

2.01	Student Code of Conduct	##-###	Adoption Date 6/26/2025 Next Review Date 8/1/2028
------	-------------------------	--------	--

**BOARD OF REGENTS FOR HIGHER EDUCATION**  
**CONNECTICUT STATE COLLEGES AND UNIVERSITIES**  
*Interim Student Code of Conduct*

# Table of Contents

- I. Student Code of Conduct Policy
  - Preamble and Introduction and Delegation of BOR Authority..... 2
  - PART A: Definitions..... 3
  - PART B: Application, Scope and Jurisdiction.....6
  - PART C: Prohibited Conduct..... 8
  - PART D: Conduct and Disciplinary Records.....12
  - PART E: Interpretation and Revisions.....13
- II. Student Conduct Process/Procedures.....13
  - A. Standard of Proof.....13
  - B. Accommodations in Conduct Process.....13
  - C. Providing Information Leading to Complaint.....14
  - D. Investigation.....14
  - E. Administrative Conference.....14
  - F. Hearing Procedure.....15
  - G. Appeal.....18
  - H. Interim Administrative Action.....19
  - I. Sanctions.....19

## **I. STUDENT CODE OF CONDUCT POLICY**

### **PREAMBLE**

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students, and the general well-being of society. In line with this purpose, the Board of Regents for Higher Education (“BOR”) in conjunction with the Connecticut State Colleges and Universities (“CSCU”) has the duty to protect the freedoms of inquiry and expression, and furthermore, has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

CSCU has certain self-defined institutional values. Principal among these values is respect for the safety, dignity, rights, and individuality of each member of the CSCU community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is considered a privilege and an honor by those who are invited to join the CSCU community.

All members of the CSCU community must always govern their social and academic interactions with tolerance and mutual respect so that the students who pass through a CSCU door are enriched by these experiences and are prepared for full and enlightened participation in a multi-cultural society. Because of the BOR’s and CSCU’s commitment to principles of pluralism, mutual respect, and civility, certain activities or behaviors are not acceptable on CSCU campuses. Acts of intolerance, hatred or violence based on race, religion, sexual orientation or expression, disability, gender, age, ethnic background, gender identity or expression, or other protected classes, are antithetical to CSCU’s fundamental principles and values.

### **INTRODUCTION & DELEGATION OF BOR AUTHORITY**

This Student Code of Conduct (hereinafter the “Student Code” or “Code”) describes the types of conduct that is not acceptable in an academic community and the general process by which violations of the Code will be addressed. All students are expected to familiarize themselves with and are required to abide by the provisions of the Student Code. Students who violate the Code will be held accountable for their conduct. The conduct process within this Student Code is intended to be part of the educational mission of CSCU that promotes individual student development and the welfare of the CSCU community while upholding principles of fundamental fairness. Thus, the student conduct proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

The BOR has statutory authority to establish standards, regulations and procedures for students. The BOR has charged the CSCU Chancellor with developing the standards, regulations and procedures to protect student rights and to address student abdication of responsibilities in collaboration with the CSCU under the jurisdiction of the BOR. In turn, the CSCU Chancellor has delegated responsibility for these standards, regulations and procedures to specified administrative officials. Therefore, the Student Code is administered under the direction and

oversight of the CSCU *Associate Vice President for Enrollment and Student Success*. The CSCU *Associate Vice President for Enrollment and Student Success* is responsible for administering and coordinating recommendations from the CSCU community regarding suggested revisions to the Student Code and presenting the proposed substantive changes to the Academic Council, the Student Affairs Council, and the Academic and Student Affairs Committee for BOR's consideration and approval.

*Disclaimer: This Code is neither a contract nor an offer of a contract between any BOR governed institution and any student. In addition, any action protected by the constitution will not be considered a violation of the proscribed conduct. The provisions of this Code are subject to revision at any time.*

## A: DEFINITIONS

The following terms are defined to facilitate a more thorough understanding of the Student Code. This list is not intended to be a complete list of all the terms referenced in this Student Code that might require interpretation or clarification. The College or University Disciplinary Officer or Conduct Administrator shall make the final determination on the definition of any term found in this Student Code.

1. **“Accused Student”** or **“Accused Student Organization”** or **“Respondent”** means any Student or Student Organization, as defined in this Student Code, who is alleged to have engaged in conduct that violated this Student Code.
2. **“Administrative Agreement”** means an agreement between the Respondent and the Student Conduct Officer which identifies a mutual resolution.
3. **“Administrative Conference”** is a meeting between the respondent and the Student Conduct Officer to determine a resolution for the alleged behavior.
4. **“Advisor”** means a person who accompanies an Accused Student or Complainant for the limited purpose of providing advice, guidance, and support to the Accused Student or Complainant. An advisor may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
5. **“Appellate Body”** means any person or persons authorized by the Senior Student Affairs Officer or their designee to consider an appeal from a determination by a Hearing Body that a student has violated the Student Code.
6. **“Business Days”** means the weekdays (Mondays through Fridays) when the University or College is open.
7. **“College”** means Connecticut State Community College or Charter Oak State College.

8. **“Complaint”** means a report made in writing either by a person submitting the report or by a CSCU Official and submitted to the Senior Student Conduct Officer or their designee including allegations of potential violations of this code and a request to investigate.
9. **“Complainant(s)”** means the CSCU Community Member who initiates a complaint by alleging that a Student(s) or a Student Organization violated the Student Code.
10. **“CSCU”** means either collectively or singularly, any of the following institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, Western Connecticut State University; Connecticut State Community College, and Charter Oak State College.
11. **“CSCU Affiliates”** means individuals and/or entities with whom or with which the College or University has a contractual relationship.
12. **“College or University Official”** includes any person employed by any College or University to perform administrative, instructional, or professional duties.
13. **“CSCU Premises”** means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the BOR, University or College, either solely or in conjunction with another entity.
14. **“Hearing”** means a formal process where the alleged violation of the Code is examined and a decision is made regarding whether a respondent is responsible for a violation of the Code and if so, determine an appropriate outcome.
15. **“Hearing Body or Officer”** means any person or persons authorized by the Senior Student Affairs Officer or designee to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer or hearing board.
16. **“Institution”** means a university or college within the CSCU System.
17. **“Instructor”** means any faculty member, teaching assistant or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research, and academic advising.
18. **“May”** is used in the permissive sense.
19. **“Member of the CSCU Community”** includes any person who is a student, instructor, faculty member, or staff member; any other person working for a College or University, either directly or indirectly (e.g., private enterprise on campus); or any person who resides on College or University Premises. A person’s status in a particular situation shall be determined by the Senior Student Conduct Officer.
20. **“Policy”** is defined as the written regulations, standards, and student conduct expectations adopted by CSCU and found in, but not limited to, *Student Code of Conduct*, *The Student*

*Handbook, The Residence Life Handbook, CSCU IT Acceptable Use Policy, Interim Discriminatory Harassment, nondiscrimination, and Title IX Policy, and The Interim Resolution Process Procedures for BOR Policy 4-13.*

21. **“Presiding Hearing Officer”** means a College or University Official who is appointed by the Chief Student Affairs Officer to chair, conduct and facilitate the Hearing Body process.
22. **“Prohibited Conduct”** means the conduct prohibited by this Code, as more particularly described in Part I.C of this Code.
23. **“Report”** means any allegation of alleged misconduct regarding a student or recognized student organization.
24. **“Reporting Party”** means any person who alleges that a student has violated this Code.
25. **“Respondent”** means any student or recognized student organization accused of violating the *Student Code*.
26. **“Senior Student Affairs Officer”** means an administrative officer at a College or University with overall management responsibility for Student Affairs (i.e., Vice President, Dean, Provost, etc.).
27. **“Senior Student Conduct Officer”** refers to a staff member in Student Affairs, designated by the Senior Student Affairs Officer to be responsible for the overall coordination of the College or University student conduct system, including the development of procedures, education, and training programs.
28. **“Shall” and “will”** are used in the imperative sense.
29. **“Student”** means any person who has been notified of their acceptance for admission, registered, enrolled, or attending any College or University course or program. This applies whether enrollment is full-time or part-time; whether the course(s) occur on-campus, online, or at an off-campus instructional site (domestically, or internationally such as students studying abroad); and whether the student is pursuing undergraduate, graduate, non-degree seeking, post-graduate, or professional studies. This may also apply to any person who resides in a College or University residence hall. Persons who withdraw or otherwise depart a College or University after allegedly violating the Student Code are still considered students for the purpose of resolution through this Student Code. For the purposes of applying this Student Code, the Senior Student Conduct Officer, or designee, may use discretion in determining the person’s “student” designation and will have the authority to make any final determination as to whether or not a person is a “student.” Generally, a student is not considered to have a continuing relationship if a student has not been enrolled in classes at a University for three (3) or more consecutive terms, or has not been enrolled in classes at a College within two (2) calendar years after the conclusion of their last registered College course.

30. **“Student Code”** or the **“Code”** means this Student Code of Conduct.
31. **“Student Conduct file”** means the printed/written/electronic file, which may include, but is not limited to, incident report(s), correspondence, academic transcript, witness statements, and student conduct history.
32. **“Student Conduct Officer”** means any person designated by the Senior Student Affairs Officer to review, investigate and determine an appropriate resolution of an alleged violation of the *Student Code*.
33. **“Student organization”** means any group of students that are recognized and/or registered by College or University as a student organization or club (such as sororities and fraternities, leadership organizations, academic clubs, special interest clubs, sports clubs, etc.) or a non-recognized group of students that conducts business or participates in College or University-related activities as an affiliated organization. If a student organization is the subject of a conduct allegation, the organization’s president or leader will typically be the main point of contact throughout the student conduct process. Therefore, for the purpose of this *Code*, any instance where the term “student” is used to describe the Respondent in the student conduct process will refer to the organization’s president or leader. The *Student Code* applies to students and to student organizations. Unless otherwise noted, use of the term “student” in this document shall apply to the student as an individual and to a student organization as a single entity, as applicable. Nothing in this *Code* shall preclude holding certain members of a student organization accountable for their individual acts committed in the context of or in association with the organization’s alleged violation of the *Student Code*.
34. **“Support Person”** means a person, who accompanies an Accused or Complainant Student, a Reporting Party or a victim to a hearing for the limited purpose of providing support and guidance. A support person may not directly address the Hearing Body, question witnesses, or otherwise actively participate in the hearing process.
35. **“University”** means any of the following CSCU institutions: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University, or Western Connecticut State University.
36. **“Witness”** means any individual who has direct knowledge of an incident.

## **B: APPLICATION, SCOPE AND JURISDICTION**

1. The *Student Code* shall apply on CSCU campus property, at CSCU-sponsored activities, and at activities conducted by student organizations and may apply to off-campus conduct. This also applies to student conduct that occurs online and through other forms of electronic communication and social media. Where behaviors have a direct and distinct impact to the campus community, it may apply to off-campus conduct. A College or University may exercise jurisdiction off-campus if the conduct poses a threat to anyone’s

health, safety, or security, could negatively affect the mission or reputation of the College or University, poses a threat of undermining the College or University's educational process, involves an alleged violation of local, state or federal law, or if the College or University is required to do so by law.

2. Students remain subject to the *Student Code* and any applicable policies, procedures, rules, regulations or codes of conduct of affiliated clinical sites, offsite locations where a CSCU operates a program or another entity or higher education institution in the United States or abroad. Violations of either the *Student Code* or policies, procedures, rules, regulations or codes of conduct at another entity or higher education institution while a student at CSCU, regardless of location, may lead to disciplinary action by the other entity or higher education institution and/or the CSCU against a student. The Senior Student Conduct Officer or designee shall decide whether the *Student Code* shall be applied to student or student organization conduct occurring off campus on a case-by-case basis, at the Senior Student Conduct Officer's discretion.
3. If a person is considered a student at two or more CSCU institutions at the time of alleged misconduct set forth in the *Student Code*, the applicable CSCU institutions' Senior Student Conduct Officers, or their designees, may engage in a joint student conduct process that may result in sanctions at one or all applicable CSCU institutions. All procedural decisions regarding whether to engage a joint student conduct process shall be at the discretion of the institutions' Senior Student Conduct Officers.
4. Each student shall be responsible for one's own conduct from the time of admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of enrollment (and even if the conduct is not discovered until after a degree is awarded). The *Student Code* shall apply to a student's conduct even if the student withdraws from the College or University while a student conduct matter is pending. The *Student Code* shall also apply to former students who have been determined to have a continuing relationship as defined in Section I.A, with the outcome of the conduct case potentially impacting one's ability to be present on the College or University premises and/or ability to reenroll in the future.
5. Students shall also be responsible for the behavior and conduct of their guests on campus and/or any CSCU premises and for their guests' familiarity with the College or University rules and policies. Guests are expected to observe all College or University rules and regulations, and students are expected to always accompany their guests on campus and/or any CSCU premises. Authorized or unauthorized guests not in compliance with College or University rules and/or policies may be removed from the College or University property and issued a trespass warning. Any violations of the prohibited conduct outlined in section C of this policy by a guest of a student may result in the student being held accountable for the applicable violation.

6. CSCU student conduct proceedings may be initiated without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution resulting from the same or related conduct. Proceedings under *The Student Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Student Conduct Officer. Determinations made or sanctions imposed under the *Student Code* shall not be subject to change solely because criminal charges arising out of the same facts giving rise to violation of CSCU rules were dismissed, reduced, or resolved in favor of or against the defendant in the criminal matter.
7. Although there is no time limit for when conduct allegations can be filed against a student or student organization, it is generally more effective to report incidents as soon as possible after they occur, for reasons including but not limited to the following: witness memory, witness availability, obtaining evidence, and ability to hold a student or student organization accountable. Complaints should be submitted as soon as possible after an incident takes place. Discretion will be used with reports that are submitted more than thirty (30) days after an incident may have occurred. In situations where the delayed reporting of an incident makes it difficult to proceed, or when a student or student organization has been separated from a College or University for a considerable amount of time, the Senior Student Conduct Officer shall decide whether it is appropriate to apply the *Student Code* on a case-by-case basis.

## C: PROHIBITED CONDUCT

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code.

1. Acts of dishonesty, including but not limited to the following:
  - a. Providing false information, knowingly withholding relevant information, or supplying misleading information to any College or University Official, department or office, faculty member or law enforcement or security officer.
  - b. Misuse of CSCU documents, including, but not limited to forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other College or University identification document, course registration document, schedule card, transcript, or any other institution- issued document or record.
  - c. Tampering with the election process of any CSCU recognized student organization.
  - d. Refusing to provide identification, misidentifying oneself, or presenting/possessing any form of false or altered identification to College or University Official; or



- e. Representing oneself, or a student organization, as having the authority to enter into contracts or agreements that affect CSCU in any way without prior authorization from the CSCU.
2. Disruptive behavior, which is defined as participating in or inciting others to participate in the deliberate interference with the freedom of any person to express their views, or disruption, obstruction or prevention of the peaceful and orderly conduct of any CSCU activity, including, but not limited to: classes, lectures, quiet study, research, events, speaker presentations, administration, Student Conduct proceedings, the living/learning environment, or other CSCU or BOR activities or meetings, on or off-campus; or of other non-CSCU activities when the conduct occurs on CSCU premises; or of the living environment, on or off-campus.
  3. Disorderly, lewd, indecent (including, but not limited to, public nudity and sexual activity in areas generally open to members of a campus community) behaviors, breach of peace, aiding, abetting or procuring another person to breach the peace on CSCU premises or at functions sponsored by, or affiliated with the University or College, or offensive conduct which causes interference, annoyance, alarm, or recklessly creates a risk thereof at CSCU or on CSCU premises, any function sponsored by CSCU, or CSCU-controlled web or social media sites. This does not apply to speech or other constitutionally protected expressions.
  4. Any action that threatens or causes physical harm or endangers the well-being, health, or safety of another person.
  5. Harassment, which is defined as the severe or pervasive use by one or more students of a written, verbal, or electronic expression, or a physical act or gesture, or any combination thereof, directed at another individual that objectively and subjectively has the effect of:
    - a. Unreasonably interfering with an individual's work or equal access to education.
    - b. Creating an intimidating, hostile, or offensive work or academic environment.
    - c. Causing physical or emotional harm to the individual or damage to the individual's property; placing the individual in reasonable fear of harm to the individual and/or the individual's property; and/or
    - d. Infringing on the rights of other CSCU community members to fully participate in the programs, activities, and mission of the CSCU.

In determining whether an act constitutes harassment, the Student Conduct Officer, in collaboration with Equity and Civil Rights staff, when necessary, will consider the full context of the conduct, giving due consideration to the protection of CSU climate, individual rights, freedom of speech, academic freedom, and advocacy. Not every act that might be offensive to an individual or a group constitutes harassment and/or a violation of the *Student Code*.

Any action that constitutes prohibited behavior under the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy are administered under the associated procedures.

6. Failure to comply with public health or safety guidance set forth by the BOR, CSCU, federal, state, or local authorities, partner/affiliated institutions, and/or host governments or institutions while abroad.
7. Violations of privacy including, but not limited to, voyeurism and the use of web-based, electronic or other devices to make a photographic, or video record of any person without his or her express consent, especially when such a recording is intended or likely to cause injury or distress. Publicizing or threatening to publicize such records without the consent of the individuals involved is considered a violation of this Code.
8. Hazing, as defined by the CSCU Hazing Prevention and Reporting Policy.
9. Use, possession, purchase, sale, distribution of alcoholic beverages, except as expressly permitted by law and CSCU regulations, or presence under the influence of alcohol. Alcoholic beverages may not, under any circumstances, be used by, possessed by, or distributed to any person under twenty-one (21) years of age.
  - a. Consuming, carrying, or possessing an open container of alcohol in the public right-of-way, or on private property without the consent of the landowner or tenant, except as permitted by law.
10. Operating a motor vehicle while impaired by or under the influence of alcohol, narcotics or other controlled substances.
11. Use, possession, purchase, sale, distribution or manufacturing of narcotics, or being under the influence of controlled substances and/or drugs, including, but not limited to, marijuana and or heroin, or possession of drug paraphernalia which can be demonstrated to be linked to drug or controlled substances activity, except as expressly permitted by federal law. The use or possession of marijuana (medical or otherwise) on campus and/or any CSCU Premises is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Accordingly, CSCU Colleges and Universities prohibit the use or possession of marijuana, including medical marijuana, on campus and/or any CSCU Premises.
12. Use, possession or distribution of firearms, ammunition for firearms, other weapons or dangerous instruments, facsimiles of weapons or firearms, fireworks, explosives or dangerous chemicals. A dangerous instrument is any instrument, article or substance that, under the circumstances in which it is being utilized, can cause death or serious physical injury. The possession of a

deadly weapon or dangerous instrument on campus and/or any CSCU Premises is strictly prohibited, even if such an item is legally owned.

13. Failure without just cause to comply with the lawful direction of a CSCU College or University Official, or other lawful authority having just cause and acting in the performance of their duties and authority.
14. The setting of or participation in unauthorized fires or explosions; the false reporting of the presence of an emergency such as fires, bombs, incendiary or explosive devices; the unauthorized or improper possession, use, removal, or disabling of fire safety equipment and warning devices; failure to follow standard fire safety procedures; and/or interference with firefighting equipment or personnel.
15. Assisting another person in the commission, or attempted commission of a violation of the *Student Code*, or knowingly in the presence of the commission of the violation(s) of the *Student Code*, including but not limited to conduct of the student's guest.
16. Behaviors in violation of published CSCU policies, College or University policies, rules, or regulations, including but not limited to:
  - a. BOR Information Technology Acceptable Use Policy (BOR Policy IT-001), BOR Information Technology Electronic Communication Policy (BOR Policy IT-002), or the BOR/CSCU Information Security Policy (BOR Policy IT-004);
  - b. Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy;
  - c. The On-Campus Housing Contract;
  - d. Interim Academic Misconduct Policy
17. Theft, which includes, but is not limited to, attempted or actual theft of property or services.
18. Forcible entry and/or unauthorized presence in CSCU owned buildings or property, including but not limited to, construction of permanent or semi-permanent structures within CSCU owned buildings, in or on CSCU property for any activity, unless the construction itself is undertaken and/or approved by the State, BOR, College and/or University.
19. Unauthorized possession, access, duplication, or misuse of CSCU property or other personal or public property, including, but not limited to, records, electronic files, telecommunications systems, forms of identification, and keys.
20. Damage or misuse of property, which includes, but is not limited to, attempted or actual damage to or misuse of CSCU property or other personal or public property, or unauthorized use or misuse of CSCU intellectual property, including but not limited to, trademarks, logos, names, or images.

21. Violation of federal, state or local law, regulation and/or ordinance when such violation represents a substantial or negative impact on the CSCU or any member of the CSCU community.
22. Abuse of the CSCU Student Conduct system, including but not limited to:
  - a. Disruption or interference with the orderly conduct of a Student Conduct Proceeding.
  - b. Falsification, distortion, or misrepresentation of information to a Student Conduct officer or hearing body.
  - c. Influencing or attempting to influence another person to commit an abuse of the Student Conduct system.
  - d. Attempting to discourage or retaliate against an individual's proper participation in, or use of, the Student Conduct system.
  - e. Attempting to intimidate or retaliate against a Student Conduct officer, member of the hearing body or any other participant prior to, during, and/or after a Student Conduct proceeding.
  - f. Initiation of conduct or disciplinary proceeding knowingly without cause.
  - g. Failure to comply with the sanction(s) imposed under the *Student Code*.

## **D: CONDUCT AND DISCIPLINARY RECORDS**

The written decision, *or resolution*, resulting from an administrative conference or a hearing under this Code shall become part of the students' educational record and shall be subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). A student's disciplinary record shall be maintained separately from any other academic or official file maintained by the Institution. Disciplinary records will be maintained for a period of five (5) years from the date of the incident, except that the sanction of expulsion shall be noted permanently.

While student education records are generally protected from disclosure by FERPA, there are several exceptions to this rule. Students should be aware that a record concerning their behavior while a student at the College or University may be shared with other colleges or universities to which the student may subsequently wish to transfer or be admitted. Student Conduct records may be shared within CSCU where there is legitimate purpose and a student has a continuing relationship with CSCU. Similarly, prospective employers may require a student to provide access to his/her education records as part of the employment application process. A record of having been sanctioned for conduct that violates Section I.C. of the Code may disqualify a student for admission to another college or university and may interfere with his/her selection for employment.

## **E: INTERPRETATION AND REVISION**

Questions regarding the interpretation of this Code shall be referred to the Senior Student Affairs Officer at the specific College or University.

The CSCU *Associate Vice President for Enrollment and Student Success* is responsible for periodic review and updates to this Policy, in consultation with the Office of General Counsel and other relevant CSCU stakeholders. The BOR reserves the right to revise this Policy as necessary.

## **II. STUDENT CONDUCT PROCESS/PROCEDURES**

The following procedures shall be followed in addressing allegations of *Student Code* violations. These procedures do not apply to allegations relating to academic misconduct or violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy. Allegations of conduct that could constitute a violation of the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy, and the *Student Code* will be administered according to the Interim Discriminatory Harassment, Nondiscrimination, and Title IX Policy and applicable procedures.

### **A. STANDARD OF PROOF**

The student conduct process utilizes a “preponderance of evidence” standard of proof, which evaluates whether it is more likely than not that a violation occurred.

### **B. ACCOMMODATIONS IN THE CONDUCT PROCESS**

CSCU is committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. It is the responsibility of students with documented disabilities seeking accommodation to notify their appropriate campus accessibility/disability services office in a timely manner concerning the need for such accommodation. CSCU will make reasonable accommodations for access to programs, services, and facilities as outlined by applicable state and federal laws.

A student requesting an accommodation related to an administrative conference or hearing must follow the appropriate process for requesting an accommodation through the appropriate campus accessibility/disability services office. The office designated to work with students with disabilities will make a determination regarding the request and notify the appropriate parties.

### **C. PROVIDING INFORMATION LEADING TO A COMPLAINT**

Any person may provide information leading to the filing of a complaint against a student or a student organization alleging a violation of the *Student Code*. A complaint must be made in writing either by a person submitting the report or by a CSCU Official and submitted to the Senior Student Conduct Officer or their designee.

### **D. INVESTIGATION**

1. The Senior Student Conduct Officer, or their designee, shall conduct a fair and impartial investigation to evaluate the reported allegations and determine if a complaint constitutes a potential violation of the *Student Code*. The Senior Student Conduct Officer, or their designee, will make reasonable efforts to interview witnesses and obtain supporting documentation regarding the incident from relevant entities or sources.
2. If upon the conclusion of the investigation the Senior Student Conduct Officer or their designee determines there is insufficient reason to believe the Respondent has committed a violation of any part of the Student Code, the Senior Student Conduct Officer or their designee shall dismiss the matter. The decision to continue a matter through the conduct process is the decision of the Senior Student Conduct Officer, or designee.
3. If upon the conclusion of the investigation, the Senior Student Conduct Officer or their designee believes there is sufficient evidence that suggests a possible violation of any part of the Student Code, they shall provide written notice to the Respondent and refer the charges to an administrative conference. Said statement shall contain (a) a concise statement of the facts on which the charge is based; (b) a citation of the Prohibited Conduct alleged to have been violated; (c) a statement of the maximum possible sanction; and (d) the time and place of an administrative conference. The Respondent will be notified by the assigned CSCU email account and by any other reasonable means, if necessary.

#### **E. ADMINISTRATIVE CONFERENCE**

1. If the Student Conduct Officer determines a sanction of less than revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition, the Senior Student Conduct Officer or designee shall schedule an administrative conference with the Respondent to discuss the alleged policy violation and possible sanctions. The Senior Student Conduct Officer or designee shall provide the Respondent a written notice of the conference stating the date, time, and location of the conference as well as a brief statement of the allegations and the section of the Code alleged to have been violated. At the administrative conference the Respondent shall have the opportunity to present information for the Student Conduct Officer's consideration. At the conclusion of the administrative conference, the Student Conduct Officer shall determine whether it is more likely than not that the student has violated the Student Code and, if so, impose a sanction less than revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition. The Student Conduct Officer shall provide the Respondent with a written determination of the outcome of the conference as well as further rights of appeal, as set forth in Section G.
2. If the Senior Student Conduct Officer or designee determines that a sanction may involve revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the college or university, or student organization loss of recognition, and the Senior Student Conduct Officer

or their designee believes an Administrative Agreement is appropriate, the Senior Student Conduct Officer, or designee, shall schedule an administrative conference with the Respondent to explore resolution of the case through an Administrative Agreement. The Senior Student Conduct Officer or designee shall provide the Respondent a written notice of the conference stating the date, time, and location of the conference as well as a brief statement of the allegations and the section of the Code alleged to have been violated. If the case is resolved through an Administrative Agreement by mutual consent of the Respondent and the Senior Student Conduct Officer or their designee, the Administrative Agreement shall be final and there shall be no subsequent proceedings. If the Respondent does not agree to a resolution by an Administrative Agreement, the Senior Student Conduct Officer or their designee shall schedule a hearing by a Hearing Body, as set forth in Part II.F., below.

#### **F. HEARING PROCEDURES**

1. Prior to a hearing, the Senior Student Conduct Officer or their designee will issue written notice of hearing to the Respondent. The notice shall include: (a) a concise statement of the facts on which the charge is based; (b) a citation of the Prohibited Conduct alleged to have been violated; (c) a statement of the maximum possible sanction; (d) the date, time and location of the hearing; and (e) the names of the impartial hearing body members. A hearing will generally be conducted within fifteen (15) business days of the Respondent being notified of the charges, but not less than three (3) business days from the date of notice.
2. A Respondent accused of misconduct that may lead to a sanction involving revocation of admission or enrollment, residence hall suspension; suspension; residence hall expulsion; expulsion from the CSCU, or student organization loss of recognition has the right to be heard by an impartial Hearing Body. "Impartial" shall mean that each individual Hearing Body member was not party to the incident(s) under consideration and have no personal interest in the outcome of the proceedings. Prior to the commencement of the hearing, any concern surrounding the impartiality of the Hearing Body or any member thereof will be referred to the Senior Student Affairs Officer or their designee, who will review the matter and make a determination. The Senior Student Affairs Officer, or designee, shall designate a Presiding Hearing Officer, who shall be responsible for facilitating and conducting the impartial hearing process.
3. The Respondent, the Complainant and/or any alleged victim may request a delay of the hearing due to extenuating circumstances. Any decision to postpone the hearing shall be made by the Presiding Hearing Officer, who may consult with the Hearing Body or Senior Student Conduct Officer or their designee as appropriate. All procedural questions regarding the hearing process are subject to the final decision of the Presiding Hearing Officer.

4. The Presiding Hearing Officer may modify procedures after taking into consideration any reasonable accommodations, required supports, or privacy needs of the parties and/or potential hearing participants. This may include but not be limited to, alteration of hearing room set-up, use of multiple rooms, video conferencing, other electronic means, or other accommodations.
5. **Advisors:** The Complainant, any alleged victim, and the Respondent shall each have the right to be accompanied by an Advisor. The Advisor should be someone whose schedule allows attendance at the scheduled date and time for the disciplinary hearing because delays will not normally be allowed due to the scheduling conflicts of an Advisor. The Advisor may not directly address the Hearing Body, Student Conduct Officer or the Presiding Hearing Officer, witnesses or other active participants in the student conduct process.
6. **Hearing:** Hearings shall be closed, but the Hearing Body may, in its discretion, admit any person into the hearing room. All participants in the hearing are expected to be respectful of each other's purpose in the hearing process and to conduct themselves according to the direction of the Hearing Body. The Presiding Hearing Officer shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.
7. The Respondent, the Complainant and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the Hearing Body and the presentation of sanctions. In hearings involving more than one Respondent, the Hearing Body may determine that, in the interest of fairness, separate hearings should be conducted.
8. **Record of Hearing:** The CSCU shall make an audio, video, or written recording of the hearing. The recording shall be the property of the CSCU. No other recordings shall be made by any person during the hearing. Upon request, the Respondent may review the recording in a designated CSCU office in order to prepare for an appeal of the decision rendered by the Hearing Body. Further disclosure of the recording shall be governed by applicable state and federal law.
9. **Opportunity to Present a Defense:** The Respondent shall have the full opportunity to present a defense and information, including the testimony of witnesses, on their behalf. The Hearing Body and/or Senior Student Conduct Officer or their designee and the Respondent may question the statements of any person who testifies in a manner deemed appropriate by the Presiding Hearing Officer. The Complainant or Senior Student Conduct Officer or their designee and the Respondent may make concluding statements regarding the charges made and the information presented during the hearing. The Hearing Body may question the Respondent and the Complainant, any witness presented by the Respondent or the Senior Student Conduct Officer or their



designee, and any other witness(es) the Hearing Body may choose to call to testify.

**10. Respondent Can Choose Whether or Not to Testify in Their Own**

**Defense:** The Respondent who is present at the hearing shall be advised by the Hearing Body that they are not required to present any information, to answer questions, or to make any statement regarding the complaint or the allegations set forth in the complaint. Refusal to do so shall not be considered by the Hearing Body to constitute evidence of responsibility.

**11. Non-Appearance of Respondent at the Hearing:** If a Respondent does not appear at the hearing, the Hearing Body shall enter a plea of “not responsible” on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of a Respondent to appear at the hearing shall not be considered by the Hearing Body to constitute evidence of responsibility.

**12. Presentation of Evidence:** Hearings shall not be bound by formal rules of evidence; however, all evidence must be relevant and reliability will impact the weight evidence is given by the Hearing Body. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish responsibility or innocence in a case. The Senior Student Conduct Officer or their designee and/or the Complainant and the Respondent are responsible for presenting their respective witnesses, relevant information, and making any concluding statements regarding the allegations. Only evidence introduced at the hearing may be considered by the Hearing Body in determining whether it is more likely than not that the alleged violation was committed by the Respondent.

**13. Evidence of Prior Conduct Actions:** A Respondent’s previous disciplinary record shall not be used to establish responsibility in a current case; however, evidence of prior CSCU conduct actions may be presented to the Hearing Body only after a determination of responsibility has been made and only for consideration in connection with determining the appropriate imposition of sanction(s). The Hearing Body may review the Respondent’s academic transcript and disciplinary record, and such review shall be conducted in a private deliberation among the Hearing Body members.

**14. Accommodation of Witnesses:** The Hearing Body may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, the Respondent, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Hearing Body to be appropriate.

15. **Written Notice of Decision:** The Respondent shall receive written notice via their assigned CSCU email account and by any other reasonable means, if necessary, of the decision of the Hearing Body. Notice shall set forth the decision rendered, including a finding of “responsible” or “not responsible,” and the sanctions imposed, if any. The decision of the Hearing Body, as well as the sanction(s) imposed, if any, generally will not be released to third parties without the prior written consent of the Respondent. However, certain information may be released if and to the extent authorized by state or federal law.

## G. APPEAL

1. **Requests for an Appeal of a Decision:** A Respondent may appeal the Hearing Body decision or an outcome of an Administrative Conference where an Administrative Agreement was reached. An appeal request must be made in writing to the Senior Student Affairs Officer or their designee within three (3) business days of the Respondent’s receipt of the written notice of decision. For good cause shown, the Senior Student Affairs Officer or their designee may extend the three (3) business day limitation on filing a request for an appeal. A Respondent may request only one appeal of each decision rendered.
2. **Grounds for an Appeal:** The Respondent has the right to appeal the decision of the Hearing Body on the grounds that: (i) the procedures set forth in this *Student Code* were not followed and, as a result, the decision was substantially affected; (ii) new information, sufficient to alter the decision, or other relevant facts were not brought out in the original hearing because such information and/or facts were not known to the Respondent at the time of the original hearing, or (iii) the sanction(s) imposed were not appropriate for the violation of the *Code* for which the Respondent was found responsible; The appeal shall be limited to a review of the record except as required to explain the basis of new information.
3. **Appeal Procedures:** To prepare for the appeal, the Respondent may review the recording of the original hearing in a designated CSCU office but will not be permitted to remove the recording from that office or make copies. The Senior Student Affairs Officer or their designee shall consider the appeal request and render a decision within ten (10) business days of the filing of the appeal.
  - a. If an appeal relating to ground (i) set forth in PART II.G.3, above, (i.e., procedural irregularity) is granted, the Senior Student Affairs Officer, or designee, shall refer the matter to a new hearing before a new hearing body.
  - b. If an appeal relating to ground (ii) set forth in PART II.G.3, above, (i.e., new information) is granted, the Senior Student Affairs Officer, or designee, shall refer the matter to the original hearing body to reopen the determination so they may consider the new information.

- c. If an appeal relating to ground (iii) set forth in PART II.G.3, above, (i.e., sanction not appropriate) is granted, the Senior Student Affairs Officer, or designee, may lessen the sanction imposed.
  - d. If an appeal is not granted, the matter shall be considered final and binding upon all involved.
4. **Status of Student Pending Appeal:** All sanctions imposed by the Hearing Body shall be and continue in effect pending the outcome of an appeal. Any request to delay the commencement of sanctions pending an appeal must be made by the Respondent, in writing, to the Senior Student Affairs Officer or their designee at the time of submitting the appeal, within three (3) business days of the Respondent's receipt of the written notice of decision.

#### H. INTERIM ADMINISTRATIVE ACTION

The Senior Student Affairs Officer or designee may impose an interim Suspension, an interim Removal from Housing, an interim Loss of Recognition in the case of conduct relating to a student organization, and/or other necessary interim measures on a Respondent prior to a Student Conduct resolution of the alleged violation. Such action may be taken when, in the professional judgment of a CSCU official, a threat of imminent harm to persons or property exists.

Interim administrative action is not a sanction. It is taken in an effort to protect the safety and well-being of the reporting party, Complainant, CSCU community, or of property. Interim administrative action is preliminary in nature; it is in effect only until there is a resolution of the Student Conduct matter.

#### I. SANCTIONS

Sanctions which may be imposed for violations of the *Student Code* are listed below. In determining appropriate sanctions, the Hearing Body may take into consideration any and all prior violations of the *Student Code* for which the Respondent was determined to be responsible. The Hearing Body shall have the authority to defer the imposition of any sanction when deemed appropriate. The CSCU may withhold awarding a degree until the completion of the process set forth in this *Student Code*, including the completion of all sanctions imposed, if any.

The following sanctions may be imposed, individually or in various combinations, on any Respondent found to have violated the *Student Code* and will be entered into the Respondent's disciplinary records. Notation of disciplinary sanctions shall be on file only in the appropriate office in Student Affairs and shall not be released without the written consent of the Respondent except to appropriate CSCU enforcement personnel, College or University Police, staff and administrators, or as permitted by law.

1. **Warning:** A disciplinary warning is a written notice to a Respondent advising that the specific behavior or activity constitutes a violation of the *Student Code* and that the substantiated repetition of such behavior will likely result in the commencement of more serious disciplinary action by the issuing CSCU institution.
2. **Fine:** A sanction involving the imposition of a specified dollar amount due and payable by a specified date.
3. **Probation:** Disciplinary probation is a designated period during which a Respondent is given the opportunity to modify unacceptable behavior and/or to complete specific assignments to regain full student privileges within issuing CSCU institution's community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the Respondent including, but not limited to, financial restitution, community service, fines, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in the issuing CSCU institution's activities or events. Periodic contact with a designated member of the CSCU community or non-college professional may be required. If the Respondent fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the Respondent upon termination of the probationary period. Failure to comply with the terms and conditions of the disciplinary probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A Respondent shall be given due notice of the alleged violation of the disciplinary probation and the procedures set forth in this *Student Code* shall be followed.
4. **Loss of Privileges:** Denial of specified privileges for a designated period.
5. **Restitution:** Compensation required of Respondent(s) in the theft, misuse, damage or destruction of institutional, group or private property. The amount of restitution is dependent on the extent of damage as well as what is determined to be the most appropriate way for Respondent(s) to make amends for the damage caused. The amount, form, and method of payment for restitution may be decided by a Senior Student Conduct Officer or their designee or a Hearing Body, as appropriate.
6. **Discretionary Sanctions:** Work assignments, essays, service to the CSCU, or other related discretionary assignments, participation in educational programs, parental notification under limited circumstances, and ineligibility to participate in issuing CSCU institution's activities or events. Periodic contact with a designated member of the CSCU community or non-CSCU professional may be required.
7. **Residence Hall Warning:** A written notice to a Respondent advising that specific behavior or activity constitutes a violation of the *Student Code* and that the substantiated repetition of such behavior will likely result in the commencement of more serious disciplinary action by the issuing CSCU institution.
8. **Residence Hall Probation:** A designated period during which a Respondent is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within the residence hall in which the Respondent resides. Residence Hall Probation may include restrictions and/or conditions on the exercise of residence hall activities and privileges. Periodic contact with a designated member of the residence hall staff or professional may be required. If the Respondent fully complies with the terms and conditions imposed in connection with the residence hall probation, full residence hall privileges will be restored to the Respondent upon termination of the probationary period. Failure to comply with the terms and conditions of the Residence Hall Probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A

Respondent shall be given due notice of the alleged Residence Hall Probation violation and the procedures set forth in this *Code* shall be followed.

9. **Residence Hall Suspension:** A Residence Hall Suspension is a separation of the Respondent from the residence halls for a definite period, after which the Respondent is eligible to return. Conditions for readmission may be specified by the Hearing Body.
10. **Residence Hall Expulsion:** Permanent separation of the Respondent from the residence halls.
11. **Suspension:** Suspension is separation for a designated period after which the Respondent shall be eligible to apply for readmission to the issuing CSCU institution. Readmission to the issuing CSCU institution is not guaranteed. Conditions for consideration of readmission may be specified by the Hearing Body. A Respondent, who is on suspension, is prohibited from participating in any activity or program at the issuing institution. The individual may not be in or on any property owned or leased by the issuing CSCU institution without securing prior approval from the Senior Student Conduct Officer or their designee. Suspension shall be effective on the date that the suspension notice is provided to the Respondent, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the Respondent may petition for readmission to the issuing CSCU institution.
12. **Expulsion:** Expulsion is permanent disciplinary separation from the issuing CSCU institution and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the Respondent, or later, if stated in the notice. A Respondent separated by expulsion may not be in or on any property owned or leased by the issuing CSCU institution without securing prior approval from the Senior Student Conduct Officer or their designee.

**Revocation of Admission or Enrollment:** Upon the recommendation of the Hearing Body, admission to the University may be revoked by a College or University. Upon the recommendation of the Hearing Body, a degree conferred by the College or University may be revoked by the University with the approval of the BOR.

**Consequences of Failure to Comply with a Duly Assigned Sanction:** Failure to comply with sanctions which have been assigned through a formal conduct process may lead to one or more of the following consequences:

1. Denial of access to certain CSCU services, including, but not limited to housing and parking;
2. Denial of access to administrative processes, including, but not limited to, course add/drop, pre-registration, registration, and room selection; and/or
3. Withholding of the privilege of participation in CSCU sponsored activities and/or public ceremonies, or formal disciplinary charges under II.E hereof.

### **Sanctions Which May Be Imposed on Student Organizations**

1. **Sanctions:** Those sanctions listed in PART II. I.
2. **Loss of recognition:** Loss of recognition for a specified period results in the loss of privileges, such as the use of CSCU space, access to student activity fee funding, and/or the privilege of functioning as a student organization. Conditions for future recognition may be imposed by the Hearing Body.

**Aggravated Violations:** If a student is in violation of the *Student Code* and the prohibited conduct was directed toward an individual or group due to race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, gender identity or expression, age, physical or mental disabilities, including learning disabilities, intellectual development disorders, and past/present history of a mental disorder, the Student Conduct officer or Hearing Body may consider such conduct as an aggravating factor when determining the sanctions.