

**Office of Student Conduct**

**Student Code  
of Conduct**

**2017-2018**



**[www.wcupa.edu/conduct](http://www.wcupa.edu/conduct)**

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# **Our Commitment to Civility**

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

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

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

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

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

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Dear Student:

At West Chester University, our faculty and staff work diligently to maintain an academic community with high standards and expectations designed to foster and support your educational objectives. The University strives to maintain an intellectual atmosphere that provides for the protection of the health, safety, welfare, and property of all members of the University community. To uphold these community standards, the University relies on the enforcement of the West Chester University Student Code of Conduct.

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

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

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

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

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

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

This booklet was developed to highlight procedures and practices of the University Student Conduct program. To be fully aware of individual rights and responsibilities, please review the policies in the Ram's Eye View Student Handbook, which can be found on the West Chester University website.

Sincerely,



Dr. Zebulun Davenport  
Vice President for Student Affairs

## Student Code of Conduct

As stated in the University Mission and Values Statements, West Chester University is committed to providing a sound educational environment for intellectual pursuits. In addition, the University is concerned with developing socially responsible citizens, ensuring the welfare and freedom of all members of the University community, and protecting individual rights. The University is thus concerned with the quality of student conduct and has adopted rules and behavioral standards for its students. Disciplinary action may be imposed when a student engages in behavior, on 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, and local, state, federal, international laws. Additionally, the rules and regulations of other institutions will also be applied when students are engaged in academic pursuits. The *Student Code of Conduct* translates those acts, which constitute unacceptable behavior for students and student groups of the University.

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

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

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, groups, 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. To the extent there is an irreconcilable difference between this Code and the University's Sexual Misconduct Policy, the latter Policy will control.

### I. Standards of Conduct

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

### II. Definitions

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

**Accused:** The term “accused” refers to a student who has been charged with committing a violation of the *Student Code of Conduct*.

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

**Appeals Board:** A panel comprised of one University faculty member, one University staff member, and one University student that reviews an outcome determined by a University hearing officer/board. When members are unavailable, the board can operate by quorum.

**Complainant:** Any person who submits a charge alleging that a student violated the *Student Code of Conduct*. (NOTE: When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim of such misconduct will have the same rights under this *Student Code of Conduct* as are provided to the complainant, even if another member of the University Community submitted the charge itself.)

**Conduct Administrator:** The Office of Student Conduct representative who is responsible for moderating the formal hearing process.

**Conduct Meeting:** An initial meeting between the accused student and the hearing officer to review the information, discuss the charges, and ask the accused student their disposition on the charges. The accused student will also have the ability to waive or request (“consideration for”) a hearing or sanctioning hearing.

**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 absence of the named administrative officer or when said administrator chooses not to exercise their authority.

**Hearing:** A formal proceeding at which the complainant (charging party) and the accused student or group make presentations to the hearing officer or University Hearing Board. The hearing officer(s) will determine the accused student’s responsibility for the violation. As further explained below, not all cases will warrant the convening of a University Hearing Board.

**Hearing Officer:** A University employee or graduate student who is trained and authorized to weigh the information presented in a conduct meeting or University hearing to determine an appropriate outcome.

**Impact Statement:** A written or oral statement made as part of the conduct process, which describes the harmful effects produced by the actions of another for consideration when deciding an appropriate outcome.

**Outcome Letter:** This letter provides the official outcome of finding for the charges and, when the accused student has been found responsible for a violation, also will include the disciplinary sanction and requirements.

**Preponderance of Evidence:** Evidence presented suggests it is “more likely than not” that a violation occurred.

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

**Rebuttal Statement:** A statement which refutes another’s version of events or facts.

**Stalking:** Defined as engaging in a course of conduct directed at a specific person(s) that would cause a reasonable person to – (a) fear for their safety or the safety of others; or (b) suffer substantial emotional distress.

**Student:** The term “student” refers to all persons taking courses, registered or scheduled for classes for the current term, previous term, or a future term, either full, part time, or less than part time. This includes persons who withdraw after allegedly

violating the *Student Code of Conduct*, persons who are not officially enrolled at the University for a particular term but who have a continuing relationship with the University, persons who have been notified of being accepted for admission, and persons who are living in the residence halls but are not enrolled at the University are also considered students.

**Student Group** is 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 university academic, sport, or auxiliary, or is funded by Student Services Incorporated.

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

**University Hearing Board:** A board is comprised of up to three University employees or graduate students who are trained and authorized to weigh the information presented in University hearing or appeal to determine an appropriate outcome. A quorum (two members) may represent the board when a third member is unavailable.

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

- a. Any student or student group committing an act in violation of the *Student Code of Conduct* shall be subject to disciplinary action.
- b. Any student or student group who aids, abets, encourages, requests, initiates, assists, or has knowledge of 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 as if the student or student group has actually committed the violation.
- 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 to be subject to disciplinary action.
- d. All statements made by a student relative to a case may be used in any disciplinary proceeding.
- e. Students may be charged with violations of the *Student Code of Conduct* for misconduct occurring off University property when such conduct interferes with the educational objectives of the University community.
- f. Charges brought under this document may be applied concurrently with any civil or criminal prosecution brought against a student or group.

#### **1. Jurisdiction**

- a. Students are expected to conduct themselves in accordance with federal, state, and local laws and ordinances. Violations of these laws and ordinances may be subject to University action.
- 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 that demonstrates a disregard for the University community and community at large.
- c. University disciplinary proceedings may be instituted against a student charged with violating laws or ordinances, when such conduct also violates the *Student Code of Conduct* if both violations result from the same factual situation. The University will determine whether action under the *Student Code of Conduct* will be carried out before, simultaneously, or following civil or criminal proceedings.

- 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. The University may advise off-campus authorities of the existence of the *Student Code of Conduct* and how such matters will be handled internally within the University.
2. **Room/Apartment Inspection and Right of Search in University Owned and/or Affiliated Student Housing**

a. ***Right of Inspection by University Officials***

- i. Visual inspection of student rooms or apartments for cleanliness, health, safety, and compliance with all University owned and/or affiliated student housing regulations is permitted by members of the administration and residence life staff. Residents shall be present (when possible) and any information discovered by coincidental means may be used as evidence against residents in University disciplinary proceedings. Such inspections shall be announced and publicized 48 hours before the inspection except for routine inspections, which will be conducted at University breaks, at regular intervals during the academic year, and at the close of each term. These inspections may be conducted in the absence of the residents.
- ii. Visual inspections may also periodically occur when adhering to emergency evacuation procedures (e.g., fire alarms). Because the administration is responsible for discipline, a member of the residence life staff may enter a student's room for visual inspections when there is reasonable suspicion of rule violation (s). If a resident refuses to grant entry, the master key may be used. In the event of an emergency, or where there is reasonable suspicion, a member of the residence life staff may enter a room for a visual inspection in the absence of the residents. If this occurs, the residents shall receive written notification of such entry.

b. ***Right of Search by University Officials***

- i. A student's room may be searched by a University official if there is reasonable suspicion to believe that a University rule has been violated. Permission for such searches may be given by the Vice President for Student Affairs or, in his absence, the designated senior student affairs officer. Two copies of a permit signed by one of these shall contain:
- Place to be searched;
  - Name(s) of student(s);
  - Reason for search;
  - Object(s) or information sought;
  - Person(s) conducting the search.
- ii. Every effort shall be made to inform the student(s) of the intent to search; however, in emergency situations the search may be conducted in the absence of the student(s). If this is done, they shall be informed after the fact and given a copy of the permit. If the students are present, they shall be advised that any information or property seized may be used as evidence against them in any University disciplinary proceeding, and they have the right to counsel and the right to remain silent. Any property seized in

the search shall be itemized and acknowledged by signature on both copies of the permit by one of the authorized University searchers and the resident (s). A copy of the signed permit will be filed in the Office of Student Conduct.

**c. *Right of Search by Civil Authorities***

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

**d. *Wellness Checks***

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

**3. *Medical Amnesty:***

West Chester University's priority is for the safety and well-being of WCU students. The WCU Medical Amnesty policy has been instituted to encourage students to seek emergency medical assistance in situations that are possibly life-threatening due to alcohol or drug use, without fear of legal or conduct citations (7c Alcohol, 8a Underage). In order for a student to receive medical amnesty, the student seeking assistance must

- a. Call 911, Public Safety, Police, Emergency Services, or other Authorized University Representative based on a reasonable belief that someone, including themselves is in need of immediate medical assistance;
- b. Reasonably believe that they were the first person to make the 911 call or a call to Public Safety, Police or Emergency Services and reported that a person needed immediate medical assistance;
- c. Provide their own name to the 911 operator or to the Public Safety, Police or Emergency Officer; and,
- d. 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.

Students 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.

**4. *Principles of Group Responsibility:***

Student groups enrich the campus 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 mission of education 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, as well as applicable laws. Student groups are required to comply with the rules and policies of the University as well as other rules and policies that may govern the group. Further, any student group advisor, chapter, affiliate, 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 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 Misconduct**

Student groups are expected to comply with all University policies, including the Student Code of Conduct and all additional policies pertaining to the specific groups. 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;
- Involved were committed by or were condoned by (actively or passively) a significant number of group members, alumni, or knowingly committed by guests;
- Occurred at or in connection with an activity or event funded, sponsored, publicized, advertised, or communicated about by the group or group members;
- Occurred at a location over which the group 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 officers, 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); or
- Were taken by individuals who, but for their affiliation with the group, would not have been involved in the incident. Or whether:
- One or more officers 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; or
- The group, or any member acting on its behalf, fail to satisfactorily complete the terms of any disciplinary sanction or outcome.

Student groups, as well as their members and officers, may be held collectively and/or 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:**

- 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 and/or abuse, (b) the attempted assault or abuse, or (c) reckless behavior, but not accidental, which may result in injuries to oneself or others. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible for assault.
- 2. Threat of Harm** – This includes words or a course of conduct that is reasonably understood to create fear of the infliction of pain, injury, or damage, including conveyance of threats through electronic means, (a) to another person or property; (b) toward any party or witness, or their property, involved in a university conduct violation or police case, which can be reasonably understood as attempting to influence outcomes or for retaliation; or (c) toward a University employee related to the performance of their job.
- 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.
- 4. Vandalism** – This includes the intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of University property, or the property of any person or business.
- 5. Weapons** – Use, possession, or transportation of (a) fireworks, (b) firearms, (c) knives, (d) paintball or BB guns, (e) explosives, (f) ammunition, (g) weapons, or (h) any item which has been modified or adapted so that it can be used as a weapon, or any item which has been used as a weapon. A sanction of suspension or expulsion may be imposed on any student found responsible for these violations.
- 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 fire alarms by any means of communication, (d) tampering with or improper use of campus emergency phones, (e) failure to evacuate facilities upon the sounding of a fire alarm/drill, or (f) creating any hazardous condition that endangers the health and safety of others. A sanction of suspension or expulsion may be imposed on any student found responsible for these violations.
- 7. Alcohol and/or Alcohol Containers** — West Chester University is a dry campus, so any violation of the University’s alcohol policy, as set forth in the Ram’s Eye View Student Handbook, shall be construed as a violation of this section. Any off-campus violation is a violation of this section when such off-campus use violates local, state, or federal laws. Exceptions to the alcohol violation are noted in the Medical Amnesty Policy. This section shall include the knowledge of the location of alcohol or the intent to exercise control. Specific charges include (a) display of empty alcohol containers in any University facility, residence hall, or any affiliated University housing, (b) sale, exchange, use, possession, or consumption of alcoholic beverages on-campus over 21 years of age, (c) underage use, possession, or

consumption of alcoholic beverages, (d) open containers of alcoholic beverages, (e) public intoxication, and (f) driving under the influence. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student found responsible of (g) selling and/or furnishing alcohol to minors. A sanction of loss of housing, suspension or expulsion may be imposed on any student found responsible for multiple incidents of these violations.

8. **Drugs and/or Drug Paraphernalia** – Students who exhibit drug use or abuse shall be considered in violation of this section. This includes, but is not limited to, the knowledge of the location, intent to exercise control, possession or use of, (a) any illegal or controlled substance, drug, and/or (b) drug paraphernalia, (c) a significant quantity, distribution, or sale of drugs, and/or (d) driving under the influence. Any off-campus violation is a violation of this section when such off-campus use or possession is in violation of international, local, state, or federal laws. The misuse of legal or prescribed substances will be considered reckless behavior as described in the Infliction of Harm section (see I.C.1.c). A sanction of loss of housing, suspension or expulsion may be imposed on any student found responsible for multiple incidents of these violations.
9. **Noncommercial Literature Distribution, Non Sponsored Presentations or Demonstrations** — Any violation of the University’s policy on Non-commercial Literature or Non Sponsored Presentations or Demonstrations on-campus, set forth in the Ram’s Eye View Student Handbook ), shall be construed as a violation of this section.
10. **Hazing** — Any violation of the University’s Anti-Hazing Policy, set forth in the Ram’s Eye View Student Handbook ([http://www.wcupa.edu/\\_services/stu/ramsEyeView/](http://www.wcupa.edu/_services/stu/ramsEyeView/)), shall be construed as a violation of this section. A sanction of suspension or expulsion may be imposed on any student found responsible for these violations.
11. **Computer Use** — Any violation of the University’s policy on Acceptable Computer Use, as set forth in the Acceptable Use of Information Technology Policy in the Ram’s Eye View Student Handbook shall be construed as a violation of this section. A sanction of suspension or expulsion may be imposed on any student found responsible.
12. **Solicitation** — Any violation of the University Commercial Advertising and Sales Policy as set forth in the Ram’s Eye View Student Handbook ([https://www.wcupa.edu/\\_INFORMATION/AFA/FBS/PROC/ComAdvSl.s.asp](https://www.wcupa.edu/_INFORMATION/AFA/FBS/PROC/ComAdvSl.s.asp)) 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 or local municipalities, (b) engaging in conduct that is improperly retaliatory, (c) engaging in conduct that constitutes unlawful discrimination based on another person’s race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, or veteran status, disability or any other legally protected class reasonable belief that places a student in imminent harm, or (d) stalking.

15. **Academic Integrity** — Any violation of this policy shall be processed according to the Academic Integrity Policy as set forth in the West Chester University Undergraduate Catalog.
16. **Dishonesty** — Making, using, or possessing any falsified document or record; altering or forging any University document or record, including identification, meal or access cards, and parking permits; providing false statements during any police proceeding, and the misrepresentation of oneself or of a group as an agency of the University by any of the means identified above.
17. **Trespassing** — Unauthorized entry, use, or occupancy of any computer, server, building, structure, facility, property of others, or University grounds.
18. **Guide to Residential Living and/or Student Occupancy Agreement** — Students are expected to treat each other, as well as professional and student staff members, with respect at all times and to adhere to residence life regulations as described in the Guide to Residential Living and/or Student Occupancy Agreement. Students residing in University affiliated student housing are expected to abide by the terms of the Housing Occupancy Agreement. Violations of this offense include, but are not limited to, the following: (a) guest visitation policy, including but not limited to extended visits, lack of roommate consent, number of allowable guests, and responsibility for actions of guests, (b) cooking, (c) use and/or possession of incendiary or combustible materials and devices (i.e. candles, torches), (d) removal or tampering with window screens, (e) Courtesy/Quiet Hours Policy as defined by the Guide, (f) entry or exit of a residence hall through any door or opening other than those so designated at any time, (g) athletic activity that may result in harm or disruption to residents and/or building facilities/fire protection systems, and/or (h) other reasonably publicized housing-related policies. Repeated violations of this agreement may result in a loss of housing which is not subject to financial compensation.
19. **Community Responsibility** — Students who engage in off-campus behavior that is disruptive to the West Chester community, including: a) noise as defined by the local noise ordinance, b) fire, health, zoning, building and safety codes, including occupancy limits as defined by the municipality, c) litter, trash and garbage (refer to the off-campus regulations for trash disposal and be aware of your neighborhood's trash collection schedule), d) failure to take proactive steps to manage the conduct of guests, including measures that reduce the risk of harm, and, e) failure to engage in mediating and resolving problems or concerns with neighbors in a timely and civil manner.
20. **Failure to Comply** — 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; (b) failure to provide a valid West Chester University student identification card or other valid identification upon the request of a duly-authorized University official; (c) failure of the accused to appear when given advance written notice by a University official, hearing officer, University Hearing Board, Sanctioning Hearing, or University Appeals Board concerning a violation of the *Student Code of Conduct*; and/or (d) failure to comply with all regulations regarding conduct on or off campus not cited in the *Student Code of Conduct* when such regulations have been reasonably publicized.

21. **Sanction Violation** — Violations of a University sanction, including (a) violation of the terms of a sanction, which includes failure to complete any specified condition or assignment of a sanction, or (b) violating the *Student Code of Conduct* while on disciplinary probation.
22. **Guest Policy** — Students may be held responsible for the actions of their guests when such conduct violates the *Student Code of Conduct*. Guests are expected to abide by University policies and local, state, or federal laws while visiting the campus.
23. **Sexual Misconduct** — This includes; (a) Sexual/Gender Based Harassment, (b) Sexual Assault, (c) Sexual Exploitation, (d) Gender Based Stalking, (e) Relationship Violence, (f) Domestic Violence. More specific violation definitions can be found in the West Chester University’s Sexual Harassment or Sexual Misconduct Policies as set forth in the Ram’s Eye View Student Handbook or in the full version of the Sexual Misconduct Policy.
24. **Criminal/Civil Statutes** — Any student who is cited and/or arrested 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. The University may suspend a student charged with committing a serious crime on an interim basis while those charges 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.

### III. Initiation of Charges

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. Complaints may be submitted anonymously and those reports will be investigated based on the extent of the information provided. The Office of Student Conduct has the discretion to determine when it is appropriate to bring charges of violations under the Code of Conduct.

Reporting may be accomplished in the following ways:

1. Filing a police report with the Office of Public Safety or requesting a report from another law enforcement agency be sent to the Office of Public Safety.
2. Completing a University incident report form at [www.wcupa.edu/conduct](http://www.wcupa.edu/conduct). Various report types are included from general conduct reports, student group misconduct, and sexual misconduct. The sexual misconduct form can be used to file a complaint against a student or student group for violations of the Sexual Misconduct Policy. The University designee will determine whether further fact finding is needed and whether there is enough information to file charges and what type of hearing process will be appropriate to the charges. In the event a group member becomes aware of an incident, the student group member(s) should inform the on campus advisor/coach immediately, with the following points in mind:

An advisor/coach who is employed by the University is required to submit a

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 also report the incident to a University official.

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

3. In the event a report indicates a potential violation of sexual misconduct, the Director of Social Equity will lead the appropriate case process for complainant follow up, consideration of interim measures, if necessary, the accused student follow up, fact finding, and will determine if a sexual misconduct violation has occurred. They will then forward the case to Student Conduct. The Assistant Dean will also have the discretion to request additional fact finding or close the case without adjudication due to insubstantial information.

*Student Code of Conduct* charges 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. Complaints can also be filed with the U.S. Department of Education, Office of Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by phone at 215-656-8541. The intentional filing of a false report will not be tolerated. It is a violation of the *Student Code of Conduct* to make an intentionally false report of any policy violation, and it may also violate state criminal laws and civil defamation laws. The University reserves the right to initiate a report, to serve as the complainant, and to initiate Student Conduct proceedings without a formal report by the complainant of misconduct.

#### **A. SEXUAL MISCONDUCT INTERIM MEASURES**

1. Interim measures can be provided to students by contacting the Title IX Coordinator/Director of Social Equity with the Assistant Dean to implement.
2. Students may request the following:
  - housing reassignment to ensure that complainant and accused are not in close proximity;
  - limitations on contact between parties (referred to as a “No Contact Directive”);
  - an escort to ensure student safety;
  - reassignment of classes to ensure that the complainant and accused are not attending the same classes,
  - counseling services;
  - medical services;
  - academic support such as tutoring;
  - to withdraw from a class without penalty;
  - adjustments to on-campus transportation, parking, or work.

Other measures not listed can be considered to ensure the safety of all involved parties in the case and the campus community. In the event that the nature and circumstances of the complaint require immediate action, there may be situations where interim measures are put in place for the safety of all parties and the campus community. These decisions are made by the Title IX Coordinator

in conjunction with the Assistant Dean.

## **B. SEXUAL MISCONDUCT REPORT RETALIATION**

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

## **C. SEXUAL MISCONDUCT INVESTIGATIONS**

Depending on the type of incident, the Student Conduct or Social Equity 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 a report, the University may elect to conduct an investigation.

1. Once an incident is reported, professionally trained staff from the University will proceed with the steps necessary to support the individuals involved. Trained professionals will be assigned if investigation is necessary. Any student-initiated investigations are strongly prohibited and will likely delay personal and group support and impact the outcome. In sexual misconduct cases, the Title IX Coordinator/Director of Social Equity will confer with the complainant to determine next steps.
2. During the investigation, students have the right to be assisted by any adviser they may choose, at their own expense. The adviser may be an attorney, but cannot be a potential witness or party in the matter or a related matter. An adviser may attend all meetings but does not have the right to speak or participate directly in any aspect of the conduct process. The accused student must speak on their own behalf and communicate directly with the fact finder or adjudicator(s). An adviser's failure to comply with these participation limitations may cause the adviser to be removed from the meeting or proceeding. In cases involving alleged violations of sexual misconduct (Violation #23), the complainant and accused will also have the right to have a support person accompany them. A support person does not participate in the hearing nor provide advice on hearing points, but is present to provide support. A support person could be a family member, friend, counselor, etc. A witness cannot serve as a support person.
3. 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 conduct 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.
4. At the conclusion of the investigation, the fact finders prepare a report detailing the incident and their findings. When fact finding is coordinated by the Title IX Coordinator/Director of Social Equity, they will, if appropriate, forward the case to the Office of Student Conduct for formal adjudication. 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 charge a student, students, or a group with violations of the *Student Code of Conduct*.

5. Information and materials that the University obtains during the conduct process may be disclosed to law enforcement in response to a valid subpoena.

#### **D. STUDENT GROUP INVESTIGATIONS**

5. Preliminary Investigations

Reported incidents of group misconduct often result in a preliminary investigation conducted by fact finding investigators. Interviews will be set up with the individual complainants, reporters, witnesses, and accused student(s). If it is determined that there is a reasonable cause to charge the group for specific policy violations, the case will move to a formal investigation and the group leadership (advisor, coach, president or captain) will be notified.

6. Formal Investigations

- a. The fact finder 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, affirming their right to be silent, acknowledging they have the option to make a report with law enforcement, understanding that information and/or statements provided may be made available to other individuals if they are charged with a violation of the *Student Code of Conduct*, and that any attempt to disrupt or obstruct the investigation may result in charges of dishonesty or failure to comply charges 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 confidential.
- d. Cell phones maybe collected to avoid collusion and conspiracy but are not subject to search without student permission or warrant.
- e. The fact finder(s) may recommend interim action to the Assistant Dean at any point in the investigation.
- f. Although participation in the investigation is optional, future group membership may be assessed on the student member's cooperation.

7. 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; 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 has facts of the incident (what took place before, during, and after the alleged misconduct) will be contacted for an interview.

8. 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* charges and may include an **Interim Suspension Notice**, which will remain in place until the conclusion of the **adjudication process**. While there is a general timeframe 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 representatives are not supportive of key individuals (the complainant and/or accused) participating in interviews on-campus that could affect a criminal proceeding.
9. If it is determined that a group created a "hostile environment," defined as "Conduct of a sexual nature that is sufficiently severe, persistent, or 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. There does not need to be a repetitive pattern for a hostile culture to exist; even one incident could be reflective of a group's culture.

## II. Procedures for Adjudication

### A. Written Letter of Notice

If the initial report or investigation report determines there is sufficient information establishing that a *Student Code of Conduct* violation likely occurred using the preponderance of evidence standard, the Office of Student Conduct will assign charges. Students shall receive a conduct meeting notice via their University email of the written notice of charges, including, as nearly as possible, the date and place of occurrence, and the rules of conduct allegedly violated by the student. This notice will include a reasonably sufficient interval to allow the student to prepare a response to the allegation(s), typically three to five 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 leader and advisor(s) of the student group shall be notified in writing of the specific charges. The notification shall include, but not be limited to: the specific charge; the name of the person referring the charge; a brief summary of the allegations that constitute the charge; and the time, date, and place of the hearing.

All charges 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 who are at risk for a loss of housing, suspension or expulsion due to responsibility for serious violations and/or a past Student Conduct history will be given the opportunity to (1) waive their right to a hearing, admit responsibility for the violations, and accept outcomes from the hearing officer, (2) to accept responsibility for the charges and seek review of sanctions offered by presenting their situation in a Sanctioning Hearing, or (3) request a Formal Hearing to challenge the information presented in the initial reports. Formal hearings will be granted for cases where a loss of housing, suspension, or expulsion are a

potential outcome. Students who face other outcomes may also request a Formal Hearing, however, consideration will be given to the reason for the request, the charges in disagreement, and/or the ability to include additional information unavailable to the original hearing officer. In the event a formal hearing request is denied, the student will be notified by email and rescheduled.

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, a Sanctioning Hearing, or a 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 as noted in the outcome letter.

## **B. Conduct Meeting**

During the informal conduct meeting, the accused student is scheduled to meet with a hearing officer to review reported details, ask questions about process, and determine their personal level of responsibility.

Students will be apprised of the expected range of sanctions possible for the listed violations. If the student accepts responsibility and the sanctions for the *Student Code of Conduct* violation(s), no formal hearing will occur. If the student accepts responsibility for the agreed upon charges but not the sanctions, the student can request a sanctioning hearing. If the student does not accept responsibility for the charges, this conduct meeting will then serve as a pre-hearing conference to support the student in explaining the hearing process and to complete the formal hearing request.

### **Sanctioning Hearing**

Students may request a sanctioning hearing when students accept responsibility for the charges at the conduct meeting but disagree with the proposed sanctions. The Office of Student Conduct will assign this to an Administrative Hearing process or a Board. At the sanctioning hearing, the responsibility for the charges will be accepted as agreed upon during the informal conduct meeting and the sanction recommendations will be shared with the University Hearing Board or Sanctioning Hearing. This process provides the student with an opportunity to present their case for an alternate sanction outcome. If a sanction was proposed at the conduct meeting, the Hearing Officer or Board has the authority to remove, add, or amend the originally proposed sanction(s) or accept the recommended sanctions.

### **Group Conduct Meeting**

The informal meeting provides the student group leadership the opportunity to meet with a hearing officer to review reported details, ask questions about process, and determine the group's level of responsibility. Following the completion of verbal discussion and resolution of the points of conflict, all involved parties may accept all agreed-upon responsibility. Unlike individual student sanctioning, the group's case will then automatically move to a closed sanctioning hearing. If the resolution of responsibility cannot be made, the charges can then be filed for a Formal Hearing before the University Hearing Board.

## **C. Formal Hearings**

1. The purpose of a hearing is to review the facts and circumstances of the alleged incident and to accept all evidence and statements offered during the hearing in order to determine the student's or student group's level

of responsibility. In determining whether a violation has occurred, a “preponderance of evidence” standard is applied. There are two types of Formal Hearings – an administrative hearing, facilitated 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 eliminate familiarity with the involved parties.

2. Witnesses: Involved students may want to include witnesses on their behalf. The conduct administrator or designee and the accused shall have the right of presenting witnesses, who are subject to cross-examination by the other party or the hearing officer(s). All parties must provide a list of potential witnesses to the Office of Student Conduct prior to the hearing. The conduct administrator will provide the witness list(s) to all relevant parties. If a formal investigation was conducted, any witness present 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 Conduct Administrator and should only be allowed based on new information not known during the investigation process. Character witnesses and statements will not be allowed.
3. All materials to be presented at the hearing must be submitted to the conduct administrator prior to the hearing. The conduct administrator 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 officer or the chairperson of the board. Further, the conduct administrator 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, of the violation on the complainant and the University community.
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 conduct administrator.
6. The conduct administrator, hearing officer, or University hearing chairperson share 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. 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 conduct administrator 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 accused students nor witnesses in the case.

#### **D. Procedures**

In cases involving infliction or threat of violence, or a sexual misconduct charge, either party may request in advance a screen to separate the complainant and the

accused.

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 officer/board shall open the proceedings by reading the statement of charges.
2. Before presenting any testimony, each person must submit to an oath where they swear and affirm the truth of statements to be made.
3. The charging party or complainant shall then present its case against the accused party. This shall be done by the submission of written, physical, and/or testimonial evidence.
4. In sexual misconduct cases, questions between the complainant and the accused will be submitted in writing to the chairperson who will then relay the questions to the appropriate party.
5. At the conclusion of the charging party/complainant's presentation, the accused party shall present a response to the charges. This shall be done by the submission of written, physical, and/or testimonial evidence.
6. At the close of the hearing, the conduct administrator 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 of the hearing officer/board shall be subject to removal from the hearing.
  - b. All matters upon which the decision 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 V). Maintenance of a written or audiotape record of the hearing will be done at the University's expense, but students may be required to pay the cost of copies of requested records. If such records contain sensitive or confidential information, a request for a copy will be denied. Personal recording of the hearing is prohibited and subject to criminal prosecution.
  - d. Adjudication and the outcome of the hearing will be based upon presented evidence sufficient to make a reasonable person believe that the facts sought to be proven are more likely true than not.
  - e. 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:
7. Academic records and class year;
8. The nature and severity of previous discipline records including that which is public record;
9. Attitude of the accused during the conference and/or hearing;
10. Whether the sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation on the complainant and the University community.

The University retains the right to continue a hearing whenever necessary and appropriate. Any students or student groups who fail to appear at a scheduled hearing consent to the conducting of said hearing in their absence. Should the student be

suspended or expelled as a result, they may request a de novo hearing during the time of the appeal period as noted in the outcome letter.

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 accused within 30 business days after the close of the hearing.

Pending action on the charges, the student’s status shall not be altered nor shall the student’s right to be present on-campus or to attend classes be suspended, except for reasons relating to their physical or emotional safety and well-being or for reasons relating to the safety of students, employees, personnel, or University property (See Sanction A.6 Interim Disciplinary Suspension). In cases of sexual misconduct, the Office of Student Conduct will also send the Outcome Letter to the complainant and the Title IX Coordinator. Both parties have the right to appeal, as noted in Section VI. Appeals.

## V. Sanctions

Sanctions include Disciplinary Reprimand, Disciplinary Probation, Deferred Suspension, Suspension, or Expulsion. The adjudicators are required to *consider suspending or expelling any student found responsible for sexual misconduct*; however they must impose sanction(s) that are fair and proportionate to the violation and history of student’s conduct.

### 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. For students under 21, parents may be notified in writing about drug and alcohol violations unless the student shows proof of his/her independent status. The student will have five University business days from the date of the sanction outcome letter to show such evidence using the Proof of Independent Status Form. If at any time during their probationary period the student violates University regulations, they may be subject to additional sanctions to include suspension from the University. Failure to complete the sanctions in the time indicated may result in an academic hold placed on their records which will prevent them from registering and/or amending their class schedule.

- 1. Disciplinary Reprimand:** The student is informed in writing that their behavior has been in violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior, and to remind the student of their responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.
- 2. Disciplinary Probation:** The student is informed in writing that they are being placed on disciplinary probation for a specific period of time. Probation is a period of review and observation during which the student must demonstrate the ability to comply with University rules, regulations, and

other requirements as stipulated by the sanction. Disciplinary probation will be imposed for a minimum of one semester. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status. This sanction may specify any conditions with which the individual must comply, any privileges that may be withheld, and/or the loss of privilege to represent the University in an official capacity (e.g., varsity and non-varsity intercollegiate events, plays, holding office, or participation in campus government or related groups). Probation may also include a written agreement between the student and the University, which is in effect for a specific period of time.

3. **Interim Campus Restriction:** The student is immediately BANNED from all or some of the campus facilities as noted in the letter. A Campus BAN includes but is not limited to Lawrence Hall, the Recreation Center, campus athletic spaces, fields, and all University owned and University affiliated student housing. If the student resides on-campus, they will need to vacate their residence until this matter can be resolved. Failure to vacate and return the key by the due date, or abide by University policies will result in an immediate period of disciplinary suspension until the violations of the *Student Code of Conduct* can be addressed on-campus.
4. **Disciplinary Suspension:** The student is informed in writing that they are being involuntarily separated from the University for a designated period of time. A student may not attend classes or be enrolled in online or distance education, take exams, receive grades, or be on authorized University property except for authorized University business during the suspension period. Authorized University business must be approved in advance by the Assistant Dean, or designee. After this period of suspension, the student must seek written approval from the Assistant Dean to return to the University as a student or visitor. Students suspended for two or more consecutive semesters must also reapply through the Office of Admissions. The hearing officer may establish additional requirements that must be fulfilled to the 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 under paragraph A of this section.
5. **Deferred Disciplinary Suspension:** The student is informed in writing that although the behavior may warrant a suspension, a suspension is being deferred at this time. The student is also advised that any subsequent violation of the *Student Code of Conduct* may result in the student's involuntary separation from the University for a designated period of time.
6. **Disciplinary Expulsion:** The student is informed in writing that they are being expelled from the University. This action is one of involuntary separation from the University. The relationship between the student and this University is permanently terminated. A student is not permitted on University property. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions. The student's parents, guardians, or sponsors may be notified in writing in accordance with the policy previously cited under paragraph A of this section.

- 7. Interim Disciplinary Suspension:** The Assistant Dean or designee may impose an interim suspension and/or loss of privileges including removal from university owned or affiliated student housing upon any student whose presence on-campus constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. A student's parents, guardians, or sponsors may be notified in accordance with the policy previously cited under paragraph A of this section. During an Interim Suspension, a student may not attend classes or participate in online or distance education courses, participate in University activities, and/or be on University property. The Interim Suspension shall remain in effect until such time it has been modified by the Assistant Dean. In such cases involving currently enrolled students, an administrative hearing will be convened within ten University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. For student who are not currently enrolled, their hearings may take up to 60 days for scheduling.

## **B. Sanction Conditions**

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

- 1. Alcohol Education:** Group workshops for first-year students designed to provide information on the effects of alcohol/drugs, self-evaluations for alcohol/drug use, and development of a plan to reduce risks associated with the use of alcohol. Students sanctioned to the Alcohol Education Workshop will be assessed a Health Center visit fee.
- 2. BASICS (Balancing Alcohol and Substances to Improve College Success):** Individualized sessions to address alcohol consumption and its adverse consequences, promote healthy choices, and develop coping skills for risk reduction. Students sanctioned to BASICS will be assessed a Health Center visit fee.
- 3. RAM Support Group:** Referral to the support group provides a forum in which to explore the role substance use plays in the student's life, and to afford an opportunity to examine personal issues that appear to be negatively impacting decision-making. When appropriate, additional treatment (e.g., individual or group counseling) may be recommended to provide increased awareness, additional strategies, resources, and appropriate referrals to ensure student success. Therefore, additional counseling, beyond the group session, may be expected to complete this sanction.
- 4. Counseling:** The purpose of assigning counseling is to encourage the student to assess how his/her behavior and attitude impact choices, enhance his/her interpersonal skills, and/or learn ways to reduce stressors that may affect the student's ability to be successful. When a student agrees to seek counseling as a condition of his/her sanction, he/she accepts the financial

responsibility of fees associated with the counseling arrangements.

5. **On- or Off-Campus Alcohol/Drug Assessment:** The student must obtain an assessment from a licensed provider to address the use of substances, both legal and illegal, and to examine personal issues that may be impacting decision-making. When a student agrees to obtain the assessment as a condition of his/her sanction, he/she accepts the financial responsibility of any fees associated with the assessment.
6. **Housing Reassignment:** The student is informed in writing that they are being involuntarily reassigned to a new housing assignment on-campus. This action may include restriction from entering specific university owned or affiliated student housing buildings for a designated period of time, which may be permanent.
7. **Loss of Housing:** The student is informed in writing that they are being involuntarily removed from university owned or affiliated student housing for a designated period of time, which may be permanent. During this time, the student is banned from all university owned or affiliated student housing. Removal from university owned or affiliated student housing means that the student must properly check out of his/her room or apartment in accordance with existing University procedures within the time constraints established by the hearing officer. There will be no refunding of housing fees in accordance with University policy. Arrangements for continuation of the meal plan must be made with the Associate Director of Housing and Dining Administration. The hearing officer may establish requirements that must be fulfilled to his/her satisfaction prior to reinstatement in university owned or affiliated student housing. Students eligible to return to university owned or affiliated student housing must apply for consideration to the Dean of Students. No housing or room selection priority will be afforded to the student when returning to university owned or affiliated student housing.
8. **Interim Loss of Housing:** The Assistant Dean, the Assistant Vice President for Student Affairs/Residence Life and Housing, or designee may impose an interim loss of housing wherein the student is involuntarily removed from university owned or affiliated student housing for a designated period of time. During this time, the student is banned from all University owned or affiliated student housing. A student's parents, guardians, or sponsors may be notified in accordance with the policy previously cited in paragraph A of this section. In such cases, an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date.
9. **Deferred Loss of Housing:** The student is informed in writing that although the behavior may warrant a loss of housing, a loss of housing is being deferred at this time. The student is also advised that any subsequent violation of the *Student Code of Conduct* may result in the student's involuntary removal from University owned or affiliated student housing for a designated period of time.
10. **Loss of Campus Dining Facility(s) Privileges:** The student is informed in writing that they are being involuntarily removed from the dining hall for a designated period, which may be permanent. Removal from the dining hall means that a student may not purchase or use a meal card in campus dining facilities.

11. **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.
12. **Hold on Records:** The University may withhold transcripts, diplomas, class registration privileges, or other official records pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the University's ability to enforce its disciplinary rules.
13. **Financial Restitution:** Financial restitution may be imposed on students whose violation of these standards has involved monetary loss or damage. Restitution as imposed by the hearing officer becomes a financial obligation to the University. Either full payment or an agreement for partial payment according to a schedule agreed to by the Office of Student Conduct is required before the student may register for classes again, or in the case of seniors, before the student may graduate.
14. **Fines:** The implementation of these fines for alcohol and/or drug violations may be in addition to sanction conditions including, but not limited to, Alcohol/Drug Education Workshops, BASICS, referrals for substance abuse treatment, community service, and/or other sanctions.
15. **Alcohol and/or Alcohol Containers Violation (#7)**  
Students found in violation of this policy may be subject to the following fines:
  - a) First offense – \$100
  - b) Second offense – \$200
  - c) Third offense – \$300
16. **Drugs and/or Drug Paraphernalia (#8)**  
Students found in violation of this policy and specifically the illegal use or possession of paraphernalia or any controlled substance in Schedule III as outlined in the Ram's Eye View Student Handbook may be subject to the following fines:
  - a) First offense – \$100
  - b) Second offense – \$200
  - c) Third offense – \$300
17. **Failure to Comply and Sanction Violations** may be subject to a \$50 non-compliance fine and/or a hold placed upon a student's University record. The student must make this payment directly to the Bursar's Office within 30 days from notification thereof. Failure to make the payment may result in additional university action.

## C. Student Group Sanctions

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

1. **Disciplinary Group Reprimand:** The group is informed in writing that the group has been found responsible of a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the group of its responsibility to the University community. Student groups and 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:** The group is informed in writing that it is on probation for a specified period of time. Probation is a period of review and observation during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. During this time, the group may be required to complete an educational task or service project. Conditions that restrict privileges may also be imposed. If, during this time, the group becomes involved in additional violations of University regulations, further disciplinary action will be taken.
3. **Interim Disciplinary Group Suspension:** The Assistant Dean or designee may impose an interim suspension and/or loss of privileges upon any student group whose presence on-campus constitutes a threat to the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel. In such cases an administrative hearing will be scheduled within fifteen (15) University days unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. Once the suspension period is over, if the group has met all other terms of their sanction, they will be allowed to resume activity as a recognized group.
4. **Deferred Disciplinary Group Suspension:** The group has a pending disciplinary suspension based on any additional violations of the WCU *Student Code of Conduct*. A deferred status means that ANY Violation of the West Chester University *Student Code of Conduct* by the group, during this time, will result in the group's immediate suspension from West Chester University.
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 stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs, and socials. During the period of suspension, if the group is found operating without permission from the Office of Student Conduct, they would be subject to additional charges of the *Student Code of Conduct*. For reinstatement, within 30 days of the conclusion of the suspension period, a designated group leader will need to make an appointment with the Office of Student Conduct to arrange for the removal of the campus ban and hold on the group's status.

#### D. Student Group Sanction Conditions

1. **Activity:** The required participation by the organization in specified group activity, 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 rooms on campus, suspension of the ability to apply for Student Activity Fee funding, suspension of fund-raising activities, suspension of access to office space, and others.
5. **Membership Review:** The process 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 excel and discuss any potential deficiencies in group operations.
6. **Member Intake and Recruitment Review:** Groups are expected to emphasize group values during the intake process. Along with the expected date and time, detail the activities in regards to goals and what the participants will learn. Lastly, build an assessment of the event to determine if goals are being met by the group.
7. **New Member Process Board Election:** After receiving permission from the Office of Student Conduct, 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:
  - a) The election process will be facilitated by a non-accused upper class student in the presence of the University advisor.
  - b) The sole purpose of this meeting is to elect officers for the group.
  - c) Minutes from the meeting, including the outcome of the election, must be emailed to the Office of Student Conduct, at <mailto:StudentConduct@wcupa.edu?subject=Election>, 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 to reserve 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.
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.
11. **Mandatory Restitution:** Financial restitution could be sanctioned for

monetary loss or damage.

12. **Other Sanctions:** The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a case.

## VI. Appeals

- A. Upon receiving a sanction from the hearing officer/board, a student or group may appeal for the following reasons:
  1. Violations of procedures which would have substantially impacted the outcome;
  2. Severity of the sanction is grossly disproportionate to the violation(s);
  3. Lack of substantial evidence upon which a determination of responsibility can be based; and/or
  4. New evidence that was not previously available, and that might substantially change the nature of the case.
- B. All appeals must be made in writing by the published appeal date noted on the outcome letter and submitted via the Office of Student Conduct Outcome Appeal at [https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout\\_id=10](https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=10)
- C. The appeal should explain in detail the basis of the request, including any supporting documentation. In addition, students may wish to present letters of impact.
- D. With the exception of interim measures, upon receipt of the written appeal, the Assistant Dean will defer the imposition of the sanction(s) pending the outcome of the appeal process.
- E. Upon receipt of a first or second appeal by either party involving a sexual misconduct charge, the Office of Student Conduct will forward a copy of the appeal to the opposing party and allow five (5) University business days for a response. The Response to Appeal Form ([https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout\\_id=16](https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=16)) will be shared with the appropriate parties concerned with the appeal.
- F. The Response to Appeal may also include a rebuttal and/or impact statement. The statement should be submitted to the Assistant Dean to be shared.
- G. Cases involving loss of housing and/or dining privileges, suspension, and expulsion will be forwarded to a University Hearing Board for review.
- H. All other cases will be reviewed by the Dean of Students or designee for final disposition.
- I. A request for an appeal will be responded to in a timely manner by the appropriate appellate body.
  1. The Appeals Board:
    - a. Appeal Boards are comprised of one professional staff member, one faculty member, and one student chosen from active members of the University Hearing Board. When necessary, a University Hearing Board may be convened by a quorum. A quorum in this case would be a combination of at least two of the previously mentioned individuals.
    - b. When it is not feasible for the Board to meet in a timely fashion (semester breaks), appeals will be reviewed by an Assistant Vice President of Student Affairs.

- c. The Appeals Board or Assistant Vice President will review the written appeal and all documentation contained within the student's or group's disciplinary file.
  - d. The reviewer(s) is not obligated to reconvene a hearing if a violation of procedure is found. 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.
  - e. The Appeals Board by a simple majority vote will uphold the sanction, modify the sanction, or order a new hearing.
  - f. Appeals Board decisions for student groups are final and will be forwarded to the Assistant Dean for immediate implementation. However, under extenuating circumstances, students may request the Dean of Students or designee to review the Appeals Board decision.
2. A second level appeal may be made to the Vice President of Student Affairs to review the appeal decision. An appeal to the Vice President of Student Affairs must be presented within five (5) University business days of formal notification of the appeal decision. This must be submitted in writing via the Appeals Form ([https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout\\_id=10](https://publicdocs.maxient.com/reportingform.php?WestChesterUniv&layout_id=10))
- a. An appeal to the Vice President of Student Affairs must include clear and convincing reasons to overrule the decision of the first appeal. An appeal to the Vice President of Student Affairs should include information to support the following reasons for the appeal:
    - b. Violation of procedures;
    - c. Severity of the sanction is grossly disproportion to the violation;
    - d. Lack of substantial evidence upon which a determination of responsibility can be based;
    - e. New evidence that was not previously available and might substantially change the nature of the case.

The Vice President of Student Affairs may or may not elect to review a decision. The student petitioning for the appeal will be notified of the decision of the Vice President of Student Affairs, or designee, within a reasonable period of time. The second level appeal is the final step in the West Chester University process.

## **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 his/her right to this protection and meeting the requirements for valid waivers under the "Buckley Amendment." West Chester University will disclose disciplinary cases of students who have been found in violation of University policies and regulations in which the minimum outcome resulted in a period of Disciplinary Probation.
- B. West Chester University will also allow access to a disciplinary record in order to comply with a subpoena or court order served upon it. When served with a subpoena or court order, the University will notify the student in writing that it

is complying with the court order. The University will disclose the outcome of a disciplinary proceeding alleging sexual misconduct to both the complainant and the accused individuals. The University may disclose the results of a disciplinary proceeding brought against the alleged perpetrator of any crime of violence to the alleged complainant of any crime of violence, as that term is defined in 18 U.S.C. 16.

- C. 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 kinds of decisions will be made on a case-by-case basis. FERPA requires the confidentiality of individual student records.
- D. West Chester University maintains disciplinary records of students who have been found in violation of University policies and regulations. These records are maintained separately from the student's official academic records. The University shall retain discipline records for seven years after incident providing they were in good standing with the University. Records involving expulsions are kept indefinitely. The University reserves the right to keep any records for a longer period of time. All records related to student group conduct will be kept in the student group's official file indefinitely and the group outcomes may be shared or published at the University's discretion.

### **VIII. Revisions to the *Student Code of Conduct***

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