplinary Expulsion. Conditions may include off-campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, and related educational conditions. Sexual Harassment includes:

    1). Regulatory Quid Pro Quo Sexual Harassment: An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.

    2). Non-Regulatory Quid Pro Quo Sexual Harassment: An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.

    3). Regulatory Hostile Environment Sexual Harassment: Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

    4). Non-Regulatory Hostile Environment Sexual Harassment: Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from any educational, employment, social or residential program in offered connection with the University.

b. **Sexual Assault** This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory. The range of sanctions for students responsible for this violation includes:

    Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include Off-Campus counseling, campus restriction, loss of housing, and residential non-renewal or reassignment.

Sexual Assault may be one of the following categories:

    1). Sexual Penetration Without Consent Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.

    2). Sexual Contact Without Consent Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.

    3). Statutory Sexual Assault The age of consent for sexual activity in Pennsylvania is 16.

    4). Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania's institutional sexual assault statute.

c. **Sexual Exploitation** Engaging in sexual behaviors directed toward or involving another person or use of another person's sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

- Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's Consent;
- Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
- Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's Consent;
- Prostituting another individual; or
- Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off

campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

d. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

    1). Fear for their safety or the safety of others; or

    2). Suffer substantial emotional distress.

    A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property. Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion. Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory. The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off-campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

e. **Dating Violence** includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence. Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity, and when the Complainant is participating in or seeking to participate in an Education Program or Activity at the time of filing the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory. The range of sanctions for students responsible for this violation include: Disciplinary Reprimand, Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters), and Disciplinary Expulsion. Conditions may include off-campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

f. **Domestic Violence** includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania. Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory. The range of sanctions for students responsible for this violation include: Disciplinary Reprimand, Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

g. **Retaliation** Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred. The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include off-campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions. In the event a student is found responsible for violating the No Contact Directive, possible sanctions may include a Disciplinary Suspension (minimum 1-year) or Disciplinary Expulsion from the University.

h. **Violation of Interim or Supportive Measures** Any action, directly or through others, which a party takes that intentionally contravenes or disregards the directives of the University issued to the party as a result of a report, complaint, hearing, or appeal. The range of sanctions for students responsible for this violation include: Disciplinary Probation (ranging from 6 weeks to 10 semesters), Disciplinary Suspension (ranging from 1 to 15 semesters) and Disciplinary Expulsion. Conditions may include

off campus counseling, campus restriction, loss of housing, residential non-renewal or reassignment, or related educational conditions.

24. **Criminal/Civil Statutes** Any student who has been cited, arrested, or is convicted by international, federal, state, or 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. If adjudication by a court substantiates that a violation of law has occurred, it will be deemed as evidence of a violation of this section. However, the standards and procedures (including, but not limited to, determination of guilt beyond a reasonable doubt) of the courts or other agencies are not adopted, and violations will be determined in accordance with the University's rules and standards. A criminal or civil decision is not a necessary prerequisite for a disciplinary decision nor is it necessary that criminal or civil charges be determined before or after a University decision. Any criminal or civil act that would also be a violation of the other Student Code of Conduct items can be addressed based on the available evidence regardless of court outcome as the University is not necessarily bound by court decisions that apply to criminal or civil law. Therefore, action taken in a civil or criminal court does not free the student of responsibility for the same conduct in a University proceeding. A student participating in the Accelerated Rehabilitative Disposition (ARD) program or any similar alternative diversionary program applied by the courts is still considered to be in violation of this standard and accountable for a conduct violation. Court issued sanctions do not satisfy University sanctions. The University may suspend a student charged with committing an offense on an interim basis while violations are pending. If a student is found guilty of committing a crime, the University may impose a sanction up to and including suspension or expulsion based on the nature and seriousness of the criminal offense.

    Please be advised that pre-mediated/planned violence and a finding of responsibility for 24. Violation of Criminal/Civil Statute, may be offered an individualized assessment to evaluate the nature and extent of the risk of harm to others and to determine whether supportive measures, reasonable accommodations, or other interventions can effectively address the identified concerns.

25. **Aiding a Violation or Failure to Report –**This includes (a) actively assisting in the commission of a violation, or (b) failing to report firsthand knowledge of a violation of the Student Code of Conduct which poses a risk of harm to others' health and safety or to others property. This includes witnessing such violations and knowingly failing to report them.

26. **Retaliation** Any action taken in response to a report of misconduct that restrains, interferes with, coerces, or punishes the person making the report or submitting a complaint. Under this policy, no faculty member, administrator, staff, student, applicant for employment, or member of the public may be subject to restraint, interference, coercion, or reprisal for action taken in good faith to seek advice regarding a misconduct matter, filing a complaint, or serving as a witness in the investigation of a misconduct complaint. Retaliation is a separate violation and may be cause for discipline apart from the outcome of the initial misconduct complaint. That is, retaliation may be found to have occurred even if there is no finding of a policy violation under the initial misconduct complaint. A sanction of loss of housing, suspension, or expulsion may be imposed on any student or student group found responsible for this violation.

27. **Violation of Safety Precaution Requirements** To reduce the risk of spreading infectious disease, students shall adhere to all Safety Precautions (which are defined as any health-related laws, regulations, or mandatory guidelines established by the University or federal, state, county, or municipal authorities). There are two categories of this violation:

    (a). The intentional or reckless disregard of Safety Precautions, or intentional or reckless actions that cause or directly threaten the spread of disease.

    A single instance of this category of Violation may result in loss of housing, mandated remote campus participation, and/or disciplinary suspension for a student who is found responsible for this violation. A student's actions in relation to a high risk of disease spread, and the student's conduct history, will be considered in determining the level of sanction.

    (b). Failing to comply with Safety Precautions.

    If Safety Precautions from multiple sources apply to a given situation or in the event of conflict between or among them, students are required to follow the most restrictive Safety Precaution.

    The University's goal in addressing this category of violation is to ensure widespread compliance with Safety Precautions. While a first offense is unlikely to lead to a severe sanction, the University reserves the right to impose a loss of housing, mandated remote campus participation, and/or disciplinary suspension for a student who is found responsible for this violation. A student's actions in relation to a high risk of disease spread and the student's conduct history, as well as the existence of prior violations of this category, will be considered and may lead to a more severe sanction, including disciplinary suspension.

II. Initiation of Alleged Violations

Any person or entity (including University departments, officials, community members, and/or students) may submit information regarding an alleged violation of the *Student Code of Conduct* to be reviewed by the Office of Student Conduct. Any alleged policy violation should be submitted as soon as possible after the event takes place. Incident reports may be submitted anonymously, and those reports will be investigated based on the extent of the information provided. Anonymous incident reports may alert an administrator to an existing problem, but these reports may not provide sufficient information to allow the University to initiate disciplinary action. The Office of Student Conduct reviews all information and manages the process of alleged violations under the Code of Conduct.

Student Code of Conduct violations are entirely separate from a criminal investigation by the police, and any complainant may file a criminal complaint with the police in addition to a *Student Code of Conduct* violation. The University reserves the right to initiate an incident report, to serve as the complainant, and to initiate Student Conduct proceedings without a formal incident report by the complainant of misconduct.

Truthfulness

All participants in the reporting and resolution processes have the responsibility to be truthful with the information they share at all stages of the process. A report of a violation under the *Student Code of Conduct* is not considered a bad faith report merely because the evidence does not ultimately support the allegation. Individuals are prohibited from knowingly making a false report, filing a false Formal Complaint, or making misrepresentations.

If an investigation results in a finding that a person has willfully filed a bad faith report, filed a false Formal Complaint or made misrepresentations as part of the reporting or resolution process, the person may be subject to appropriate disciplinary sanctions under the Code of Conduct in the case of students or other relevant University policy and collective bargaining agreements in the case of officials, employees, or volunteers. False reporting may also violate international, federal, or state criminal laws and civil defamation laws.

A. FILING AN INCIDENT REPORT (NON-SEXUAL MISCONDUCT)

Reporting may be accomplished in the following ways:

1. Filing a police report with the Department of Public Safety or requesting a report from another law enforcement agency be sent to the Department of Public Safety.
2. A reporter may choose to report anonymously; however, the University is often unable to take action on anonymous reports. If a reporter wishes to protect their anonymity AND wants action to be taken, please report via text at 256-WCU-CARE (256-928-2273). Reporting via text allows staff to contact the reporter for follow-up, while preserving their anonymity.
3. Calling the Office of Student Conduct, 610-436-3511 or, the Office of Equal Opportunity and Compliance at 610-436-2433.
4. The preferred way is to complete a University incident report form at www.wcupa.edu/report. Various report types are included, from general conduct reports, student group misconduct, and sexual misconduct (See **B. Filing a Sexual Misconduct Incident Report**). Once a report is filed, the University designee will determine whether further fact finding is needed and whether there is enough information to file conduct violations and what type of hearing process will be appropriate for the allegations. In the event a group member becomes aware of an incident, the student group member(s) should inform the on-campus University advisor/coach immediately, with the following points in mind:
    - An advisor/coach who is employed by the University is required to submit an incident report for any information that is shared with them.
    - An advisor/coach not employed by the University is not required to report information to the University; however, the student member(s) should report the incident to a University official.

If the group is affiliated with a national organization, University officials will notify the national organization at the beginning of an investigation and communicate throughout the process when notification will not impede the investigation. If during the investigation the group is deemed to have responsibility in the incident, the national organization will be informed when notification will not impede the investigation.

The Assistant Dean will also have the discretion to request additional fact-finding or close the case without conducting a hearing due to insubstantial information.

B. FILING A SEXUAL MISCONDUCT INCIDENT REPORT

Any individual, including a third Party, may make a report concerning sexual misconduct. Complainants and third parties are encouraged to report sexual misconduct as soon as possible to allow the University to respond promptly and effectively.

The Title IX Coordinator (or designee) has authority to institute corrective measures for reports of alleged violations of this Policy. Mandated reports to the Title IX Coordinator by Officials, Volunteers and Employees shall not automatically result in corrective measures being instituted. Individuals are encouraged to report sexual misconduct directly to the Title IX Coordinator, through the University's electronic and anonymous reporting systems or by filing a Formal Complaint.

1. Reports to the Title IX Coordinator

Any person may report sex discrimination, including sexual misconduct (whether or not the person reporting is the person alleged to be the person subjected to conduct that could constitute sex discrimination or sexual misconduct), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

Contact Information for the Title IX Coordinator:

Corin Chapman, Director of Employee & Labor Relations, Title IX and ADA Coordinator
West Chester University
201 Carter Drive, West Chester, PA 19383 (office) 610-436-2800 | (email) TIX@wcupa.edu

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

The University's Title IX Coordinator is trained to work with individuals who report sexual misconduct and has knowledge about resources and services, both on and off campus, including the availability of Supportive Measures.

If a report of misconduct discloses a serious or immediate threat to the campus community, the University will issue a timely warning to the community to protect the health or safety of the community. The timely warning will not include any identifying information about the Complainant.

Please Note: Title IX Coordinators are not a confidential source of support. While they will address reported matters with sensitivity and will keep your information as private as possible, confidentiality cannot be guaranteed. To speak with a confidential resource, please contact the WCU Counseling Center, the WCU Community Mental Health Center, and/or the WCU Health Center.

Making a report is different from filing a Formal Complaint (See the section titled Filing a Formal Complaint). A report is defined as notification of an incident of sexual misconduct to the Title IX Coordinator by any person. A report may be accompanied by a request for (1) Supportive Measures; (2) no further action; (3) filing a Formal Complaint; and/ or (4) a request to initiate an informal resolution process after filing a Formal Complaint.

Filing a Formal Complaint initiates the University's formal investigation process. (**See Sexual Misconduct Resolution Process**).

2. Electronic and Anonymous Reporting

You may also file a report about sexual misconduct using the appropriate links below. While anonymous reports are accepted, the University's ability to address misconduct reported anonymously is significantly limited. If the reporter wishes to protect their anonymity **and** wants action to be taken, they should report via text at 256-WCU-CARE (256-928-2273).

Reporting via text allows staff to contact the reporter for follow-up, while preserving their anonymity.

Individuals may use this Sexual Misconduct Reporting Form, www.wcupa.edu/sexualmisconductreport.com, to electronically file a report of sexual misconduct with the University.

Individuals may also file a report electronically by email to: tix@wcupa.edu.

3. Filing A Formal Complaint

The timeframe for the Sexual Misconduct Resolution Process under this Policy begins with the filing of a Formal Complaint and will be concluded within a reasonably prompt manner, and usually no longer than 90 days after the filing of the Formal Complaint,(would end sentence here and start the new sentence...The process may be...) provided that the Process may be extended for a good reason, as set forth more fully in the Continuances and Granting Extensions section. Appeals may extend the timeframe for resolution.

To file a Formal Complaint, a Complainant must provide the Title IX Coordinator with a written, signed complaint describing the facts alleged.

If a Complainant does not wish to make a Formal Complaint, the Title IX Coordinator may determine that a Formal Complaint is necessary. West Chester University will inform the Complainant of this decision in writing, and the Complainant need not participate in the process further but will receive all notices issued under this Sexual Misconduct Resolution Process. PLEASE NOTE: The Title IX Coordinator does not lose impartiality solely due to signing a Formal Complaint.

A Complainant who files a Formal Complaint may elect, at any time, to address the matter through the Informal Resolution Process (see the Informal Resolution section below).

Criminal Reporting Options

A Complainant may also seek to initiate a criminal complaint, independent of or parallel with any report made to the University.

West Chester University Police, 610-436-3311 or x3311

Peoples Building, 690 South Church Street, West Chester, PA 19383

The Complainant may also contact the police department in the city or town in which the incident occurred.

Please note: The University's policy, definitions, and burden of proof may differ from Pennsylvania criminal law. Neither law enforcement's decision whether to prosecute, nor the outcome of any criminal prosecution, is determinative of whether sexual misconduct has occurred under this Policy. In cases where there is a simultaneous law enforcement investigation, there may be circumstances when the University may need to temporarily delay its investigation while law enforcement gathers evidence. However, the University will generally proceed with Formal Complaint even during the time of a pending law enforcement investigation.

As the University may not be informed of reports made with law enforcement agencies outside of West Chester University Police, a separate report must be filed with the Title IX Coordinator for University involvement.

4. External Reporting Options

A person may also file a complaint with the U.S. Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by calling 1-800- 421-3481, 1-877-521- 2172 TTY, or emailing OCR.Philadelphia@ed.gov OR visiting https://www2.ed.gov/about/offices/list/ocr/complaintintro.html.

A person may also file a complaint with the Pennsylvania Human Relations Commission by calling 717-787-9780 for the Harrisburg Regional Office; 412-565- 5395 for the Pittsburgh Regional Office; or 215-560-2496 for the Philadelphia Regional Office; or by visiting https://www.phrc.pa.gov/Pages/default.aspx.

Employees may also file a charge with the Equal Employment Opportunity Commission regarding an alleged violation of Title VII by calling 1-800-669-4000 or visiting https://www.eeoc.gov/employees/howtofile.cfm.

The University may not be informed of reports made with external agencies.

5. Multiple Party Complaints

The Title IX Coordinator may consolidate Formal Complaints involving multiple parties where the allegations of sexual misconduct arise from the same facts or circumstances; in such consolidated matters, the Sexual Misconduct Resolution Process applies to more than one Complainant and/or more than one Respondent, but each party is still an "individual" and not a group or organization. The decision of the Title IX Coordinator to consolidate Formal Complaints is not subject to appeal.

C. JURISDICTION AND DISMISSALS

In certain circumstances where violations defined under the Final Rule as Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) do not meet jurisdictional requirements, the University must dismiss those allegations contained in the Formal Complaint.

Under certain circumstances, the Title IX Coordinator may dismiss a Formal Complaint, or any specific allegations raised in the Formal Complaint, at any time during the investigation or hearing.

Any Party may appeal a dismissal determination. See the Determining Jurisdiction and Mandatory Dismissal for Certain Allegations under the Sexual Misconduct Resolution Process Section for more information.

D. EMERGENCY REMOVAL FOR STUDENTS

a. The University retains the authority to remove a Respondent from its education programs or activities on an emergency basis. This action is also referred to as an emergency removal.

b. Before imposing an emergency removal on a student Respondent, the University will:

   i. undertake an individualized safety and risk analysis; and

   ii. determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct justifies a removal.

c. If the University imposes an emergency removal on a student Respondent, the University will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

   i. The University will provide written notice of the emergency removal and applicable charges.

   ii. The University will provide an opportunity for the Respondent to appeal that decision to an appropriate Hearing Officer or designee within 10 days of the imposition of the emergency removal.

   iii. The designated University Hearing Officer(s) will hear the evidence and determine whether there is sufficient evidence to support the conclusion that the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual misconduct and that, based on that threat, removal is the appropriate course of action.

d. If the University learns of evidence that demonstrates that the emergency action is no longer justified after the emergency removal is imposed against a student Respondent, the University will take prompt action to rescind the emergency removal.

e. All emergency removals will also comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel.

III. Procedures for Resolution

Separate procedures are written for cases which include allegations of sexual misconduct. **(Please see section IV. SEXUAL MISCONDUCT RESOLUTION PROCESS.)**

A. ALTERNATIVE RESOLUTION PROCESSES (NONSEXUAL MISCONDUCT)

Alternative Resolution Processes are voluntary alternative pathways to the formal student conduct process for situations in which students take responsibility and demonstrate active accountability and a desire to set things right.

An Alternative Resolution Process may be utilized when:

1. All parties involved in the resolution process and the Hearing Officer agree to it.
2. The student voluntarily elects an Alternative Resolution Process, thereby waiving their right to a formal hearing. Students may cancel their participation in the Alternative Resolution Process any time before signing the agreement and use the formal conduct process.
3. The Hearing Officer may also decide to rescind the Alternative Resolution Process if it is no longer appropriate any time before signing the agreement.
4. If the Alternative Resolution Process is discontinued, the matter will revert to the formal conduct process.
5. Once an agreement is signed, it is final and cannot be appealed.

A. Rams Own Up

The purpose of Rams Own Up is to address a first-time policy violation when a student acknowledges the impact of their behavior and is willing to take responsibility for their actions. Through an honest conversation with the Hearing Officer, the student and Hearing Officer reach an agreement regarding appropriate educational interventions and restorative activities. This process is eligible for single, first-time policy violations which do not include direct harm to others (e.g. physical assault or threats of violence), significant risk to health and safety, serious criminal acts, and/or significant aggravating behaviors in addition to the initial policy violation (e.g. falsifying information or non-compliance). Should multiple violations occur prior to adjudication of the first incident, Rams Own Up may not be offered.

B. Restorative Justice

The purpose of Restorative Justice is to address policy violations in which other members of the university community have been impacted or harmed. This process allows those impacted parties to participate in a process designed to repair harm, rebuild trust, and prevent recurrence.

Any member of the University community may contact the Office of Student Conduct to request a restorative justice process. Student Conduct leadership will review each request to determine whether the process is appropriate, based on the affected parties, and unlikely to pose a risk of harm to the broader community.

Resolutions reached through an Alternative Resolution process will be documented internally by the Office of Student Conduct for future reference. When creating a Restorative Justice contract, a disciplinary record shall not be created if all participating parties unanimously agree.

B. INVESTIGATIONS (NONSEXUAL MISCONDUCT)

Depending on the type of incident, the Office of Student Conduct or designee will first review the case to determine if the allegations have merit and determine if further investigation needs to be conducted. Depending on the nature and information contained in an incident report, the University may elect to conduct an investigation.

Once an incident is reported, the police and/or professionally trained staff will proceed with the steps necessary to support the individuals involved. Any student-initiated investigations are strictly prohibited and will likely delay personal and group support and impact the outcome.

During the investigation, students have the right to be assisted by any advisor they may choose, at their own expense. WCU has trained staff who serve as Policy and Process Advisors (PPA) who can provide support and guidance to a complainant or respondent throughout an investigation and/or conduct proceeding. The PPA, although not a trained attorney, can serve as a key resource in helping students understand their rights and responsibilities. Students are free to determine the degree of involvement by their PPA. Some students may only want assistance in navigating processes and may not wish to divulge all details.

Attorneys acting as advisors must follow the same rules as non-attorney advisors. An advisor may attend all meetings but does not have the right to speak or participate directly in most aspects of the conduct process. The involved students must speak on their own behalf and communicate directly with the fact finder or adjudicator(s). An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the meeting or proceeding.

The fact-finding investigation may necessitate interviews with all involved parties and designated witnesses. Members of the University community are strongly encouraged to participate in the investigative process as witnesses if they have knowledge or information regarding the alleged violation(s) in question and if they have been requested to participate. Individuals who are not members of the University community will generally be permitted to participate as a witness if they have direct knowledge or information regarding the incident or alleged violation in question.

Any conduct that disrupts, obstructs, or undermines the integrity of an investigation may result in charges under the University Student Conduct Code. Prohibited conduct includes, but is not limited to, sharing investigative procedures or interview questions with individuals directly or indirectly involved in the matter; influencing, coercing, or retaliating against participants or witnesses; and interfering with, deleting, altering, concealing, or otherwise tampering with relevant evidence. Such conduct may constitute Disruptive Conduct (14a), Dishonesty (16), Retaliation, and/or Failure to Comply (20).

At the conclusion of the investigation, the fact finders prepare a report detailing the incident and their findings. Upon receipt of the investigation report, Student Conduct will review the report and determine (a) whether additional information is necessary, and if so, to seek that additional information, and (b) whether or not to assign alleged violations of the Student Code of Conduct to a student, students, or a group.

Information and materials that the University obtains during the investigative process may be disclosed to law enforcement in response to a health or safety threat or a valid subpoena. If appropriate, an interim action provision may also be initiated.

C. INTERIM ACTIONS

1. An interim action may be instituted at any point if it is determined that the student's continued presence in any facility on campus constitutes an immediate threat of harm to other students, University personnel, or University property.
   a. Interim actions may include but are not limited to a no-contact directive, University area-specific restriction, loss of group recognition, or full campus restriction.
   b. An interim campus restriction, including a "residential loss of housing," may be imposed by the Dean of Students or their designee.
2. Every effort will be made to meet with the respondent to provide an opportunity for the respondent to make a statement regarding the proposed interim action.
3. The burden of proof on all violations always remains with the University.
4. A Respondent may challenge interim disciplinary suspensions and/or an interim residential loss of housing through a review to determine whether they constitute a threat. To file a challenge, the responding student must complete an Interim Action Review. If requested by the Respondent, the interim action review will be held by the Vice President of Student Affairs, or their designee, within 10 University Business days (30 if the Respondent is a student organization) unless extenuating circumstances warrant an extension. Regardless of the outcome of this appeal, the University may still proceed with the underlying student conduct process.
5. Other interim restrictions, including but not limited to building restrictions, visiting other residence halls, specific campus locations, restriction from cocurricular activities, and no contact directives, are not appealable and will remain in place until the case has been fully adjudicated.
6. In lieu of the interim action review, the University may elect to conduct a University Board Hearing to determine a final outcome.
7. The Assistant Dean of Students or designee will monitor any interim administrative action placed upon a student or student organization, and if information comes to light during the student conduct process that warrants a different interim administrative action or the removal of an action, that action shall be taken as soon as is reasonably possible.
8. Interim actions imposed by the Vice-President of Student Affairs or designee may remain in effect through the conclusion of the appellate process in the underlying student conduct matter.

D. STUDENT GROUP INVESTIGATIONS

1. **Preliminary Inquiry**

   Reported incidents of group misconduct often result in a preliminary inquiry conducted by fact-finding investigators. Interviews may be set up with the individual complainants, reporters, witnesses, and respondent student(s). If it is determined that there is reason to continue the fact-finding information, the case may move to a formal investigation, and the group's leader and the University office overseeing the organization (e.g. Athletics, Fraternity and Sorority Life) will be notified.

2. **Alternative Resolution Process**

   This **Alternative Resolution Process** for groups is an informal process offered only:

   a. When all involved parties and the Hearing Officer agree to it.

   b. When the group chooses it as an option, as participation in any Alternative Resolution Process is strictly voluntary. Students who choose not to participate retain the right to a formal resolution process.

Organizational Misconduct Partnership Process—Matters are eligible for this process if the Hearing Officer and group agree on the basic details of what took place, what policy-violating behaviors the group is potentially responsible for, and the need for the group to take corrective action. In such cases, the student group could voluntarily elect this process, which allows them to conduct a self-investigation and develop a corrective action agreement. All self-investigation findings and proposed actions will be reviewed and approved by the Office of Student Conduct. A disciplinary record will be maintained for student groups. (See Alternative Resolution Processes in section III.)

3. **Formal Investigations**

   a. The factfinder will determine the best method of information gathering. This may include a mandated group meeting or a series of individual meetings.

   b. Students will be asked to sign an investigation participation form affirming the truthfulness of statements provided, their right to be silent, acknowledging they have the option to file a report with law enforcement, understanding that information provided may be made available to other individuals if they are alleged to have violated the *Student Code of Conduct,* and that any attempt to disrupt or obstruct the investigation may result in violations of dishonesty or failure to comply violations of the *Student Code of Conduct.*

   c. In the interest of full disclosure and to reduce the incidence of retaliatory behavior, the investigators will make every attempt to keep student testimony for group misconduct private.

   d. Cell phones and any other technology may be collected during any meeting to avoid collusion and conspiracy but are not subject to search without student permission or warrant.

   e. The fact-finder(s) may recommend an interim action to the Assistant Dean or designee at any point in the investigation.

   f. Although participation in the investigation is optional, future membership in the group may be assessed on the student member's cooperation.

   g. During the investigation, the student group has the right to be assisted by any advisor they may choose, at their own expense.

For group-related allegations, while under investigation, students in groups will:

   a. Refrain from communication or behavior that could be considered retaliatory in nature, which is a violation of the *Student Code of Conduct.* Examples include, but are not limited to, sending intimidating or harassing texts, calls or emails; sending messages through other people; and making intimidating or harassing comments on social media. Retaliation against anyone involved in the case should be brought to the immediate attention of the Office of Student Conduct and/or Public Safety.

   b. Keep all information related to the incident as private as possible. In order to protect the privacy of all parties, only speak with University officials who are facilitating the investigation. Any member or guest who is known to have facts about the incident (what took place before, during, and after the alleged misconduct) may be contacted for an interview.

   c. Be advised, any conduct that disrupts, obstructs, or undermines the integrity of an investigation may result in charges under the University Student Conduct Code. Prohibited conduct includes, but is not limited to, sharing investigative procedures or interview questions with individuals directly or indirectly involved in the matter; influencing, coercing, or retaliating against participants or witnesses; and interfering with, deleting, altering, concealing, or otherwise tampering with relevant evidence. Such conduct may constitute Disruptive Conduct (14a), Dishonesty (16), Retaliation, and/or Failure to Comply (20).

   d. If the investigation determines that a group's culture or actions contributed to the incident, the group will be issued a list of initial *Student Code of Conduct* alleged violations and may include an Interim Action Notice, which will remain in place until the conclusion of the resolution process. While there is a general time frame for the investigation, there are exceptions that are allowed for extenuating circumstances. For example, a delay in investigation may occur if local law enforcement and legal rep-

resentatives are not supportive of key individuals (the complainant and/or respondent) participating in University interviews that could affect a criminal proceeding.

E. WRITTEN LETTER OF NOTICE OF ALLEGATIONS

If the initial incident report or investigation report determines whether there is sufficient information establishing that a *Student Code of Conduct* violation may have occurred, the Office of Student Conduct will issue a list of alleged violations. Students will receive, via their University email, a written notice containing a description of the alleged misconduct, the rules of conduct allegedly violated, and the approximate date, time and place of occurrence. This notice will include a reasonably sufficient interval to allow the student to prepare a response to the allegation(s), typically three to ten days.

Offenses occurring at the end of any semester will be adjudicated within a time frame deemed appropriate and reasonable by the Office of Student Conduct. If group conduct is under review, the group's leader and the University office overseeing the organization (e.g. Athletics, Fraternity and Sorority Life) shall be notified in writing of the specific violations.

Pending action on the allegations, the student's status shall not be altered nor shall the student's right to be present on University property or to attend classes be suspended, except for reasons relating to their physical or emotional safety and wellbeing or for reasons relating to the safety of students, employees, personnel, or University property (See Sanction Interim Action Provision).

All allegations of violations of the *Student Code of Conduct* shall be heard by a University hearing officer or board under the supervision of the Assistant Dean. The scheduling of conduct meetings and hearings by a hearing officer or board is at the discretion of the Office of Student Conduct. Students in cases that do not involve sexual misconduct allegations, will be given the opportunity to (1) waive their right to a hearing, accept responsibility for the violations, and accept outcomes from the hearing officer; (2) to accept responsibility for the violations and seek review of sanctions offered by submitting a written sanction reconsideration review; or (3) request a formal hearing to challenge responsibility for the alleged violations and the information presented in the initial incident report(s). Students may request a formal hearing if there is a dispute regarding the facts, and/or to have the ability to include additional information unavailable to the original hearing officer.

Any student or student group representative who fails to appear at an initial conduct meeting will be automatically scheduled for a second conduct meeting. Any student or student group representative who fails to appear at the second scheduled conduct meeting, or an initial formal hearing, consents to the resolution of said case in their absence. Should the student or student group be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period.

F. CONDUCT MEETING

During the initial conduct meeting, the respondent student or group meets with a hearing officer to review reported details, address questions about the process, and discuss their perspective on what happened, including their personal level of responsibility or nonresponsibility. Therefore, the responding student is expected to state whether they are or are not responsible for the alleged violation(s) during this time or in a subsequent follow-up meeting. Students will be apprised of the expected range of sanctions possible for the listed violations. If the student accepts responsibility and agrees to the sanctions for the Student Code of Conduct violation(s), no formal hearing will occur. Students who receive a Disciplinary Reprimand will waive their right to an appeal based on the claim that the disciplinary sanction imposed was grossly disproportionate. If the student accepts responsibility for the agreed upon violations but not the sanctions, the student can submit a sanction reconsideration review or file a formal appeal.

G. SANCTION RECONSIDERATION REQUEST

When students or groups accept responsibility for the conduct violations and disagree with the proposed sanction and/or sanction condition(s), they may submit a written sanction reconsideration request within three (3) University business days of their conduct meeting.

To initiate a sanction Reconsideration Request, the student (or student group) must fulfill the following requirements in writing;

1). Propose an alternative sanction,

2). Identify the intended learning goals to support the alternative sanction, and

3). Provide a narrative along with supporting evidence as to why the new sanction is more appropriate.

The initial hearing officer may include a written response to the reconsideration request.

The assigned hearing officer will review the written reconsideration request to determine if there are any material factual issues that warrant a formal hearing. If a formal hearing on the sanction is warranted, the Office of Student Conduct will schedule a University Hearing to review the matter. Please note, the University Hearing Administrator(s) are empowered to hear the case fully and determine

an outcome they deem appropriate. This may differ from the originally proposed sanction and sanction conditions from the initial conduct officer. If no such issues are found, the reconsideration request will proceed to review.

A decision regarding the appropriateness of the reconsideration request's proposed sanctions and/or conditions will be made. An official outcome letter will then be issued to the student, indicating the decision along with the assigned sanction and conditions.

Students who submit a Sanction Reconsideration Request retain the right to appeal under Section VI, appeals after receipt of outcome letter. Because the reconsideration process involves an independent review of the outcome, any appeal filed after a reconsideration decision will be considered a second-level appeal and reviewed accordingly.

Requests submitted after (3) University business days of the receipt of an outcome letter will not be reviewed, and the originally proposed sanction and sanction condition(s) will be formalized in an outcome letter.

H. FORMAL HEARINGS

1. The purpose of a formal hearing is to determine the facts of the alleged incident. The board or hearing officer will consider all relevant evidence (including statements offered during the hearing) in order to determine the student's or student group's responsibility for the alleged violation. Students who accept responsibility and are not subject to suspension or expulsion may not be eligible for a formal hearing. In determining whether a violation has occurred, the "preponderance of the evidence" standard is applied. There are two types of formal hearings an administrative hearing, conducted by one University employee, and a University Board Hearing. A University Board Hearing is conducted by three University community members. University Board members each have an equal vote in the outcome of the proceeding. Each member is trained in advance and pre-screened on a case by case basis to ensure a fair hearing process.
2. Witnesses: Parties may want to include witnesses on their behalf. The University Case Presenter (or complainant) and the respondent shall have the right to present witnesses. All parties must provide a list of potentially relevant witnesses to the Office of Student Conduct prior to the hearing as they are subject to cross examination. The office will provide the witness list(s) to all relevant parties with the exception of group misconduct cases*. If a formal investigation was conducted, any witness requested for the hearing must have been identified and accessible during the investigation process. If a witness is not provided during the investigation process, then the student's presentation of that witness during the hearing is at the discretion of the hearing facilitator and should only be allowed based on new information not known during the investigation process. Character witnesses and statements will not be allowed.

   *In cases involving allegations of policy violations by student groups, evidence of misconduct may be presented by the investigator rather than through each individual witness. When the evidence presented by the investigator is disputed, the relevant witness can be called to the hearing to present direct testimony.
3. All materials to be presented at the hearing must be submitted to the Office of Student Conduct prior to the hearing. The hearing facilitator will make copies of submitted materials available for inspection (not for duplication) to all relevant student parties prior to the hearing.
4. Any materials submitted less than four calendar days before the hearing may only be considered at the discretion of the hearing facilitator. Further, the hearing facilitator holds ultimate discretion over what records, exhibits, and written statements may be accepted as information for consideration by the hearing officer or University Hearing Board.
5. All procedural questions, including those regarding materials and testimony that will be presented during the hearing, are subject to the final decision of the hearing facilitator.
6. The hearing facilitator has the responsibility for maintaining order and decorum. They have the right to impose rules that are reasonable and necessary for an orderly and efficient hearing to take place. A hearing facilitator may adopt rules of order or decorum to forbid badgering a witness and may fairly deem repetition of the same question to be irrelevant. Any person who commits an action that interrupts the proceedings or refuses to comply with rules regarding behavior will be removed from the hearing. The hearing facilitator has the authority to direct the time of entrance and exit of all parties participating in the hearing. All hearings are closed proceedings. A student group may file an advance request to allow additional student group leaders to attend the hearing as non-participants; however, they may not be respondent students nor witnesses in the case.

I. PROCEDURES

Please note, in cases involving infliction or threat of violence, or a sexual misconduct allegation, any party may request in advance a remote hearing format or a screen to separate the complainant and the respondent.

At a formal hearing that is initially scheduled or requested by a student or student group, the following procedure will be followed to the extent possible:

1. The hearing facilitator shall open the proceedings by reading the statement of alleged violations and confirming the student or student group's statement of responsibility or non-responsibility to the alleged violations.
2. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made. For remote hearings all participants, including the board and the hearing facilitators, will also be asked to affirm the testimony they are about to give is provided in a private space.
3. For cases involving an organization, the organization's leader (or designee) will serve in the role of respondent. The leader will respond to the alleged allegations and indicate whether the organization is responsible for all some or none of the alleged violations. The leader may question witnesses as well as present the organization's response to the alleged violations.
4. The University Representative shall then present their case against the respondent. This shall be done by the submission of written, physical, and/or testimonial evidence.
5. At the conclusion of the University Representative's presentation, the respondent shall present a response to the allegations. This shall be done by the submission of written, physical, and/or testimonial evidence.
6. At the close of the hearing, the hearing facilitator will allow closing statements by the parties, which may include rebuttal comments.
    a. Any person who commits an action that interrupts the proceedings or refuses to comply with a reasonable order from the hearing officer/board shall be subject to removal from the hearing.
    b. All matters upon which the decision of responsibility will be based must be introduced into evidence at the hearing.
    c. All formal hearings will be recorded and subject to the Disciplinary Records and Retention policy (Section VI). Maintenance of a written or digital 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. Personal recording of the hearing is prohibited and subject to criminal prosecution and/or additional violations of the *Student Code of Conduct*.
    d. Case resolution will be based upon evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not, otherwise known as preponderance of the evidence.
    e. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider additional elements listed in V. Sanctions.

The University retains the right to continue a hearing whenever necessary and appropriate. Any student or student group who fail to appear at a scheduled hearing consent to the hearing taking place in their absence. Should the student be suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

If during or after the conduct process it is determined that individuals intentionally misrepresented the facts of the case in their testimony, they may be referred to the Office of Student Conduct or appropriate University office. If this misrepresentation is discovered after a hearing, the Office of Student Conduct, in consultation with the hearing officer/board, will review the evidence to determine whether the case should be reopened and/or a new hearing scheduled.

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

IV. Sexual Misconduct Resolution Process

A. INFORMAL RESOLUTION PROCESS

Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to the finding of responsibility in a hearing and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed. Informal resolution may not be utilized when a Student files a Formal Complaint against a University Employee, Volunteer or Official under this Policy.

B. FORMAL COMPLAINT

The Sexual Misconduct Resolution Process is initiated by a Complainant providing the Title IX Coordinator with a written, signed Formal Complaint describing the facts alleged. See the section titled Filing a Formal Complaint.

C. NOTICE OF ALLEGATIONS

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The Title IX Coordinator will draft and provide a written Notice of Allegations to any Party alleged to have violated this Policy. Such notice will occur as soon as practicable, but no more than 10 days, after the University receives a Formal Complaint of the allegations, if there are no extenuating circumstances. The Notice of Allegations will include the following:

a. Notice of the University's Sexual Misconduct Resolution Process including any Informal Resolution process and a hyperlink to a copy of the process.

b. Notice of the allegations potentially constituting violations(s) of any University policy, and sufficient details known at the time the Notice of Allegations is issued, such as the identities of the parties involved in the incident, if known, including the Complainant; the conduct allegedly constituting a policy violation; and the date and location of the alleged incident, if known.

c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the hearing.

d. A statement that the Parties may have an Advisor of their choice.

e. A statement that before the conclusion of the investigation, the Parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the University does not intend to rely in reaching a determination regarding responsibility, and evidence that both tend to prove or disprove the allegations, whether obtained from a Party or other source.

f. Individuals are prohibited from knowingly filing a false report or making misrepresentations. If, following an investigation and hearing as appropriate under applicable policy, a person is found to have willfully filed a bad faith report or made misrepresentations as part of a resolution process, the party may be subject to appropriate Disciplinary Sanctions under the Code of Conduct in the case of Students or other relevant University policy in the case of Officials, Employees or Volunteers.

The Parties will be notified via their University email accounts if they are a Student or Employee, and by other reasonable means if they are neither.

The University will provide sufficient time for the Parties to review the Notice of Allegations and prepare a response before any initial interview.

D. DETERMINING JURISDICTION AND MANDATORY DISMISSAL FOR CERTAIN VIOLATIONS

For alleged violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred in the United States;

2. The conduct is alleged to have occurred in the University's Education Program or Activity; and
3. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

If all of the elements are met, the University will investigate the allegations under the processes set forth in this Policy. If any one of these elements is not met, the Title TIX Coordinator will notify the parties that the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule and is being dismissed. Any Party may appeal a dismissal using the process set forth in the Appeals section below. Dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University's ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

E. DISCRETIONARY DISMISSALS FOR ALL ALLEGATIONS

The Title IX Coordinator may dismiss a Formal Complaint brought under this Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

1. A Complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint;
2. The Respondent is no longer enrolled in, associated with or employed by the University; or,
3. If specific circumstances prevent the University from gathering sufficient evidence to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint.

Any Party may appeal a dismissal using the process set forth in the Appeals section below.

F. ALLEGATIONS POTENTIALLY FALLING UNDER TWO POLICIES

If a Formal Complaint against a Respondent who is a student contains allegations of a violation of any of the listed Sexual Misconduct Violations in this Policy, as well as any other violation in the Student Code of Conduct, the Sexual Misconduct Resolution Process set forth in this Policy, will be applied in the investigation and adjudication of all of the allegations. If all of the alleged Sexual Misconduct Violations of this Policy are dismissed, and the remaining underlying allegations, if true, would violate another University policy or the University's Student Code of Conduct, the matter may be referred for further action by the University's Office of Student Conduct, as appropriate.

If a Formal Complaint against a Respondent who is an Employee contains allegations of violations of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking), the Sexual Misconduct Resolution Process set forth in this Policy will be applied in the investigation and adjudication of those allegations. For all other allegations, the University will follow applicable requirements in University policy and relevant collective bargaining agreements for resolution of the other allegations contained in the Formal Complaint.

If a Formal Complaint against a Respondent who is an Official or Volunteer contains any allegations under this Policy, the University or System will follow applicable requirements in University or System policies or procedures and standards for resolution of the allegations contained in the Formal Complaint.

G. NOTICE OF DISMISSAL

Upon reaching a decision that any specific allegation contained in the Formal Complaint will be dismissed, the University will promptly send written notice of the dismissal and the reason for the dismissal, simultaneously to the parties through their institutional or other provided email account. It is the responsibility of parties to maintain and regularly check their email accounts.

In the event a Formal Complaint is dismissed, the University reserves the right to move the case forward with nonregulatory violations of the Student Code of Conduct. Such a decision will also be included in the Notice of Dismissal.

H. SEXUAL MISCONDUCT INVESTIGATION

1. General Rules of Investigations

   The Title IX Coordinator will assign an Investigator to perform an investigation of the conduct alleged under a reasonably prompt timeframe, following issuance of the Notice of Allegations.

   West Chester University and not the parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. Either Party may decide not to share their account of what occurred or

may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from the University and does not indicate responsibility. The University will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations). See Inspection and Review of Evidence section below.

Medical records of a party (or parent, if applicable) will not be considered as part of the investigation unless the party to whom the medical records belong provides the records to the investigator. Any relevant medical records will be attached to the Investigative Report and shared with the other party and Decision Maker(s).

2. Inspection and Review of Evidence

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to issuance of the investigation report.

Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

a). Relevant evidence, regardless of whether the Decision Maker(s) ultimately rely on it in determining responsibility.

b). Inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a Party or other source.

c). If it is determined that a group created a "hostile environment," defined as "Conduct of a sexual nature that is sufficiently severe, persistent, and pervasive to limit a student's ability to participate in or benefit from the educational program" (WCU Sexual Misconduct Policy), they may be found responsible.

The University will make the evidence available to each Party and each Party's Advisor, if any, to inspect and review through an electronic format or a hard copy. The University will also provide a draft of the investigative report for review. The University is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion in terms of determining format and any restrictions or limitations on access.

The Parties will have 10 days to inspect and review the evidence and the draft of the investigative report and submit a written response by email to the Investigator. This response should include any new or additional evidence the Party would like the Investigator to consider. The University will provide copies of the Parties' written responses, and any new or additional evidence provided, to the other Party and their Advisor. The other Party will have 5 days to inspect, review, and respond to the new or additional evidence through a written response to the Investigator. The University will provide copies of the Party's supplemental written response to the other Party and their Advisor.

The parties and their Advisors are encouraged not to disseminate or photograph or otherwise copy any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Sexual Misconduct Resolution Process.

Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The Investigator will consider the parties' written responses before completing the Investigative Report. Parties may request a reasonable extension of time to submit a written response, which may be denied in the sole discretion of the Investigator in consultation with the Title IX Coordinator,

The Investigator has ten (10) days to generate a report or after the additional evidence are due, or alternatively, may provide the Parties and their Advisors with written notice extending the investigation and provide a rationale for the extension.

3. Sexual Misconduct Investigative Report

The Investigator will create an Investigative Report that fairly summarizes relevant evidence.

The Investigative Report is not intended to catalog all evidence obtained by the Investigator, but only to provide a fair summary of that evidence.

Only relevant evidence (including both inculpatory and exculpatory i.e., tending to prove and disprove the allegations relevant evidence) will be referenced in the Investigative Report.

Evidence obtained in the investigation that is determined in the reasoned judgment of the Investigator not to be directly related to the allegations in the Formal Complaint will be included in the appendices to the investigative report. The Investigator may redact irrelevant information from the Investigative Report when that information is contained in otherwise relevant documents or evidence.

The Investigative Report will be shared with the Parties and their Advisors at least ten (10) days prior to any hearing for their review and written response. Any written response received will be appended to the Investigative Report and shared with the Decision-Maker(s) and the other party and their Advisor prior to the hearing.

4. Ongoing Notice

If, in the course of an investigation, the University decides to investigate allegations about either Party that are not included in the Notice of Allegations and are otherwise covered Sexual Misconduct Violations falling within this Policy or other violations of the University's Student Code of Conduct, the University will notify the Parties of the additional allegations by their University email accounts or other reasonable means.

The Parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

I. GENERAL RULES OF HEARINGS

1. Notice of Hearing

   No less than 10 days prior to the hearing, the Office of Student Conduct will send written notice of the hearing to the Parties. The Parties will be notified by their University email accounts or by other reasonable means. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Hearing will contain:

a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential Disciplinary Sanctions actions that could result.

b. The time, date, and location of the hearing.

c. Information about the option for the hearing to occur with the parties located in separate rooms using technology that enables the Decision Maker(s)/Hearing Officer(s) and Parties to see and hear a Party or Witness answering questions. Parties should inform the Office of Student Conduct of any desire to have the hearing occur in separate rooms at least 3 days prior to the hearing to ensure appropriate technology is in place.

d. Information on how the hearing will be recorded and on access to the recording for the Parties after the hearing.

e. A copy of the rules of decorum for all hearing participants.

f. A list of the Decision Makers and/or Hearing Facilitator who will attend the hearing, along with an opportunity to identify any conflict of interest or impermissible bias of the Decision Maker(s)/Hearing Officer(s) prior to the hearing.

g. A statement that if any Party or Witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the testimony or any statements provided by the Party or Witness prior to the hearing will not be considered by the Decision Maker.

h. Notification that the parties may have the assistance of an Advisor of their choice at the hearing and will be required to have one present for any questions they may desire to ask of the other Party or Witnesses. The Party should notify the Office of Student Conduct in advance of the hearing if they do not have an Advisor, and the University will appoint one. Each party must have an Advisor present.

i. A copy of all the materials provided to the Decision Maker(s)/Hearing Officer(s) about the matter and the opportunity to provide a written response in advance of the hearing.

j. Information regarding who to contact to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing.

k. For compelling reasons, the Office of Student Conduct may reschedule the hearing.

2. Hearing

   The University will not issue a Disciplinary Sanction arising from an allegation of a violation of this Policy without holding a hearing, unless otherwise resolved through an informal resolution process or an Alternative process permitted under this Policy. If the University determines a hearing is necessary, the Parties cannot waive the right to a hearing.

   The University may still proceed with the hearing in the absence of a Party and may reach a determination of responsibility in their absence. The University will not threaten, coerce, intimidate, or discriminate against the Party in an attempt to secure the Party's participation.

   If a Party does not participate in a hearing or submit to cross-examination in the hearing, the Decision Maker(s) may not rely on any "statement" by that Party. See Cross Examination section below.

   The Decision Maker(s) cannot draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer cross examination or other questions.

   The hearing may be conducted with all Parties physically present in the same geographic location, or, at the University's discretion, any or all Parties, Witnesses, and other participants may appear at the hearing virtually through video conferencing

technology. This technology will enable participants simultaneously to see and hear each other. At its discretion, the University may delay or adjourn a hearing based on technological errors.

All proceedings will be recorded through audio and/or video recording. That recording or transcript will be made available to the Parties for inspection and review upon request.

All hearings for student Respondents will comply with requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning Student Personnel. All hearings for employee Respondents will comply with applicable collective bargaining agreements and University Board of Governors Policy and Procedure/Standard requirements.

3. Continuances or Granting Extensions

   The University may determine that multiple sessions or a continuance (i.e., a pause in the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the University will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable.

4. Participants in the Hearing

   Hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

   a. The Hearing Officer(s)
   b. The Hearing Chair
   c. Hearing facilitators,
   d. University personnel
   e. The Parties
   f. Advisor of choice or provided by the University for each Party
   g. Witnesses
   h. Any necessary individuals to provide interpretation or other support services associated with reasonable accommodations to facilitate participation in the hearing.

   The Hearing Officer(s) will not have a conflict of interest or bias in favor of or against Complainants or Respondents generally, or in favor or against the Parties to the particular case.

   The Parties will have an opportunity to raise any objections regarding a Decision Maker's actual or perceived conflicts of interest or bias at the beginning of the hearing.

   Parties and Witnesses cannot be compelled to participate in the hearing and have the right not to participate in the hearing free from retaliation.

5. Hearing Procedures

   For all hearings conducted under this Policy, the procedure will be as follows:

   a. Hearing Chair will open and establish rules and expectations for the hearing.
   b. The Parties will each be given the opportunity to provide opening statements.
   c. The Investigator will present a summary of the final investigation report, including items that are and are not contested. The Investigator will be subject to questioning by the Decision Maker(s)/Hearing Officer(s) and the Parties (through their Advisors). The Investigator should not be asked their opinion on credibility, recommended findings or determinations. If such information is introduced, the Hearing Chair will direct that it be disregarded.
   d. Hearing Chair and Hearing Panel Members will ask questions of the Parties and Witnesses.
   e. Parties will be given the opportunity for cross-examination after Decision Maker(s)/ Hearing Officer(s) conduct(s) its initial round of questioning See Cross-Examination Procedure below.
   f. During the Parties' cross-examination, Hearing Chair will have the authority to pause cross-examination at any time for the purposes of asking Decision Maker(s)/ Hearing Officer(s)] own follow up questions; and any time necessary in order to enforce order for the hearing or the established rules of decorum. If an Advisor does not comply with the established rules of decorum, may provide that Party with a different Advisor to conduct cross-examination on behalf of that Party.
   g. Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision Maker(s)/Hearing Officer(s). A Party's

waiver of cross-examination does not eliminate the ability of the Decision Maker(s)/Hearing Officer(s) to use statements made by the Party.

6. Relevant evidence and questions

"Relevant" evidence and questions are those questions and evidence that tends to make an allegation of sexual misconduct more or less likely to be true. "Relevant" evidence and questions do not include the following types of evidence and questions, which are deemed "irrelevant" at all stages of any process initiated under this Policy:

a. Evidence and questions about the Complainant's sexual predisposition or prior sexual behavior unless:

b. They are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or

c. They concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

d. Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege including attorney-client privilege; or

e. Any party's medical, psychological, and similar records unless the party has given voluntary, written consent.

7. Cross-Examination

a. Each Party's Advisor may conduct cross-examination of the other Party or Parties and Witnesses and ask follow-up questions, including those challenging credibility directly, orally, and in real time.

b. Parties will not be permitted to personally cross-examine each other.

c. If a Party does not participate in a hearing, the Party's Advisor may attend and conduct cross-examination on behalf of the Party.

d. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party and ask cross-examination questions.

e. Before any cross-examination question is answered, the Decision Maker(s)/Hearing Officer(s) will determine if the question is relevant. Cross-examination questions that are duplicative of those already asked, including by the Decision Maker(s)/ Hearing Officer(s) may be deemed irrelevant if they have been asked and answered.

f. The Decision Maker(s)/Hearing Officer(s) must explain to the Party proposing the question any decision to exclude a question as not relevant.

g. If a Party or Witness does not submit to cross-examination at the hearing, the Decision Maker(s)/Hearing Officer(s) may not rely on any statement of that Party or Witness in reaching a determination regarding responsibility.

h. The Decision Maker(s)/Hearing Officer(s) may not draw an inference about a determination of responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

i. Failure to answer questions at the hearing may impact the information the Decision-Maker(s) will consider. In accordance with due process requirements applicable to Pennsylvania universities, hearings must include the opportunity to cross-examine witnesses when credibility determinations are at issue. As such, if any witness is not available for cross-examination, the Decision Maker(s) must determine whether any statements or testimony from the witnesses are admissible for the Decision Maker(s) consideration.

J. DECISIONS

A. General Considerations for Evaluating Testimony and Evidence

1). While the opportunity for cross-examination is required in all hearings under this Policy, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the Hearing Officer(s).

2). Hearsay evidence may not be used to establish a fact necessary to establish responsibility consistent with the requirements under Chapter 505 of Title 22 of the Pennsylvania Code concerning student personnel.

3). Hearing Officer(s) shall not draw inferences regarding a Party or Witness' credibility based on the Party or Witness' status as a Complainant, Respondent, or Witness, nor shall it base its judgments on stereotypes about how a Party or Witness would or should act under the circumstances.

4). Generally, credibility judgments should rest on the demeanor of the Party or Witness, the plausibility of their testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence.

5). Credibility judgments should not rest on whether a Party or Witness' testimony is non-linear or incomplete, or if the Party or Witness is displaying stress or anxiety.

6). Where a Party or Witness' conduct or statements demonstrate that the Party or Witness is engaging in retaliatory conduct, including but not limited to witness tampering and intimidation, the Hearing Officer(s) may draw an adverse inference as to that Party or Witness' credibility.

7). Hearing Officer(s) will afford the highest weight relative to other testimony to first-hand testimony by Parties and Witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion.

8). The Final Rule requires the University to admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes. While the processes and testimony about them will be allowed to testify and be crossed as required by the Final Rule, the Hearing Officer(s) will be instructed to afford lower weight to such processes relative to the testimony of fact witnesses.

9). The Final Rule requires that the University allows parties to call character witnesses to testify. The University does not provide for character witnesses in other proceedings. While the character witnesses will be allowed to testify and be crossed as required by the Final Rule, the Hearing Officer(s) will be instructed to afford very low weight to any non-factual character testimony of any Witness.

B. Timeline for Decision

If there are no extenuating circumstances, the determination regarding responsibility will be issued by the University within 10 days of the completion of the hearing.

C. Finality

The determination regarding responsibility becomes final either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested as set forth in the Appeals section below.

K. DISCIPLINARY SANCTIONS

A. Possible Disciplinary Sanctions

The University may impose the following Disciplinary Sanctions upon Students, singly or in combination and are listed with the description of violations.

B. Previous Disciplinary Sanctions

Previous Disciplinary Sanctions of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

C. Timing

The Disciplinary Sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

V. Sanctions

Responsible finding outcomes may include a change in student status and assigned conditions. Once responsibility is determined, in addition to testimony and evidence presented at a conduct meeting or hearing, a hearing officer/board may consider the following elements before rendering a sanction:

a). Academic records and class year.

b). The nature and severity of the incident and violations.

c). Harm/disruption to the University and/or community members.

d). Previous discipline including the number and type of policy violations imposed by the University (including compliance with past sanctions and conditions), and when relevant, matters of public record.

e). Residence Life policy violations and alternative resolution agreements.

f). The student's recognition of the harm/disruption to the University community and/or the need to remedy the effects of the violation on the complainant and community.

g). When taking into consideration all evidence, the risk of recurrence of behavior that violates the Code of Conduct.

h). Results of individualized assessments by professionals to evaluate what supportive measures, reasonable accommodations, or other interventions can effectively address the identified concerns.

i). After a finding of responsibility, the sanction recommendation of the original hearing officer.

In group cases, the board may determine responsibility and elect to refer the finding back to the Office of Student Conduct for sanctioning. Sanctioning decisions may involve the national or group administration or other pertinent University staff.

A. INDIVIDUAL STUDENTS

Individual students held responsible for violating the *Student Code of Conduct* will be subject to one or more of the following sanctions. If at any time during their probationary period the student violates University regulations, they may be subject to additional sanctions including suspension from the University.

Failure to complete any sanction conditions issued by the deadline indicated will result in an academic hold placed on their records which will prevent the student from registering and/or amending their class schedule.

The University may impose other lesser restrictions or conditions in lieu of suspension or expulsion from the University and the student must agree to those restrictions or conditions in order to avoid separation from the University.

1. **Disciplinary Reprimand:** The student is informed in writing that their behavior is in violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the student of their responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.
2. **Disciplinary Probation:** Probation is a disciplinary sanction imposed in very serious cases, stipulating that a student is being permitted to remain at the University provided that the student adheres to certain conditions, as set by the University Hearing Board or Hearing Officer. During this time period under this sanction, the student is given the opportunity to modify behavior, to complete specific assignments, and to demonstrate a positive contribution to the University community in an effort to regain privileges within the University community.

   a). Disciplinary Probation materially changes a student's status, as students under this sanction are not considered to be in good standing with the University. This may impact their ability to participate in intercollegiate athletics, represent the University, or participate in student leadership positions, study abroad opportunities, extracurricular activities, or student employment.

   b). A student will remain on Disciplinary Probation through the date indicated in the outcome letter or until the date all assigned sanction conditions have been completed, whichever occurs later. A letter will be sent by the office confirming the end of the status.

   c). Students found responsible for any further violation of the Student Code of Conduct while on probation may result in further action being imposed, including, but not limited to, University Suspension or University Expulsion.
3. **Interim University Restriction:** The student is immediately prohibited from all or some of the University facilities as noted in the letter. A University restriction includes but is not limited to Lawrence Hall, the Recreation Center, University athletic spaces, fields, parking lots, and all University-owned and University-affiliated student housing. If the student resides on-campus, they will need to vacate their residence until this matter is resolved. Failure to vacate and return the key by the due date or abide

by University policies will result in an immediate period of disciplinary suspension until the violations of the *Student Code of Conduct* can be addressed.

4. **Interim Action:** The Assistant Dean or designee may impose a temporary restriction on a University program, activity, or facility, including removal from University-owned or affiliated student housing, upon any student whose presence may constitute a health, safety, or property concern. The interim action provision shall remain in effect until the conduct case is resolved or it has been modified by the Assistant Dean.
5. **Interim Disciplinary Suspension:** A 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 will receive written notification of their involuntary separation from the University. This interim suspension remains until the conduct case is resolved or the temporary order is amended by the Dean of Students. During the suspension period, the student is prohibited from attending classes, enrolling in online or distance education, taking exams, receiving grades, or being on authorized University property, except for authorized University business, which must be pre-approved by the Assistant Dean or their designee.

   In such cases involving currently enrolled students, an administrative hearing will be convened within ten University business days. If extenuating circumstances warrant an extension, a hearing will be provided at the earliest possible date.

   Additionally, students who remain inactive for two or more consecutive semesters must reapply through the Registrar. For a student who is not currently enrolled, their hearing may take up to 60 University days for scheduling.
6. **Disciplinary Suspension:** The student is informed in writing that they are being involuntarily separated from the University for a designated period of time. A student may not attend classes or be enrolled in online or distance education, take exams, receive grades, or be on authorized University property except for authorized University business during the suspension period. Authorized University business must be approved in advance by the Assistant Dean or designee. After this period of suspension, the student must seek written approval from the Assistant Dean or designee to return to the University as a student or visitor. Students suspended for two or more consecutive semesters must also reapply through the Registrar. The hearing officer may establish sanction conditions that must be fulfilled to the Assistant Dean'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.
7. **Disciplinary Expulsion:** The student is informed in writing that they are being expelled from the University. This action is one of involuntary separation from the University. The relationship between the student and this University is permanently terminated. The 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 accord- dance with the policy previously cited.

B. SANCTION CONDITIONS

Sanction conditions are designed to provide valuable learning experiences to the student and have three goals: to repair harm, to restore trust, and to prevent recurrence. The list below represents the most frequently used educational tasks. The student may be assigned an educational task(s), also known as sanction conditions, that benefits the individual, University, or community. Completion of tasks must be reviewed and accepted by the Office of Student Conduct. Registration and/or transcript holds may be placed pending the receipt of required documentation. In case outcomes which include University service or access restrictions, the fees for restricted services will not be refunded. Failure to complete student group sanctions may be referred to the corresponding administrative department policy and protocol. Conditions are case specific and may include, but are not limited to:

1. **eCheckUP:** a 20 minute online assessment plus reflection on what you learned about the impact on your health and finances regarding your alcohol or drug use.
2. **Shift Happens: Challenging Perceptions about Substance Use:** is a module designed to challenge student norms and perceptions about alcohol and drug use by college students. Students will have the opportunity to reflect on their own perceptions about alcohol and drug use, review current substance use data for the collegiate setting, and gain skills to confront and dispel misperceptions around alcohol and drug use.
3. **Any Ram Can:** is a module designed to explore what it means to be an active bystander, with emphasis on alcohol use. Students will learn various bystander intervention strategies, identify the qualities of being an active and engaged bystander, and learn about the university's medical amnesty program.
4. **Decisions About Drinking D2L Module:** provides students with the opportunity to learn about the effects of alcohol on their brain and body as well as the impact it may be having on their life if choosing to drink. This program provides an opportunity for students to reflect on various topics such as standard drink size, WCU policies, and support regarding alcohol.

5. **Beyond the Buzz:** This in person workshop is a space for all students to engage in conversation and learn from each other about personal experiences related to alcohol, differences between alcohol use and misuse, and strategies to minimize risk if choosing to use alcohol.
6. **BASICS:** is an individual conversation with one of our trained staff members about substance use. BASICS consists of two 45-60 minute sessions. Through the BASICS program, students gain insight into their substance use behaviors, receive personalized feedback about their patterns of use, learn accurate information about substance use to make the best personal decisions regarding use, and receive strategies to reduce current and future risk. BASICS is free and open to any student.
7. **CASICS:** is an individual conversation with one of our trained staff members about substance use. CASICS consists of two sessions 45-60 minutes sessions. Through the CASICS program, students gain insight into their substance use behaviors, receive personalized feedback about their patterns of use, learn accurate information about substance use to make the best personal decisions regarding use, and receive strategies to reduce current and future risk. CASICS is free and open to any student.
8. **Choices About Cannabis D2L Module:** provides students with the opportunity to learn about the effects of cannabis on their brain and body, the impact of being around those who consume it, as well as the impact it may be having on their life if choosing to use cannabis. The information in this module can help students make informed decisions if they choose to consume cannabis or help others who might make the decision to consume.
9. **Counseling:** The student is informed in writing that as a result of the sanction imposed, they are required to engage professional services to: enhance how their behavior and attitude impact choices, enhance their interpersonal skills; and/or learn ways to reduce stressors that may affect the student's ability to be successful. The student assumes the financial responsibility of fees associated with the counseling arrangements. Students who have not completed this requirement may not return to University-owned or affiliated residential housing.
10. **On or Off-Campus Alcohol/Drug Assessment:** The student is informed in writing that as a result of the sanction imposed, they must obtain an assessment from a licensed provider to address the use of substances, both legal and illegal, and to examine personal issues that may be impacting decision-making. The student assumes financial responsibility for any fees associated with the assessment. A student may not return to University-owned or affiliated residential housing with incomplete sanction conditions.
11. **Reflection Paper:** assigned to give a student the chance to reflect on (a) how their decisions affect the student and, (b) how to avoid policy violations in the future, and (c) how future violations can impact them.
12. **Residential Reassignment:** The student is informed in writing that as a result of the sanction imposed, they are being involuntarily reassigned to a new housing assignment on campus. If the new housing assignment has a higher rate, the student is responsible for the additional charge. If the new housing assignment has a lower rate, the student will receive a pro-rated adjustment. This action may include restriction from entering specific University-owned or affiliated student housing buildings for a designated period of time, which may be permanent.
13. **Residential Nonrenewal:** The student is informed in writing that as a result of the sanction imposed, they will not be permitted to renew their lease in University-owned or affiliated student housing. Students found responsible for any further violation of the Student Code of Conduct while on non-renewal status may be immediately removed from University housing.
14. **Loss of Housing:** The student is informed in writing that they are involuntarily removed from WCU Managed and USH Affiliated University housing. Access to University-owned or affiliated student housing, including visitation, is prohibited. There will be no refunding of housing fees in accordance with University policy. The length of the housing suspension is typically at least one full academic semester.
15. **Loss of University Privileges:** The student is informed in writing that they are being involuntarily removed or restricted from a location or service for a designated period, which may be permanent.
16. **Failing Grade:** In cases involving violations of the Academic Integrity Policy, a failing grade, or a grade of zero for either an assignment and/or a course may be administered.
17. **Hold on Records:** The University may withhold 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.
18. **Fines:** The implementation of these fines for alcohol and/or drug violations may be imposed in addition to sanction conditions including, but not limited to, Alcohol/Drug Education Workshops, referrals for substance abuse treatment, and/or other sanction conditions. Appeals for this condition are managed under a financial hardship appeal process. Students found in violation of this policy may be subject to the following fines:

    a. Alcohol Violation (#7)
        - First offense $100
        - Second offense $200
        - Third offense $300

b. Drugs and/or Drug Paraphernalia (#8)
   - First offense $100
   - Second offense $200
   - Third offense $300
   - First fine waiver language?

19. **Mandatory Conference:** The student and their parent/guardian (or another trusted adult) are required to attend this meeting. The purpose of the conference is to clearly communicate the significance and implications of the student's status, and to provide support in helping the student continue their education successfully and without further violations.
20. **Individualized Assessment**: The student agrees to participate in an individualized assessment by a professional to evaluate the nature and extent of the risk of harm to others and to determine whether supportive measures, reasonable accommodations, or other interventions can effectively address the identified concerns.

C. STUDENT GROUP SANCTIONS

Student groups held responsible for violating the *Student Code of Conduct,* often in consultation with the national, University, and/or group administration, will be subject to one or more of the following sanctions, and the full range of sanctions conditions:

1. **Disciplinary Group Reprimand:** The group is informed in writing that the group has been found responsible for a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the group of its responsibility to the University community. Student groups are thus expected to reflect upon their decisions and to be mindful of how their future choices and actions may impact themselves, others, and 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 Group Probation:** Probation is a disciplinary sanction imposed in very serious cases stipulating that a group will continue to remain recognized at the University provided that the group adheres to certain conditions, as set by the University Hearing Board or Hearing Officer. During the time period under this sanction, the group is given the opportunity to modify behavior, to complete specific assignments, and to demonstrate a positive contribution to the University community in an effort to regain privileges within the University community.
   1). Disciplinary Probation materially changes a group's status, as groups under this sanction are not considered to be in good standing with the University. This may impact their ability to participate in events, reserve space, and recruit new members.
   2). A group will remain on Disciplinary Probation through the date indicated in the outcome letter or until the date all assigned sanction conditions have been completed, whichever occurs later. A letter will be sent by the office confirming the end of the status.
   3). Groups found responsible for any further violation of the Student Code of Conduct while on probation will result in further action being imposed; this may include University Suspension or University Disestablishment.
3. **Interim Disciplinary Group Suspension:** The Assistant Dean or designee may impose an interim action upon any student group whose presence impacts the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel. In such cases, if requested by the group, an administrative hearing heard by the VP of Student Affairs or their designee will be scheduled within fifteen (15) University days. If extenuating circumstances warrant an extension, a hearing will be provided at the earliest possible date.
4. **Interim Group Action:** The Assistant Dean or designee may impose a loss of privileges upon any student group.
5. **Disciplinary Group Suspension:** The group is prohibited from conducting any and all group activity on or off-campus. All events should be canceled immediately and not resume until the stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs and socials. During the suspension period, if the group is found operating without permission from the University, they would be subject to additional violations of the *Student Code of Conduct*. For reinstatement to occur, within 30 days of the conclusion of the suspension period, a designated group leader will need to make an appointment with the Office of Student Conduct or designee to arrange for the removal of the University ban and the hold on the group's status. A student group that fails to submit sanction conditions as directed during this period will be subject to a separate charge for failure to comply and a new sanction condition that may include Group Disestablishment.
6. **Disciplinary Group Disestablishment:** The group loses formal University recognition and is prohibited from conducting any and all group activity on or off-campus for a specified period of time. All events must be canceled immediately. Should the group wish to return to campus after the sanctioned date, they must meet all current group establishment procedures published by the appropriate University office upon application for reestablishment.

D. STUDENT GROUP SANCTION CONDITIONS

1. **Activity:** The required participation by the organization in specified group activity(s), service projects, educational programs, or other assignments.
2. **Social Limitation or Suspension**: An organization may be denied formal or informal sponsorship of or participation in one or more of the following for a specified period of time: inter or intra-organizational social activities, formals, all-Greek or all-University events or activities, or any other event of a social nature.
3. **Intramural Suspension**: A specific length of time in which the group may not participate in individual or team sports or the intramural league, earn intramural points, or receive any championship titles.
4. **Loss or Restriction of Privileges or Activities**: The withdrawal of the use of services or privileges as a student group or the loss of the privilege to participate in an activity or event. This sanction is generally for a specified period of time. Examples of privileges that can be lost include, but are not limited to, recruitment freeze, suspension of the student group's funds, suspension of access to the group's web space, suspension of the ability to reserve University facilities, suspension of the ability to apply for Student Activity Fee funding, suspension of fundraising activities, suspension of access to office space, and others.
5. **Membership Review**: The group is required to review and affirm each person's commitment to the expectations of group membership. This requires a process of one-on one interviews with each member and a member of the national or international staff, and may also, on occasion, include a University advisor or administrator. All members should welcome this process as an opportunity to improve and discuss any potential deficiencies in group operations.
6. **Member Intake and Recruitment Review:** Groups are required to submit a plan on how they will emphasize group values during the intake process. The plan must include the expected date, time, location, and detailed activities, goals, participant learning outcomes, and the event assessments.
7. **New Election:** After receiving permission from the Office of Student Conduct or designee, the group is to hold an election to identify new leadership to manage the directives in the outcome letter. This election must meet the following criteria:
    - The election process will be facilitated by a non-respondent upper class student in the presence of the University advisor.
    - The sole purpose of this meeting is to elect leaders for the group.
    - Minutes from the meeting, including the outcome of the election, must be emailed to the Office of Student Conduct, and your faculty advisor within 24 hours of the election and include the outcome.
8. **Educational Workshops:** Educational workshops can be assigned for groups that violate policies related to University protocols. Examples include, but are not limited to, workshops regarding the process of reserving University space, budget procedures, the appropriate use of Student Activity funds, and others. Educational workshops may be assigned in conjunction with or in lieu of another sanction condition.
9. **Document/Policy Development:** The creation of a new internal process or amendment to a group's bylaws may be assigned to address the absence of a policy and/or continued issues a student group may be facing on a regular basis.
10. **Sanctioned Service:** Service projects or service hours may be assigned to a student group if it is deemed that such an assignment would have the most impact on the group. The service will be related to the kind of violation that occurred. Sanctioned service may be assigned in conjunction with or in lieu of another sanction condition.
11. **Mandatory Restitution:** Financial restitution could be sanctioned for monetary loss or damage.
12. **Other Sanction Conditions:** The University reserves the right to impose other sanction conditions in addition to those listed above in response to specific circumstances of a case.

VI. Appeals

A. Grounds for Appeal

Upon receiving an Outcome Letter from a Hearing Officer/Board, or a dismissal of a Formal Complaint (or any allegation or determination of responsibility) from the Title IX Coordinator, either Party may appeal on one or more of the following grounds:

1. Procedural Irregularity: A deviation from University policy or procedures that affected the outcome.
2. New Evidence: Information not reasonably available at the time of the hearing or dismissal, which could impact the outcome.
3. Conflict of Interest or Bias: The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias that affected the outcome.
4. Disproportionate Sanction: The Disciplinary Sanction is grossly disproportionate to the violation(s). *

*__Note__: *Disciplinary Reprimands cannot be appealed on this ground.*

B. Appeal Submission Process

1. Submitted in writing within five (5) business days of the date listed on the Outcome Letter.
2. Filed using the Office of Student Conduct Outcome Appeal process link.
3. Supported with a detailed explanation and any relevant documentation.
4. Sanctions (except interim measures) will be deferred pending the final appeal outcome.
5. The original Hearing Officer or designee may submit a written response to the appeal.
6. Appeals involving student groups affiliated with a University program or external organization must include a letter of support from the affiliated entity.

C. Appeal Review

1. First level Appeals involving Expulsion will be referred to a University Appeals Board. Anyone serving as a Decision Maker in the appeal will be free of conflict of interest and bias, and will not have served as an Investigator, Title IX Coordinator, Advisor or Decision Maker in the same matter.
2. The Appeals Board is comprised of 3 trained, active members of the University Hearing Board, at least one of whom is a student, and at least one of whom is faculty or staff member chosen from active members of the University Hearing Board.
3. Members must be free from conflict of interest or bias.
4. Members must not have served in prior roles (Investigator, Title IX Coordinator, Advisor, Decision Maker) in the same case.
5. When necessary, a University Hearing Board may be convened by a quorum.

D. Standard

The appealing Party must demonstrate, using a *preponderance of the evidence* (meaning more likely than not), that the outcome of the original decision was affected by an error and had an impact on the outcome.

1. The Appeals Board does **not** reconsider or re-evaluate all of the evidence from the original case.
2. Reviews only the specific issues raised in the appeal, and determines whether those issues materially affected the outcome.

The Appeals Board may:

1. Uphold, or modify sanction and conditions if determined to be clearly disproportionate
2. Modify sanctions or conditions if new information is present or remand the case for further review and reconsider the new evidence.
3. Order a new hearing if warranted.
4. The Board or designee is not obligated to reconvene a hearing. However, if a new hearing is granted, the same procedures used for the original hearing will be followed. All meetings and hearings of the appeal process are closed proceedings.
5. The Board or designee is not obligated to reconvene a hearing if a violation of procedure is found.

6. Decisions are made by **simple majority vote**.
7. All appeal proceedings are closed.

E. Financial Hardship Appeals

1. Students who find themselves experiencing significant financial hardship can go to the Office of Student Conduct's webpage (https://www.wcupa.edu/_services/conduct/) and complete the Financial Hardship Appeal form within 30 business days of the outcome letter.
2. Extensions granted from appeals require demonstrated significant need or the submission of a qualifying appeal to Financial Aid for Special and Unusual Circumstances.
3. The Fine Appeal Committee will use a fair and consistent rubric to review the appeal based on the financial circumstances to determine the outcome of the appeal and notify the Office of Student Conduct.
4. This process is separate from the standard appeal process and not subject to the 5-day deadline.
5. Appeals are reviewed by the Fine Appeal Committee, which includes Financial Aid review.
6. The Committee has the authority to reduce, refer or deny the fine.
7. Fine appeals are limited, one per incident.
8. The Committee's decision is final and binding.

F. Provisions for Sexual Misconduct Cases

1. If an appeal is filed, the other Party(s) will be notified in writing as soon as practicable.
2. Appeal timelines are applied equally and are not extended based on another Party's filing.
3. If the appeal involves a claim of disproportionate sanction, the other Party has 5 days to respond.
4. Supportive measures remain available to all Parties during the appeal process.
5. The outcome of appeal will be provided in writing simultaneously to all Parties, and include rationale for the decision.
6. In the event a disciplinary sanction is modified and the case involves sexual misconduct, the other Party will be notified of the modified disciplinary sanction.

G. Second Level Appeals

A second level appeal may be submitted to the Vice President for Student Affairs (or designee).

1. Must be submitted within five (5) business days of the formal notification of the appeal decision.
2. Must be filed in writing via the official appeal process.
3. Must include clear reasons to overrule the decision of the first appeal.
4. The student petitioning for a second-level appeal will be notified of the decision of the Vice President for Student Affairs, or designee, within a reasonable period of time.
5. The decision of the Vice President (or designee) is final.

VII. Disciplinary Records and Retention

A. All students' disciplinary records are kept in accordance with the Family Educational Rights and Privacy Act (FERPA) 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 their right to this protection and meeting the requirements for valid waivers under the "Buckley Amendment." West Chester University will disclose disciplinary cases of students who have been found in violation of University policies and regulations in which the minimum outcome resulted in any period of probation.

B. In accordance with the federal FERPA regulations, 34 C.F.R. §99.31(a)(15), if a student is under the age of 21 and they are found or accept responsibility for the use or possession of alcohol or a controlled substance, parents/guardians may be notified of the violation(s) regardless of their independent status.

C. West Chester University will also allow access to a disciplinary record in order to comply with a subpoena or court order served upon it. When served with a subpoena or court order, the University will notify the student in writing that it is complying with the court order.

D. Under the Sexual Misconduct Policy, the University will disclose the outcome of a disciplinary proceeding alleging sexual misconduct to both the complainant and the respondent individuals. Additionally, the University may disclose the results of a disciplinary proceeding brought against the respondent to the complainant of any crime of violence, as that term is defined in 18 U.S.C. 16.

E. The release of records relating to the Student Group Discipline Process will be managed by the Assistant Dean in consultation with appropriate staff within Student Affairs and the University. There may be times when it is appropriate or necessary to release the interim status or outcome of a particular conduct meeting/hearing to those both within and outside of the University. Those types of decisions will be made on a case-by-case basis. All records related to student group conduct will be retained in the student group's official file indefinitely and the group outcomes may be shared or published at the University's discretion.

F. All records related to student group conduct will be retained in the student group's official file indefinitely and the group outcomes may be shared or published at the University's discretion.

G. FERPA requires the confidentiality of individual student records.

H. A student's disciplinary file may be shared with the Dean of the student's academic program(s) in order to facilitate that program's consideration of professional licensure, certification requirements, or obligations.

West Chester University keeps disciplinary records of students separate from their official academic records. Academic integrity violations are retained for five years after the incident, while all other disciplinary records are kept for seven years after the final incident involving the student, provided the student was in good standing with the University. Records related to Disciplinary Expulsions and student group cases are maintained indefinitely. The University reserves the right to extend the retention period for any records as necessary.

VIII. Revisions to the Student Code of Conduct

All necessary and appropriate revisions to the *Student Code of Conduct* will be recommended to the University President's designee, the Vice President of Student Affairs, for final approval. The Office of Student Conduct will be responsible for implementation. Academic Integrity Policy revisions will be forwarded for inclusion in the *Student Code of Conduct* by the Office of the Provost without need for approval. All approved revisions to the *Student Code of Conduct* will be published in August at the beginning of the academic year. Mid-year revisions will be sent to students via University email.

Published August, 2026

WCU
WEST CHESTER
UNIVERSITY

Office of Student Conduct

Ruby Jones, Suite 200, 50 University Avenue
610-436-3511 • StudentConduct@wcupa.edu
610-738-0500 (fax) • **www.wcupa.edu/conduct**