

Fulbright

Student Code of Conduct

VERSION 1.0

08 JULY 2020



TABLE OF CONTENTS

1	INTRODUCTION.....	3
2	JURISDICTION.....	3
3	VIOLATIONS OF LAW.....	4
4	DEFINITIONS.....	4
5	PROHIBITED CONDUCT/BEHAVIOR.....	6
5.1	Academic Misconduct.....	7
5.2	Abusive/Threatening Behavior.....	7
5.3	Abuse of Student Conduct Process.....	7
5.4	Discrimination.....	8
5.5	Disruptive Behavior.....	8
5.6	Harassment.....	8
5.7	Misconduct related to Property.....	9
5.8	Fire safety and Evacuation.....	9
5.9	Misuse of Alcohol.....	10
5.10	Misuse of Drugs.....	10
5.11	Non-Compliance.....	10
5.12	Residence Life Misconduct.....	11
5.13	Retaliation.....	11
5.14	Sexual Misconduct.....	11
5.15	Violation of Law or University Policy.....	12
5.16	Weapons and Dangerous Substances.....	12
6	INTERIM MEASURES.....	13
6.1	Interim No Contact Order.....	13
6.2	Interim Residential Relocation.....	13
6.3	Interim Residential Suspension.....	14
6.4	Interim University Suspension.....	14
6.5	Interim Transcript Notation.....	14
6.6	Interim Registration Hold.....	14
6.7	Interim Restriction of Organizational Activity.....	14
7	PROCEDURES.....	14
7.1	Reports.....	14
7.2	Review and Investigation.....	15
7.3	Notification of Alternative Resolution Process.....	15
7.4	Notification of a Student Conduct Hearing.....	16

7.5	Student Conduct Hearing.....	17
7.6	Student Conduct Hearing Guidelines:	18
7.7	Decisions	18
7.8	Sanctions	19
8	APPEAL PROCESS.....	21
8.1	Grounds for Appeal	21
8.2	Hearing of Appeal	22
8.3	Appeal Decision.....	22
9	STUDENT CONDUCT RECORDS.....	23
9.1	Records maintenance.....	23
9.2	Access to and Copies of Records.....	23
9.3	Disciplinary records related to student organizations	23
10	CONFIDENTIALITY	23
11	REVISION	24
12	ACKNOWLEDGEMENT	24

1 INTRODUCTION

The Student Code of Conduct emphasizes Fulbright University Vietnam’s commitment to an academic community which exercises the responsible engagement of its students.

The fundamental purpose of the Student Code of Conduct (hereafter referred to as the “Code”) is to promote and to protect the health, safety, welfare, property, and rights of all members of Fulbright community. In addition, it is to promote the orderly operation of the Fulbright University Vietnam’s (hereafter referred to as the “University”) and to safeguard its property and facilities. The University fully recognizes and values the right of all in the University community, including students, faculty, and staff, to seek knowledge, debate ideas, form opinions, and freely express views in accordance with the expectations set forth in this Code. As members of the University community, students accept certain rights and responsibilities which support the educational mission and develop an inclusive environment that aims for the betterment of all persons associated with the University.

The student conduct process is designed to be a learning experience that can promote growth, bring about behavioral changes, and develop a personal understanding of one’s responsibilities and integrity, and consequences and impacts of one’s actions. This process should balance the needs and rights of students with the needs and expectations of the University and community in which it operates. Sanctions and interventions are intended to promote the University’s educational mission.

The Student Code of Conduct covers University intervention, resolution options, and disciplinary actions related to students and University-affiliated student organizations. This Code does not address academic misconduct, which is covered by the Code of Academic Integrity.

2 JURISDICTION

The Student Code of Conduct and relevant procedures apply to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment including leave of absence.

The Code applies to behaviors that take place on University premises, at University-sponsored programs and activities, through electronic media, and may also apply to off-campus behavior that adversely affects a University interest. A University interest is a matter of concern that includes:

- A. Any situation where it appears that the student’s conduct may present a danger or threat to the health and safety of others;

- B. Any situation significantly infringing upon the rights, property, or educational pursuits of others or significantly damaging the institution's reputation or relationship with the larger community; and/or,
- C. Any situation detrimental to the pursuit of the educational mission and/or interests of the University.

The Student Code of Conduct may be applied to behavior online, via email, or other electronic media. Off-campus jurisdiction will be determined on a case-by-case basis.

Students may be held accountable for the misconduct of their guests. Visitors to, and guests of, the University may seek resolution of alleged violations of the Student Code of Conduct committed against them by students of the University community.

3 VIOLATIONS OF LAW

The student conduct process is distinct and different from criminal and civil court proceedings and administrative sanction measures imposed by Vietnamese State authority. When an offense occurs over which the University has jurisdiction, the University conduct process will generally go forward regardless of any criminal or civil action or administrative sanction that may arise from the same incident. The process may be carried out prior to, concurrently with, or following civil or criminal proceedings or administrative sanction measures at the discretion of the President of Fulbright University Vietnam.

Determinations made or sanctions imposed under the Student Code of Conduct will not be subject to change because criminal or civil action or administrative sanction, or legal outcomes arising out of the same facts, were dismissed, reduced, or resolved in favor of or against the Respondent.

4 DEFINITIONS

Academic Leadership Committee is chaired by the Provost, and includes the Academic Deans and Director of Student Life.

Advisor/Support Person means any one person chosen by any Impacted Party, Respondent, or witness to provide guidance throughout the student conduct process. Examples of advisors include, but are not limited to, University faculty, staff, administrators, student representatives, and attorneys.

Appeal Board consists of individual members appointed by The Provost to hear appeals of student conduct cases.

Alternative Resolution If deemed appropriate by the Student Conduct Board, the student or organization may agree to forego a student conduct process in favor of reaching a mutually agreed upon resolution. If the student or organization chooses to participate in an alternative resolution process and complies with all

requirements, that incident will not be maintained as part of a student conduct record.

Complainant refers to a member of the University community who raises a complaint about another person's alleged violation(s) of the Code.

Consent to sexual activity is present when clearly understandable words or actions manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate contact. Consent must be all of the following: knowing, active, voluntary, present, and ongoing. Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (the age of consent is 18 in Vietnam), physical condition, or disability that impairs the individual's ability to give consent. Silence, in and of itself, cannot be interpreted as consent.

Disciplinary standing is a status indicating whether or not a student or organization currently has any disciplinary sanctions as a result of a violation of the Student Code of Conduct.

Discretionary outcomes are sanctions that may be assigned when a student or organization is found responsible for a violation of the Student Code of Conduct and requires action. These outcomes are designed to provide restorative education, conflict management, treatment, support and accountability for the student/organization as a result of their behavior(s).

Hearing Panel is appointed by the Student Conduct Board and is comprised of at least three (3) members drawn from the Student Conduct Board membership, including at least one student representative. The Student Conduct Board may also call on any member of the University community who has expertise specific to the case being considered to serve as a Panel member. The Student Conduct Board will appoint members of the Hearing Panel appropriate for each case.

Impacted party means an individual or individuals who have been directly affected by another person's alleged violation(s) of the Code. An Impacted Party files a report or on whose behalf a report is filed, has the right to observe the hearing for the Respondent in their case and present information.

Investigator refers to a University official appointed and authorized by the Student Conduct Board to conduct an investigation into a reported violation of this Code. An Investigator is a neutral fact finder who examines the allegations, collects information and evidence, and presents the results of the investigation to the Student Conduct Board and in any subsequent hearing.

Policy means the written rules and regulations of the University as found in, but not limited to, the Code of Academic Integrity, the Student Code of Conduct, the Residential Life Policy, the Privacy Policy, and/or any other university-related Policies.

Respondent refers to a student or organization who is alleged to have violated the Student Code of Conduct.

Student, as pertaining to the Student Code of Conduct, is defined as:

1. Persons enrolled at Fulbright University Vietnam full-time or part-time, pursuing undergraduate, graduate, continuing education, or any credit-bearing course or program offered by the University;
2. Persons who are not enrolled for a particular academic term but who have a continuing educational relationship with the University;
3. Persons who have been notified of their acceptance for admission.

Student Conduct Board (SCB) consists of faculty, staff, and student representatives appointed to oversee the student conduct process. The Student Conduct Board is authorized to determine whether a student or a student organization has violated the Student Code of Conduct and to impose sanctions that will educate and promote healthy behaviors. The Student Conduct Board is chaired by the Director of Student Life and is comprised of 2 faculty representatives and 2 staff representatives appointed by the Academic Leadership Committee, and 2 student representatives appointed by the Student Council. Faculty, staff, and student members of the Student Conduct Board shall serve a term of one academic year. Student Conduct Board decisions require a quorum of greater than fifty percent (50%) of its members.

Student conduct record refers to any official record maintained by the University when a student or organization has been sanctioned to a disciplinary standing.

Student organization includes all registered student organizations and other student groups associated with Fulbright University Vietnam.

University community includes any person who is a student, faculty member, University official, visitor, volunteer, representative of the University, or any person employed by the University.

University official means any person employed by the University performing assigned administrative or professional responsibilities, can be part-time or full-time, or can be student staff members.

University premises refer to all land, buildings, facilities, and other property in the possession of or owned, used, leased or controlled by the University on campus, at the residence or other locations (including adjacent streets or sidewalks).

Witness means any individual(s) who may offer information regarding an allegation of misconduct.

5 PROHIBITED CONDUCT/BEHAVIOR

The following list of behaviors is not exhaustive, and the University reserves the right to amend its rules and policies. Each student is expected to abide by this Code and to be accountable for their behavior. Lack of familiarity with the Code is not a justification for violating any provision of this Code.

5.1 Academic Misconduct

Violations of the [Code of Academic Integrity](#) encompass any act that compromises or subverts the integrity of the educational or research processes. Violations may fall under one or more categories. These violations include, but are not limited to: plagiarism, misrepresentation, copyright infringement, fabrication, cheating, stealing, bribery, impeding access to education, misrepresenting relationship with the University, and facilitation. See the [Code of Academic Integrity](#) for detailed definitions and disciplinary procedures for violations.

5.2 Abusive/Threatening Behavior

- Physical abuse, including (but not limited to) intentionally or recklessly causing physical harm or endangering the health or safety of any person, including oneself, or an animal.
- Written or verbal abuse, coercion, implied threats or acts, through any method of communication, which causes reasonable fear or harm interfering with a person's safety, welfare, physical or psychological health and their ability to participate in or benefit from the University's educational, social and/or residential program.
- Any form of abusive or threatening behavior specific to current or former intimate partners.
- Hazing, which includes any act that endangers the mental, emotional, physical health or safety of a student, or that destroys or removes public or private property, for the purpose of intimidation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene, to prevent, to discourage, and/or failing to report those acts may also constitute hazing.

5.3 Abuse of Student Conduct Process

Any abuse, interference, or failure to comply with University processes including, but not limited to:

- Falsification, distortion, or misrepresentation of information.
- Failure to provide, destroying, or concealing information during an investigation of alleged misconduct.
- Attempting to discourage an individual's participation in, or use of, the student conduct system.
- Harassment (verbal or physical) and/or intimidation of a member of the student conduct process prior to, during, and/or following a student conduct proceeding.
- Failure to comply with the sanction(s) imposed by the student conduct system.

- Influencing, or attempting to influence, another person to commit an abuse of the student conduct system.

5.4 Discrimination

- A distinction, whether intentional or not, but based on grounds relating to personal characteristics of the individual or group, which has the effect of imposing burdens, obligations or disadvantages on such individuals or groups not imposed upon others, or which withholds or limits access to opportunities, benefits, and advantages available to other members of society.

5.5 Disruptive Behavior

- Engaging in behavior that disrupts or interferes with teaching, learning, classroom, or other educational interactions, residential communities, research, administration, disciplinary proceedings, or other institutional activities, including other authorized activities on institutionally-owned or controlled property.
- Obstructing the free flow of pedestrian or vehicle traffic on University premises or at university-sponsored or supervised functions.
- Leading, inciting, or participating in any on-campus or off-campus riot or activity that disrupts the normal operations of the university.
- Engaging in behavior that is considered lewd including (but not limited to) voyeurism, or deliberate public exposure of intimate body parts.

5.6 Harassment

- Any vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. This includes but is not limited to:
 - Behaviors directed towards another person(s) that is abusive or demeaning and would be viewed by a reasonable person experiencing the behavior as an interference with her/his participation in a university-related activity.
 - Behavior of a sexual nature by a person who knows or ought to reasonably know that the behavior is unwanted or unwelcome which interferes with another person's participation in a university-related activity or leads to or implies job- or academically related consequences for the person harassed.
 - Behavior directed towards a specific person(s) that serves no legitimate purpose and would be considered by a reasonable person to create an intimidating, humiliating or hostile work or learning environment

5.7 Misconduct related to Property

- **Theft:** Intentional and unauthorized taking or removal of property that belongs to another person or entity, including goods, furniture, artwork, electronics, and/or other valuables.
- **Fraud:** Attempting to defraud by means of deception, bad checks, forged, or stolen credit or ID cards, possession or use of counterfeit currency, and/or other means.
- **Damage:** Intentionally or negligently damaging or destroying property owned by another person, entity, or the University.
- **Burglary:** Unlawful entry with intent to commit a policy violation or violation of law.
- **Vandalism:** Intentional, reckless, and/or unauthorized defacing to property owned by another person, entity, or the University. Students are not permitted to write, draw, or otherwise deface University or another student's property (including doors, door decorations, or dry-erase boards) by using chalk, paint, or any other substance.
- **Unauthorized use** includes
 - Unauthorized entry into any building, room, location, or space where a person does not have a reasonable expectation of access or right of entry. Misuse of access or use of buildings, including trespassing, propping or unauthorized use of alarmed doors for entry into or exit from a building.
 - Unauthorized possession, duplication, or use of means of access to any building (keys, cards, etc.) or failing to report a lost University identification access device in a timely manner.
 - Unauthorized removal or misuses of any University document, record, data, nonpublic information, identification, educational material, or property.
 - Unauthorized use or consumption of stolen property.

5.8 Fire safety and Evacuation

- **Fire safety:** Violation includes, but not limited to:
 - Intentionally or recklessly causing a fire which damages University or personal property or which causes injury.
 - Improper use of University fire safety equipment.
 - Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property. Such action may result in a local fine in addition to University sanctions.
- **Evacuation:** Failing to follow instructions and evacuate any building after an alarm has been activated or notice has otherwise been given of a fire, fire drill, fire alarm, or other order to evacuate.

5.9 Misuse of Alcohol

- Use, possession, or consumption of alcohol as prohibited by law or University policy.
- Illegal manufacturing, distributing, selling of alcohol, and/or providing alcohol to minors.
- Operating any vehicle while under the influence of alcohol.
- Use of alcohol resulting in situations where one's behavior endangers, or may endanger the safety of others, property, or themselves or causes a disturbance.
- Use of any common source of alcohol such as, but not limited to, kegs, punch bowls, beer bong, beer taps, drinking games, items that encourage binge drinking of excessive amounts of alcohol.

5.10 Misuse of Drugs

- Use or possession of recreational drugs that are illegal in Vietnam including, but not limited to, marijuana, methamphetamine, cocaine, opiates, LSD and other hallucinogens, designer drugs such as Ecstasy, steroids, stimulants, depressants, or any other controlled substance without a prescription.
- Manufacturing, distributing, or selling of illegal or prescription drugs.
- Abuse or misuse of prescription or over-the-counter medications.
- Operating any vehicle under the influence of drugs or any controlled substance.
- Use of drugs resulting in situations where one's behavior endangers, or may endanger the safety of others, property, or themselves or causes a disturbance.

5.11 Smoking

- Smoking, including electronic cigarettes, is strictly prohibited. This prohibition includes but is not limited to the interior of University facilities (classrooms, meeting rooms, laboratory, common areas), outdoor areas, sidewalks, Fulbright residence, as well as in any vehicle owned, leased, or operated by the University.
- The sale, distribution, and advertisement of tobacco products, or sponsorship by tobacco companies, is prohibited anywhere on campus and at University-sponsored events.

5.12 Non-Compliance

- Failure to comply with the verbal or written directions of any University officials or law enforcement officers acting in the performance of their duties and in the scope of their employment.
- Violating the terms of any interim measure or exclusionary order imposed by the University.

5.13 Residence Life Misconduct

The following specifically pertain to students occupying or visiting the University residence. In addition, violations of any guideline in the Residential Life Guidelines or the Waterfront Residence Rules and Guidelines will be subject to the student conduct process.

- **Activities Resulting in Disturbance, Distress, or Damage:**
 - **Disturbance:** Individual or group activities resulting in the distress or disturbances of others are not permitted.
 - **Destruction:** Individual or group activities that can cause damage or destruction to property are not permitted.
 - **Improper Use:** Using or attempting to use University property in a manner inconsistent with its designated purpose are not permitted.

5.14 Retaliation

- Any form of threat, abuse, intimidation, bullying, coercion, harassment, or attempt to influence or interfere with another individual or group who reports suspected or observed misconduct or cooperates in an investigation of misconduct.

5.15 Sexual Misconduct

Any actual or attempted non-consensual behavior of sexual harassment, sexual assault, sexual exploitation, stalking, and relationship violence including, but not limited to:

- Sexual penetration without consent, no matter how slight, of the vagina or anus with any body part or object, or oral sex, without the consent of the victim.
- Sexual contact without consent, including, but not limited to, intentional and unwelcome touching, kissing or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object.
- Sexual intercourse with a person who is under the statutory age of consent under the laws of Vietnam (i.e., 18).
- Taking, sharing, or posting of videos or photographs/images of a sexual nature without consent.
- Deliberate observation of others for sexual purposes without their consent.
- Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation.
- Exposing one's genitals in non-consensual circumstances.
- Viewing, placing, or posting pornography in public venues; possessing, distributing or viewing illegal pornography.

- Stalking: Any willful, malicious or repeated harassment and/or following of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not limited to:
 - Following a person;
 - Being or remaining in close proximity to a person;
 - Non-consensual communication, including, but not limited to, face-to-face, telephone calls, voice messages, electronic mail, written letters, unwanted gifts, etc.;
 - Monitoring, observing, or conducting surveillance of a person;
- Sexual harassment that creates an intimidating, offensive, or hostile environment for another.
- Dating/Domestic Violence: Any act of physical abuse, psychological/emotional abuse, or sexual abuse between persons in an intimate relationship where the conduct is so severe, pervasive, or persistent as to significantly interfere with an individual's ability to learn and/or work or cause substantial emotional distress.
- Staff – Student Relationship: No member of the University's faculty or staff may initiate or accept sexual or amorous advances or engage in a consensual sexual or amorous relationship with any undergraduate student enrolled in any program at the University, visiting undergraduate students, or any undergraduate student employee or volunteer at the University.
- Any act or form of sexual misconduct in violation of Vietnam law.

5.16 Violation of Law or University Policy

Any other violation of any law or regulations of Vietnam, or University policy, including, but not limited to:

- Organizing, participating in and watching illegal street racing.
- Organizing or participating in any form of gambling activities.
- Organizing or participating in superstitious practices or illegal religious practices within the University-owned facilities precinct.
- Harboring and/or brokering prostitution.
- Posting, commenting on and sharing articles or images that convey vulgar, violent or depraved messages, that may cause harm to national security, distort or defame reputation, or dignity, of an organization, or of an individual on the Internet.

5.17 Weapons and Dangerous Substances

- Illegal use or possession of firearms, destructive devices, other weapons or other dangerous articles or substances, such as blades larger than pocket knives; ammunition or explosives; slingshots, crossbows, stun guns, Tasers, metallic knuckles, archery equipment, or any dangerous chemical or

biological agent; bombs or incendiary devices; or simulated weapons; or any weapon prohibited by law or University policy. Use of any such item, even if legally possessed, in a manner that harms or threatens others is prohibited.

6 INTERIM MEASURES

In certain circumstances, interim measures may be taken upon notification to the Student Conduct Board of alleged student misconduct. These interim measures are used for managing immediate risks and do not replace the student conduct process. Interim measures may be imposed immediately when the alleged behavior threatens the safety and well-being of members of the University community, threatens University property, or has potential to disrupt or interfere with normal University operations.

An interim measure will be enacted if it is approved by a quorum of the Student Conduct Board members. The Student Conduct Board may consult with experts (such as, but not limited to, wellness counselor, security, and/or etc.) before imposing any interim measure.

The student or organization will be notified in writing of the terms of the interim measures and the reason for the interim measures. Interim measures are reviewed if new information becomes available and will be adjusted accordingly. If the student or organization wishes to appeal the appropriateness of any interim measures imposed, they may submit in writing reasons why the interim measures are not appropriate. The Student Conduct Board will review the information and notify the student or organization in writing of their decision whether or not to adjust any interim measures.

Interim measures include but are not limited to:

6.1 Interim No Contact Order

The student is, or members of an organization are prohibited from having any contact with specifically identified individuals up to and through a student conduct hearing, if required. This may prohibit students from attending specific events, activities, or classes.

6.2 Interim Residential Relocation

The student is prohibited from residing or being near specifically identified University residence and/or building up to and through a student conduct hearing, if required. The student will be assigned temporary housing assignment.

6.3 Interim Residential Suspension

The student is prohibited from residing or being near University residence and/or building up to and through a student conduct hearing, if required. The student may attend classes.

6.4 Interim University Suspension

The student is denied access to campus, classes, and University activities up to and through a student conduct hearing, if required.

6.5 Interim Transcript Notation

A notation is made on a student's official transcript indicating that there is a pending student conduct process. This notation will be removed at the conclusion of the student conduct process.

6.6 Interim Registration Hold

A hold is placed preventing a student from registering for classes until the conclusion of a student conduct hearing, if required.

6.7 Interim Restriction of Organizational Activity

A temporary restriction of student organization activity. This may include but is not limited to meetings, practices, sports events, and social gatherings until the matter is resolved.

7 PROCEDURES

7.1 Reports

1. The discipline process begins when the Student Conduct Board (SCB) receives a written account of an incident.
2. Anyone may file a report with the University alleging that a student has violated the Student Code of Conduct. These reports include but are not limited to provision of police reports, Residence Life incident reports, or reports from faculty, staff, students, or other members of the University community.
3. Any report should be submitted as soon as possible after the incident takes place, preferably within 7 calendar days. When there is significant delay, the Student Conduct Board's ability to resolve an incident may be difficult due to access to reliable information and witnesses. Therefore, the Student Conduct Board has discretion whether or not to pursue resolution of a report and will only pursue a significantly delayed report when the conduct or responding student are deemed to pose a potential

threat to the health or safety of an individual or the University community or other exceptional circumstances.

7.2 Review and Investigation

1. All reported information will be reviewed and investigated by an Investigator appointed by the Student Conduct Board to determine appropriate next steps.
2. Interim measures may be issued to maintain the safety and well-being of the University community.
3. Investigations will include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups will be interviewed and asked to share information they have regarding the incident including documents (text messages, emails, photos, etc.) and identification of any additional witnesses who may provide direct information regarding the incident.
4. When an Investigator has completed an investigation, they will submit their findings and recommendations to the Student Conduct Board. The Student Conduct Board will in turn determine whether and what charges will be assigned, or whether to initiate an Alternative Resolution Process.

7.3 Notification of Alternative Resolution Process

In some cases, the Student Conduct Board may offer a resolution option other than a student conduct hearing (e.g., educational workshop, conflict coaching, restorative justice.)

Alternative resolution is a voluntary process that allows the Respondent to accept responsibility for their behavior. The alternative resolution process is designed to eliminate the behavior, prevent its recurrence, and remedy its effects in a manner that meets the needs of the reporting individual or entity while maintaining the safety of the campus community. The alternative resolution process will only be used with the agreement of both the Impacted Party and Respondent and under the direction of the Student Conduct Board, who may elect to cease the resolution process at any time and revert to an investigation, hearing, or other resolution.

If the student or organization chooses to participate in an alternative resolution process and complies with all requirements of that process and its resolution, that incident will not be maintained as part of a reportable student conduct record.

If the student or organization does not wish to participate in the alternative resolution opportunity, they may request a student conduct hearing. Alternative resolution processes are not subject to appeal. If the student or organization does not complete the alternative resolution process, they may face additional disciplinary action.

Alternative resolution processes include but are not limited to:

Conflict Coaching: Students have the opportunity to talk about conflict and gain skills to handle conflict in a supportive and confidential environment. The Student Conduct Board will assign staff to assist students in identifying goals, developing clarity, and managing conflict in the future.

Restorative Justice: A restorative justice conference brings together those who were impacted by an offense, including those who were harmed, those who were responsible for causing the harm, and impacted community members. Through a facilitated dialogue, they discuss what happened and determine the best ways to repair harm and improve relationships.

Impact Circles: Impact circles are a form of Restorative Justice that brings together small groups of students, who have been found responsible for similar types of offenses, with relevant community stakeholders. Through answering questions about their specific incidents and hearing others' stories and perspectives, students gain a better understanding of the impacts of their behaviors on the larger community.

Educational Workshop: In certain circumstances, students found responsible for violation(s) of the Code may be required to participate in one or more of a variety of workshops designed to address specific knowledge or skill areas. These workshops are intended to help a student learn more about themselves and our shared communities.

7.4 Notification of a Student Conduct Hearing

1. A student conduct hearing will be scheduled to discuss the allegations. The Student Conduct Board will notify a responding student or student organization of any alleged Code violation(s) within five (5) business days after receiving all appropriate information.
2. The Notice Letter given to any reporting individual(s) or Respondent(s) will include:
 - a. Sufficient detail to allow the student to prepare a response (including source of information, description of the alleged behavior(s), and specific alleged Code violation(s));
 - b. The date, time, and location of the hearing;
3. The Notice Letter is sent to the student's current email address on record with the University. In cases involving a student organization, the notice

of hearing will be emailed to the person on record as the President of the organization.

4. In cases where an Investigator has identified an Impacted Party, the Investigator may provide that Impacted Party with the Respondent's charges, along with the date, time, and location of the hearing.
5. Any information not included in the Notice Letter that may be considered to determine responsibility will be made available to the Impacted Party for viewing upon request. Reproduction of that information is prohibited. An Impacted Party will have the opportunity to participate in the hearing. Participation may include observation of a hearing, presenting information, or providing written statements. The Respondent will have an opportunity to address any information that may affect the findings in the case.

7.5 Student Conduct Hearing

A formal student conduct hearing is facilitated by the Hearing Panel. Members of the Hearing Panel will be selected from the Student Conduct Board, and the Student Conduct Board can appoint additional members if necessary. The purpose of the student conduct hearing is to discuss alleged violations of behavioral expectations as identified in Section 5 Prohibited Conduct/Behavior of this Student Code of Conduct. As part of this process, students or organizations will be asked to share their perspective of the alleged violations and discuss personal responsibility as well as community impact. Those charged with engaging in prohibited conduct will have the opportunity to receive a fair hearing.

Notice of a formal student conduct hearing, including the identity of the Hearing Panel, will occur at least five (05) business days prior to the hearing. Any objection regarding the selected hearing panel must be submitted three (03) business days prior to the start of a hearing.

- **Standard of Proof:** In order to find that a student or organization has engaged in prohibited conduct, the standard of proof required is a preponderance of the information contained in the record. The information must demonstrate that it is more likely than not that the violation occurred.
- **Support Persons/Advisors:** The Respondent and any Impacted Party may bring a support person/advisor to the hearing, at their own expense. The support person/advisor may not speak on the student or organization's behalf, or participate directly in the hearing. The support person/advisor may not serve in a dual role as a witness in the hearing. In cases involving alleged violence (including domestic violence and dating violence), or sexual misconduct, a support person/advisor may not be another student except for extraordinary circumstances and approved by the Hearing Panel.

- **Recordings:** There will be a single record, such as a digital audio recording of all student conduct hearings. This recording will be the property of the University but will be made available for the Impacted Party or Respondent(s) to review upon request. Any recordings of the hearing without the acknowledgement and permission of involved individuals is prohibited.
- **Witnesses:** The Respondent and any Impacted Party may bring or request relevant witnesses. A request for witnesses must be made at least one (1) business day prior to a scheduled hearing. Witnesses may be present only when they are giving information. Witnesses may not serve in the dual role as a support person. Only the Hearing Panel may ask questions; the Respondent or Impacted Party may suggest questions for each other or witnesses.
- **Missed Hearings:** If the Respondent misses the scheduled hearing, the Hearing Panel may proceed in the student's absence and will make a decision with the information available on record.
- **Accommodations:** The Hearing Panel is committed to providing necessary accommodations to ensure a fair and safe process for participants. Accommodations will take into consideration disabilities, personal safety and language differences.

7.6 Student Conduct Hearing Guidelines:

Private hearing: A student conduct hearing is conducted in private. The Impacted Party, Respondent(s) and support person(s)/advisor(s) are allowed to attend the entire portion of the hearing at which information is presented. Admission of any other individual to the hearing is at the discretion of the Hearing Panel.

Scheduling: Hearings are scheduled based on the availability of the Impacted Party, Respondent(s), person providing information on behalf of the University, and members of the Hearing Panel. Student availability is determined based on academic class schedules. Lack of availability based upon personal matters, employment schedules, or the availability of an advisor are not considered in scheduling a formal hearing.

Additional Information, including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in a hearing. Any such documentation that was reasonably available during a University investigation, but which was not provided during the course of the investigation by individuals afforded an opportunity to do so, will not be considered.

7.7 Decisions

The Hearing Panel decides the finding of responsibility for each charge based on the preponderance of evidence standard – whether it is more likely than not that the Respondent violated the Student Code of Conduct. If found responsible for engaging in prohibited conduct as detailed in this Student Code of Conduct, the

Hearing Panel will recommend to the Student Conduct Board appropriate outcomes based on the incident's severity, impact on others, and the student's or organization's previous conduct record. The Student Conduct Board then has seven (07) business days from the date of the hearing to provide a decision to the Respondent(s). The outcome will include the findings, rationale, sanctions, and information on the appeals process. In cases involving an Impacted Party, they will also be notified of the final decision. A copy of the decision may be shared with appropriate University offices.

7.8 Sanctions

The conduct process is based on education and assessment. The Hearing Panel will consider the totality of information and evidence in each case when recommending appropriate sanctions to the Student Conduct Board. This includes the student/organization's prior behavior, demonstrated understanding of the impact of their behavior, and willingness to accept responsibility. The Student Conduct Board may impose one or more sanctions as appropriate for student development and community well-being. More than one sanction listed below may be imposed for any single violation. If the student or student organization fails to complete sanctions by the stated deadline, a "hold" will be placed on the student's registration status. Failure to comply with sanctions may result in additional disciplinary actions.

Disciplinary Reprimand A Respondent may be issued a written disciplinary reprimand.

Disciplinary Probation: Disciplinary probation is assigned for a designated period of time during which a student or organization is expected to show appropriate changes in behavior. While on this status, any further violations may result in loss of good standing, suspension or expulsion from the University. In addition, this status constitutes a disciplinary record that will remain on student file.

Loss of Good Standing: Loss of good standing is for a designated period of time during which the student or organization is expected to show appropriate changes in behavior. A student or organization who is not in good standing with the University and is prohibited from:

- representing the University through official events and on leadership positions;
- serving on a University committee;
- participating in co-curricular activities, including sports events;
- holding office in a student organization;
- contacting with any specified individuals;

Disciplinary Suspension: Suspension is for a designated period of time during which the student may not attend classes, access any University premises,

participate in University activities, or be employed by the University. In some instances, the student must fulfill specified conditions before the University will consider re-admission. Disciplinary suspension is noted on the student's official transcript during the period of suspension and/or until all conditions for readmission have been met.

Disciplinary Expulsion: The student is permanently separated from the University and may not return. The student may not attend classes, access any University premises, participate in University activities, or be employed by the University. The expulsion is permanently noted on the student's official transcript and constitutes a disciplinary record that will remain on student file indefinitely. Whether an individual is eligible for a refund upon withdrawal or cancellation is dependent upon the University's refund schedule as specified in the [Recredit/Refund Policy](#).

Loss of Student Organization Recognition: The Hearing Panel may recommend to the Director of Student Life that a student organization lose recognition after a student conduct hearing. Approval of this action deprives the student organization of the use of campus resources, the use of the University's name, and the right to participate in campus sponsored activities or recruit Fulbright students. This loss of recognition may be for a specific period, for an indefinite period of time, or until stated conditions are met.

Discretionary Outcomes: The Student Conduct Board and/or Hearing Panel may require the student or organization to complete or comply with discretionary sanctions.

Housing Modifications:

- **Residential reassignment:** A student may be reassigned to another residence room or apartment disrupting the residential community or to appropriately separate persons.
- **Residential expulsion:** The student is permanently banned from all residence apartments and/or buildings.

Restitution: Compensation for loss or damage to University property. This may take the form of monetary or material replacement.

Counseling Assessment: Referral for assessment at Fulbright Wellness Center for alcohol/drug concerns, general mental health, or other wellness concerns.

Loss of Privileges: Privileges afforded to a student or student organizations may be restricted for a specific of time. These restrictions may include, but are not limited to:

- Restrictions on social events.
- Restriction from an area or building.
- Restriction on guest privileges.

- Restrictions on recruitment of new members into the student organization for a designated period of time.
- Restrictions on the student organization's ability to participate in meetings or events.

Degree Conferral:

- **Withholding degree:** The University may withhold awarding a degree otherwise earned until the completion of the student conduct process, including the completion of sanctions imposed.
- **Revocation of degree:** The University may revoke a degree for serious violations of the Student Code of Conduct committed by the student prior to graduation. The Academic Leadership Committee may authorize the revocation of a degree.

Parent/Guardian Notification: The University may notify parents/guardians when a student is suspended or expelled from residence buildings or the University.

Service Hours: Completion of service under the supervision of a University department or outside agency.

8 APPEAL PROCESS

A student may appeal the decisions made by the Hearing Panel or the Student Conduct Board (Student Conduct Board). In cases where an Impacted Party has been identified by the Hearing Panel, that individual also has a right to appeal the decision. An appeal must be submitted via email within seven (07) business days after the decision is sent. The Hearing Panel's decision is considered final if an appeal is not submitted within the specified time.

Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges that the appeal represents their position.

Once an appeal is submitted an Appeal Board will be appointed by the Provost. While the Appeal Board is reviewing the appeal, the Respondent must comply with all sanctions and restrictions according to the Hearing Panel's decision.

8.1 Grounds for Appeal

Appeal reviews are not a "re-hearing" of a student conduct matter, rather, a review of process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following grounds:

1. **Process Review.** That the proceeding was not conducted in accordance with the Code, or was conducted with bias or prejudice on the part of the Hearing Panel. Such procedural errors must have substantially affected the outcome of the hearing.
2. **Information Review.** That the information presented in a proceeding does not support the finding that a violation of the Code exists.
3. **Sanctions Review.** That the sanction(s) imposed were not appropriate based on totality of the circumstances.
4. **New Information.** That there is new information not available at the time of the original hearing that may be relevant to the final decision.

The Appeal Board will review the appeal and the record of the hearing to determine one of the following actions:

- Deny the appeal.
- Grant the appeal and conduct a hearing to review the record of the case. New information will be considered at this time.

Student will be notified in writing of the Appeal Board's decision whether or not to grant the appeal within ten (10) days of receiving the appeal request.

8.2 Hearing of Appeal

If an appeal is granted, the Appeal Board will convene an appeal hearing. During the hearing, the Appeal Board must act fairly, give all parties the opportunity to state their case and to correct or contradict any relevant statement that they believe to be prejudicial to their case, and make sure that all documents that are to be relied on or by either party at the meeting have been made available to the other party.

8.3 Appeal Decision

The Appeal Board, upon conclusion of its review, will make one of the following decisions:

- **Affirm.** The Appeal Board may affirm the decision and/or outcomes of the original hearing body.
- **Amend the decision.** The Appeal Board may make amends to the sanction(s) issued by the original Hearing Panel. Amendment in may include reducing or increasing the severity of outcome(s) or requirements.
- **New hearing.** The Appeal Board may determine a new hearing by a different Hearing Panel is warranted to correct procedural irregularity or to consider new information. A student may appeal any decision by a Hearing Panel assigned to adjudicate a new hearing.
- **Remand.** The Appeal Board may direct the original Hearing Panel to review their original decision subject to any instructions from the Appeal Board. The Hearing Panel may affirm its original decision or render a new decision consistent with those instructions. A student may appeal a

decision made on remand; however, if a hearing panel affirms its original decision, a student may not appeal the decision on the same grounds as in the previous appeal.

The final decision of the University will be communicated in writing within fifteen (15) business days to the Respondent(s) and if applicable, simultaneously to the Impacted Party.

9 STUDENT CONDUCT RECORDS

9.1 Records maintenance

A student who participates in a student conduct process as an Impacted Party, Respondent, or witness will be identified in a file created and maintained by the Office of Student Life. These records are maintained for five (05) years from the end of the academic year of the last decision that includes a finding of responsibility. All disciplinary records are destroyed after this period, except in cases of expulsion.

9.2 Access to and Copies of Records

Information regarding a student's disciplinary record is available to University officials with a legitimate educational interest. Disclosure of disciplinary records to anyone else requires a written release from the student, except in the case of a court order or legal process.

Should a student want a copy of their student conduct record, a request must be submitted in writing to the The Office of Student Life. Once the request has been received, a copy will be made available to the student within 30 days.

9.3 Disciplinary records related to student organizations

These records are maintained by The Office of Student Life. However, the University believes students seeking to gain membership within a student organization should have the opportunity to review the organization's conduct record. These records are maintained for five (05) years from the academic year the decision was made for the last finding of responsibility.

10 CONFIDENTIALITY

In order to empower academic community members to voice concerns, all student conduct reports will be investigated as confidentially as is reasonably possible.

Impacted Parties, Respondents, and witnesses are expected to maintain confidentiality as well. Dissemination of documents relating to complaints of

discrimination, harassment and/or sexual misconduct violations and/or to the investigation of such complaints, other than as necessary to pursue an appeal, grievance, or other legal or administrative proceeding, is strictly prohibited.

Failure to maintain confidentiality by a Respondent may be considered to be a form of retaliation in violation of this policy. Failure to maintain confidentiality by any party may result in sanctions.

11 REVISION

The Student Code of Conduct will be reviewed in its entirety every two years. Any substantive changes will be reviewed by the Academic Leadership Committee and presented to the Executive Committee for endorsement, and submitted to the Governing Board for approval. Any amendments can be proposed by University community members for review by submitting to the Academic Leadership Committee.

12 ACKNOWLEDGEMENT

We are immensely grateful to Colorado State University for the expertise and experience embodied in their Student Conduct Code which was used, with permission, as a foundation for this document.