

The Code of Student Conduct at the University of Denver

Revised August 2009

I. Preamble

A. *Mission.* The Office of Citizenship & Community Standards (CCS) at the University of Denver supports the University and Student Life Division missions by providing programs and services designed to foster a positive and safe environment for student learning. CCS strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; are accepting of differences and gain an appreciation for living in a pluralistic society; understand the impact of their behavior both upon the University and the surrounding Denver community; and freely accept the responsibility for and consequences of their conduct.

B. *Purpose.* The University of Denver expects students to recognize the strength of personal differences while respecting institutional values. Students are encouraged to think and act for themselves, as that is the purpose of higher education. However, they must also understand that the University has non-negotiable values in which it believes strongly. The purpose of the *Code of Student Conduct* is to communicate these values to the University community, and promote an environment conducive to education, work, recreation, and study.

These values are the hallmark of the University, and will be protected diligently. Each person has the right to make decisions about his or her own conduct, and the responsibility to accept the consequences of those decisions. When individual actions conflict with the values of the University, the individual must choose whether to adapt his/her behavior to meet the needs of the community or to leave the University.

C. *Jurisdiction.* The University maintains jurisdiction over all conduct prohibited by this *Code* when performed on University premises and/or at University events. The University may also address student behavior off-campus when such conduct is in violation of applicable laws and/or the standards of conduct outlined in this *Code*.

Disciplinary action by the University is not intended to replace or conflict with other lawful means of accountability, including but not limited to criminal charges and/or civil action. Regardless of whether formal criminal charges are filed over alleged behavior, the University may pursue disciplinary action under this *Code* as it deems appropriate. Such action will not normally be waived or postponed solely due to concurrent criminal or civil proceedings, nor shall the reduction or dismissal of criminal charges be taken as sufficient reason to defer disciplinary action.

D. *Authority.* Primary disciplinary authority is granted by the University to the Director of CCS, who shall be responsible for evaluating complaints, bringing charges against students, and otherwise implementing the processes described in this *Code*. This authority, or portions thereof, may be delegated by the Director of CCS as necessary for purposes including, but not limited to, maintaining efficiency and/or avoiding conflicts of interest.

The University cannot foresee all possible methods and/or forms of misconduct. As such, students may be subject to disciplinary action when their behavior is detrimental to the safety, security, and/or integrity of the University and/or any member(s) of its community, but not specifically prohibited by this *Code*. The Director of CCS shall be empowered to determine whether questionable behavior should be referred for disciplinary action.

II. Definitions

For the purposes of this document, the following definitions shall apply:

A. *CCS* means the Office of Citizenship & Community Standards at the University.

B. *Charges* mean the University policies which a student is alleged to have violated as a result of the incident described in a complaint.

C. *Code* means this document, the *Code of Student Conduct* at the University.

D. *Complainant* means a reporting party who has suffered injury as a direct result of the incident described in a complaint. The decision whether to designate a reporting party as a complainant rests solely with the Director of CCS. The University reserves the right to proceed with disciplinary action without the presence or cooperation of a complainant.

E. *Complaint* means a narrative detailing an incident and containing allegations of misconduct on the part of one or more students.

F. Authorized *disciplinary agents* include the Director of CCS and any person(s) whom he/she has designated as such. Currently, the Assistant Director of CCS and the Director, Associate Director, and Assistant Directors of HRE are designated as disciplinary agents.

G. The *disciplinary process* and *disciplinary proceedings* include any and all functions of the University directly related to the review and/or adjudication of a complaint.

H. *Effective consent* is defined as informed, mutually understandable words and/or actions which indicate a willingness to participate in and/or allow a specific activity, freely and actively given by a person with the current mental capacity to make rational decisions. A person may be without such capacity due to the influence of alcohol and/or other drugs. Consent is not effective if it results from the use of physical force, threats, intimidation, or coercion. A person always retains the right to revoke consent at any point during an activity.

I. *Hearing body* means any person or persons authorized by the University to determine whether a student has violated the *Code* and to impose sanctions when necessary.

J. *HRE* means Housing & Residential Education (HRE) at the University.

K. *Proper written notification* shall be defined as delivery via electronic mail to the student's University email account. It is therefore the responsibility of the student to regularly check their University email account. Notice *may* also be delivered in person, or to a student's University or permanent address, as reported by the student to the University Registrar if deemed necessary.

L. *Reporting party* means any person who has filed a complaint against a student, either directly or through a University official, such as a Campus Safety officer or Resident Assistant.

M. *Respondent* means any student who has had a complaint filed against him/her.

N. *Sanctions* are restrictions and/or expectations placed upon a student found to have violated University standards of conduct.

O. *School day* means any weekday when school is in session or non-holiday business day when school is not in session.

P. *Students* include any persons taking or auditing classes at the University, matriculated in any University program, or on University premises for any purpose related to the same.

Q. *University* means the University of Denver (Colorado Seminary).

R. *University community* includes all students, University officials, and other individuals involved in the normal operations of the University.

S. *University events* include any activity involving students and/or University officials and held on University premises. Activities involving students and/or University officials and held off of University premises are also considered University events when such activities are connected with or sponsored by any academic course or University organization.

T. *University official* includes any person employed by the University performing academic, administrative, or professional duties. When this *Code* refers to any University official by title, it shall be understood to include his/her designee.

U. *University organization* means any group of persons who have complied with the formal requirements for University recognition.

V. *University premises* include all land, buildings, facilities, or other property in the possession of or owned, used, or controlled by the University, including adjacent streets and sidewalks.

III. Rights & Responsibilities

A. *Respondents*. Throughout his/her involvement in the disciplinary process, a respondent has the following rights and responsibilities:

1. *Fair Treatment*.

a) The respondent has the right to be treated with dignity and compassion by all persons involved in the disciplinary process.

b) The respondent has the right to be considered innocent of all charges until proven responsible by a hearing body. This right should not be construed to prevent the University from taking necessary interim action as specified in Chapter IX of this *Code*.

c) The respondent has the right to information regarding the disciplinary process and his/her role within that process.

d) The respondent has the right to object to a member of a hearing body based on a demonstrable, significant bias.

e) The respondent has the responsibility to notify the Director of CCS, or the Associate Provost for Campus Life, when he/she feels fair and equitable treatment has not been given.

2. *Privacy*.

a) The respondent has the right to privacy throughout the disciplinary process with respect to all uninvolved parties.

b) The respondent has the right, upon request, to have reasonable steps taken by the University to prevent unnecessary or unwanted contact with a complainant.

c) The respondent has the responsibility to notify the Director of CCS, or the Associate Provost for Campus Life, when he/she feels reasonable steps need to be taken in order to protect these rights.

3. *Presence of an Advisor.*

- a) The respondent has the right to have an advisor of his/her choice present throughout the disciplinary process. The advisor may confer with the respondent, but may not actively participate in any disciplinary proceeding, which includes serving as a witness.
- b) The respondent has the responsibility to notify the advisor of the time, date, and location of any disciplinary proceeding. Proceedings will not be rescheduled to accommodate an advisor.
- c) The respondent has the responsibility to provide prior notification of any advisor to CCS no later than 48 hours before the scheduled start of the hearing. These names shall be made available to the other party, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. The Director of CCS, or his/her designee, shall have the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may result in summary disqualification of an advisor.

4. *Written Notice.*

- a) The respondent has the right to proper written notification of any hearing conducted as a result of a complaint filed against him/her. This notice shall include the following:
 - (1) The time, date, and location of the hearing;
 - (2) The consequences of failure to appear at the hearing;
 - (3) A written copy of the complaint, including the name(s) of the reporting party/parties and charges being considered;
 - (4) A list of all complainants and/or witnesses to be called by the University; and
 - (5) The procedures for requesting a change in the time or date of the hearing.
- b) The respondent has the responsibility to ensure the University has been provided with accurate address and other contact information so that notification is not unduly delayed.

5. *Hear and Provide Testimony.*

- a) The respondent has the right to hear, question, and respond to all witnesses and/or information presented during a hearing. This does not include the right to direct cross-examination.

b) The respondent has the right to present information and/or witnesses that he/she feels are important and/or relevant to the complaint. Only those witnesses with information directly relevant to the incident(s) being considered shall be allowed to testify before the hearing body; "character" and/or "expert" witnesses shall only be allowed to submit written statements on behalf of the respondent.

c) The respondent has the right not to present evidence against him- or herself. This right should not be construed to allow the respondent to present false or misleading testimony.

d) The respondent has the responsibility to respond to any witnesses or information at the time such evidence is presented. A hearing body is not required to consider any rebuttal made after a witness has been dismissed.

e) The respondent has the responsibility to inform any witnesses he/she wishes to call of the time, date, and location of the hearing, and to have on hand all evidence he/she wishes to present at the time of the hearing.

f) The respondent has the responsibility to provide prior notification of any witness to CCS no later than 48 hours before the scheduled start of the hearing. These names shall be made available to the other party, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. The Director of CCS, or his/her designee, shall have the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may result in summary disqualification of the witness(es).

6. *Written Disposition and Appeal.*

a) The respondent has the right to proper written notification of the results of any disciplinary hearing. This notice shall include the following:

- (1) The finding of fact;
- (2) The specific standards of conduct the respondent has violated;
- (3) The sanctions imposed; and
- (4) The procedures for filing an appeal.

b) The respondent has the right to appeal the outcome of the hearing.

c) The respondent has the responsibility to comply with all sanctions imposed as the result of a disciplinary hearing once all routes of appeal have been exhausted.

B. *Complainants*. Throughout his/her involvement in the disciplinary process, a complainant has the following rights and responsibilities:

1. *Fair Treatment*.

a) The complainant has the right to be treated with dignity and compassion by all persons involved in the disciplinary process.

b) The complainant has the right to information regarding the disciplinary process and his/her role within that process.

c) The complainant has the right to object to a member of a hearing body based on a demonstrable, significant bias.

d) The complainant has the responsibility to notify the Director of CCS, or the Associate Provost for Campus Life, when he/she feels fair and equitable treatment has not been given.

2. *Privacy*.

a) The complainant has the right to privacy throughout the disciplinary process with respect to all uninvolved parties.

b) The complainant has the right to be free from intimidation and/or harassment, and the right, upon request, to have reasonable steps taken by the University to prevent unnecessary or unwanted contact with the respondent(s).

c) The complainant has the responsibility to notify the Director of CCS, or the Associate Provost for Campus Life, when he/she feels reasonable steps need to be taken in order to protect these rights.

3. *Presence of an Advisor*.

a) The complainant has the right to have an advisor of his/her choice present throughout the disciplinary process. The advisor may confer with the complainant, but may not actively participate in any disciplinary proceeding, which includes serving as a witness.

b) The complainant has the responsibility to notify the advisor of the time, date, and location of any disciplinary proceeding. Proceedings will not be rescheduled to accommodate an advisor.

c) The complainant has the responsibility to provide prior notification of any advisor to CCS no later than 48 hours before the scheduled start of the hearing. These names shall be made available to the other party, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. The Director of CCS, or his/her designee, shall have the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may result in summary disqualification of an advisor.

4. *Written Notice*.

a) The complainant has the right to proper written notification of any hearing conducted as a result of a complaint filed by him/her. This notice shall include the following:

(1) The time, date, and location of the hearing;

(2) The consequences of failure to appear at the hearing;

(3) A written copy of the complaint, including the charges being considered;

(4) A list of all responding students and/or witnesses to be called by the University; and

(5) The procedures for requesting a change in the time or date of the hearing.

b) The complainant has the responsibility to ensure the University has been provided with accurate address and other contact information so that notification is not unduly delayed.

5. *Hear and Provide Testimony*.

a) The complainant has the right to hear, question, and respond to all witnesses and/or information presented during a hearing. This does not include the right to direct cross-examination.

b) The complainant has the right to present information and/or witnesses that he/she feels are important and/or relevant to the complaint. Only those witnesses with information directly relevant to the incident(s) being considered shall be allowed to testify before the hearing body; "character" and/or "expert" witnesses shall only be allowed to submit written statements on behalf of the complainant.

c) The complainant has the right to provide a written impact statement to the hearing body, to be considered during the sanctioning process should a finding of violation occur.

d) The complainant has the responsibility to attend any hearing conducted as the result of his/her complaint, or risk the forfeiture of his/her right to appeal.

e) The complainant has the responsibility to respond to any witnesses or information at the time such evidence is presented. A hearing body is not required to consider any rebuttal made after a witness has been dismissed.

f) The complainant has the responsibility to inform any witnesses he/she wishes to call of the time, date, and location of the hearing, and to have on hand all evidence he/she wishes to present at the time of the hearing.

g) The complainant has the responsibility to provide prior notification of any witness to CCS no later than 48 hours before the scheduled start of the hearing. These names shall be made available to the other party, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. The Director of CCS, or his/her designee, shall have the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may result in summary disqualification of the witness(es).

6. *Written Disposition and Appeal.*

a) The complainant has the right to proper written notification of the results of any disciplinary hearing convened as a result of a complaint filed by him/her, as allowed for by the Federal Educational Rights and Privacy Act (FERPA) and other applicable legislation. This notice shall include the following:

- (1) The finding of fact;
- (2) The specific standards of conduct the student has violated;
- (3) The sanctions imposed; and
- (4) The procedures for filing an appeal.
- (5) The complainant has the right to appeal the outcome of the hearing, unless this right has been waived or forfeited.

b) The complainant has the responsibility to maintain the confidentiality of the respondent's disciplinary records. Failure to do so may be considered a violation of University standards of conduct and/or federal law.

IV. **Standards of Conduct**

A. *Civility.*

"In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

Thurgood Marshall

1. **Disorderly Conduct.** Violations of this policy include, but are not limited to:

a) Any act, display, or communication that is disruptive, lewd, indecent, or otherwise breaches the peace, regardless of intent, when such an act conducted on University premises.

b) Any unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

2. **Harassment.** Violations of this policy include, but are not limited to:

a) Any act, display, or communication that would cause a reasonable person to fear for his/her personal safety. This includes, but is not limited to, non-physical coercion and/or intimidation.

b) Any act, display, or communication that causes substantial injury and/or distress on the part of the person or persons to whom it is specifically directed. This includes, but is not limited to, unwanted sexual advances and/or requests for sexual favors.

c) Any attempt to repeatedly make contact with a person over his/her stated objections, when such contact serves no legitimate purpose. This includes, but is not limited to, intentionally following another person in or about a public place or places.

3. **Provocation.** Violations of this policy include, but are not limited to:

a) Any act, display, or communication that may reasonably be expected to cause an immediate breach of the peace by the person or persons to whom it is specifically directed.

b) Any act, display, or communication that may reasonably be expected to cause a disruption of a University event. This includes, but is not limited to, the use of racial epithets or other patently offensive language in a manner that is likely to provoke an immediate breach of the peace.

c) Any act, display or communication that encourages an audience to take immediate action, when such action may reasonably be expected to inflict harm upon a person or persons and/or cause damage to property.

B. *Community.*

"This City is what it is because our citizens are who they are."
Plato

1. **Endangerment.** Violations of this policy include, but are not limited to:

a) Any act that directly or indirectly creates a substantial risk to the safety of a person or persons and/or the University community. This includes, but is not limited to, falsely reporting an emergency and/or engaging in the unauthorized possession, use, or alteration of any University-owned emergency or safety equipment.

b) Any possession and/or use of weapons, explosives, fireworks, or other objects designed and/or used to inflict injury or damage while on University premises, even if the student possesses a valid concealed weapons permit or other lawful permission to carry a weapon. This includes, but is not limited to, items which simulate such dangerous objects. The possession of non-lethal self-defense instruments (such as mace) is not prohibited; however, the reckless use of such devices may be considered a violation of this policy.

2. **Hazing.** Violations of this policy include, but are not limited to:

a) Any act, even if committed with the informed consent of all parties, which endangers the mental, emotional, or physical health or safety of a person, or by which a person is encouraged to engage in conduct of an unbecoming or humiliating nature, when the act is explicitly or implicitly a condition of admission into, affiliation with, or continued membership in any organization or athletic team. Both those encouraging such acts and those committing them may be in violation of this policy.

3. **Interference.** Violations of this policy include, but are not limited to:

a) Any act that disrupts or interferes with any educational, administrative, or other aspect of the University's mission and/or operations. This policy is not intended to prohibit organized, peaceful, and orderly protests.

4. **Non-Compliance.** Violations of this policy include, but are not limited to:

a) Any failure to comply with a reasonable request of a University official in the performance of his/her duties. This includes, but is not limited to, any written or oral instructions communicated as part of the disciplinary process.

b) Any failure to provide one's University identification card upon request to any University official.

c) Any failure to abide by signs, placards, and/or other official University postings.

5. **Violation of University Policies.** Violations of this policy include, but are not limited to:

a) Any act which is in violation of University policies not specifically outlined in this *Code*. These include, but are not limited to, residence hall policies, parking regulations, and policies governing the appropriate use of University technology.

b) Any failure to report violations of these standards of conduct which occur in one's presence and/or in one's designated living area on University premises. Students who endorse such misconduct through inaction may also be held responsible for violating the appropriate standards of conduct.

c) Any failure to take reasonable steps to prevent one's guest or visitor to the University from violating these standards of conduct. Students who allow such misconduct may also be held responsible for violating the appropriate standards of conduct.

C. *Integrity.*

"Honesty is the first chapter in the book of wisdom."
Thomas Jefferson

1. **Academic Misconduct.** Violations of this policy include, but are not limited to:

a) Any representation of another's work or ideas as one's own in any academic submission.

b) Any actual or attempted use of resources not authorized by the instructor(s) in any academic submission.

c) Any falsification or creation of data, research, or resources to support any academic submission.

d) Any use of a substantial portion of a prior academic submission to meet the requirements of a course without authorization from the instructor(s).

e) Any other act that is contrary to the intent of the University's Honor Code.

2. **Dishonesty.** Violations of this policy include, but are not limited to:

a) Any conscious and/or deliberate provision of false or misleading information to a University official in the performance of his/her duties.

b) Any forgery, misuse, misrepresentation, and/or unauthorized alteration of any University documents, records, or credentials. This includes, but is not limited to, the inclusion of false information on any official form or document submitted to the University.

c) Any manufacture, distribution, possession or use of forged or falsified identification. This includes, but is not limited to, use of another person's identification and/or the possession of "novelty" identification that misrepresents one's age.

3. **Theft.** Violations of this policy include, but are not limited to:

a) Any appropriation or possession of property (including intellectual property) without the consent of the owner or person legally responsible for such property. This includes, but is not limited to, the possession of property a student should reasonably know to have been stolen.

b) Any appropriation of items provided without charge when such appropriation exceeds reasonable limits and/or restrictions imposed by the owner or person legally responsible for such materials. This includes, but is not limited to, the taking of excessive numbers of free newspapers.

c) Any utilization of labor and/or services by unauthorized and/or deceitful methods. This includes, but is not limited to, the alteration and/or misuse of University parking passes.

D. *Responsibility.*

"All your scholarship, all your study of Shakespeare and Wordsworth would be vain if at the same time you do not build your character and attain mastery over your thoughts and actions."

Mohandas Gandhi

1. **Alcohol Misuse.** Violations of this policy include, but are not limited to:

a) Any possession or use of alcohol by any person under the age of twenty-one, or any possession or use of alcohol by any person in violation of relevant University policies.

b) Any unauthorized manufacture or distribution of alcohol while on University premises, or any distribution of alcohol to any person under the age of twenty-one.

c) Any act which causes a person to ingest alcohol without his/her effective consent.

d) Any possession on University premises of any item designed, fashioned, or modified to facilitate and/or disguise the use of alcohol in violation of this policy, whether or not the item has been used for such purposes.

e) Any student who contacts campus and/or local authorities to assist with a potentially life-threatening situation shall not be subject to disciplinary action based solely on the possession and/or use of alcohol in violation of relevant University policies. Students may be required to complete appropriate educational sanctions in lieu of formal disciplinary action.

f) Any student who commits violations of other sections of this Code while intoxicated, and/or is intoxicated to the point of jeopardizing his/her own health or safety, may be held responsible for violating this policy, even if the student is otherwise entitled to consume alcohol.

2. **Drug Misuse.** Violations of this policy include, but are not limited to:

a) Any possession or use of any illegal drug, or any possession or use of any prescription drug or other controlled substance except under the direction of a licensed physician.

b) Any manufacture or distribution of any illegal drug, or any manufacture or distribution of any prescription drug or other controlled substance without a license for such conduct.

c) Any act which causes a person to ingest any illegal or prescription drug or other controlled substance without his/her effective consent.

d) Any possession on University premises of any item designed, fashioned, or modified to facilitate and/or disguise the use of any illegal drug or other controlled substance in violation of this policy, whether or not the item has been used for such purposes.

e) Any student who contacts campus and/or local authorities to assist with a potentially life-threatening situation shall not be subject to disciplinary action based solely on the possession and/or use of illegal drugs or other controlled substances. Students may be required to complete appropriate educational sanctions in lieu of formal disciplinary action.

f) Any student who commits violations of other sections of this Code while under the influence of one or more drugs, and/or abuses one or more drugs to the point of jeopardizing his/her own health or safety, may be held responsible for violating this policy, even if the student is otherwise entitled to take the drug(s).

3. **Physical Misconduct.** Violations of this policy include, but are not limited to:

- a) Any act causing, or intended or likely to cause, bodily harm upon any person, regardless of intent.
- b) Any act resulting in physical contact with another person, when performed over his/her stated objections.

4. **Property Damage.** Violations of this policy include, but are not limited to:

- a) Any act causing, or intended or likely to cause, damage to property without the effective consent of the owner or person legally responsible for such property, regardless of intent.
- b) Any intentional destruction, defacement, or unauthorized alteration of approved materials posted in accordance with University policies. This includes, but is not limited to, vandalism of residence hall bulletin boards.

5. **Sexual Misconduct.** Violations of this policy include, but are not limited to:

- a) Any physical act that is sexual in nature and performed without the effective consent of all parties. For purposes of this policy, physical acts of a sexual nature include:
 - (1) Sexual intercourse, defined as anal or vaginal penetration by a penis, tongue, finger, or other object, and/or any mouth to genital contact.
 - (2) Sexual contact, defined as fondling and/or touching the genitalia, buttocks, and/or breasts of any person.
 - (3) Any other act which a reasonable person would associate with sexual conduct.
- b) Any physical act that is sexual in nature and intentionally performed in view of one or more uninvolved persons without the effective consent of all parties. This includes, but is not limited to, the surreptitious recording and/or broadcasting of sexual acts.
- c) Any physical act that is sexual in nature when such an act is likely to threaten any party's health and/or safety without his/her effective consent. This includes, but is not limited to, any act that may reasonably be expected to transmit HIV or other sexually transmitted diseases and performed when a party has failed to divulge his/her infection with such a disease.

d) Any physical act that is sexual in nature and performed in a public setting or without the effective consent of all persons reasonably in a position to observe such conduct. This includes, but is not limited to, the public fondling and/or exposure of one's own genitalia, buttocks, or breasts.

V. Student Organizations

A. *Jurisdiction.* Student organizations are responsible for upholding the standards of conduct outlined in this *Code*. Student organizations and/or individual members may be held responsible for misconduct which occurs on University premises, at University events, and/or on premises used or controlled by the organization.

Officers or leaders of a student organization may be held individually responsible for violations of the appropriate standards of conduct in the following circumstances:

- 1. Any violations committed by members of a student organization with the implicit or explicit consent of the officers or leaders.
- 2. Any violations committed by members of a student organization, when the officers or leaders had knowledge that the violations were happening or going to happen.
- 3. Any failure to take reasonable steps to prevent or end violations committed by members of a student organization, when a University official in the performance of his/her duties has directed the officers or leaders to take such steps.

B. *Authority.* Primary disciplinary authority over student organizations is granted by the University to the Director of Campus Activities, who shall be responsible for investigating misconduct, evaluating complaints, and/or imposing sanctions. This authority, or portions thereof, may be delegated by the Director of Campus Activities as necessary for purposes including, but not limited to, maintaining efficiency and/or avoiding conflicts of interest.

C. *Process.* Disciplinary action taken against student organizations is not subject to any procedural requirements. The Director of Campus Activities shall be empowered to take whatever action he/she deems necessary and expedient to respond to complaints against student organizations and/or prevent future violations.

Disciplinary action taken against student organizations shall be distinct from action taken against individual members. Neither the Director of Campus Activities nor any person(s) authorized to act on his/her behalf shall be empowered to take disciplinary action against individual students.

VI. Steps in the Disciplinary Process

A. *Filing.* Any person may file a complaint with the University. A complaint is considered to have been filed when it has been presented in writing to a disciplinary agent.

Once a complaint has been filed, the University retains the right to proceed with the disciplinary process, even if a reporting party later chooses to retract, rescind, or recant any or all of the report and/or chooses not to cooperate. Disciplinary action shall only be taken without the consent of a complainant if, in the disciplinary agent's sole judgment, such action is necessary to protect the safety, security, and/or integrity of the University and/or any member(s) of its community.

B. *Disposition.* Once a complaint has been filed, it shall be disposed of by the disciplinary agent in one of the following ways:

1. No further action shall be taken if, in the sole judgment of the disciplinary agent, the complaint is not substantive. The University may resume action on any complaint should further relevant information become available.

2. The complaint shall be referred to a hearing body if, in the sole judgment of the disciplinary agent, the complaint is substantive, and sufficient evidence already exists to convene a hearing.

If a complaint involves multiple respondents, each may be disposed of in a different manner, at the sole discretion of the disciplinary agent.

The disciplinary agent may serve as or on the hearing body. An individual may not consider an appeal regarding a complaint for which he/she served as or on the hearing body.

C. *Hearing.* Each hearing body shall be empowered to determine the process by which he/she/it conducts hearings, provided the procedures used conform to the rights afforded to respondents and complainants by this *Code*.

Following a hearing, the hearing body must take one of the following actions regarding each respondent:

1. Find the respondent not responsible of violating University standards of conduct.

2. Find the respondent responsible of violating University standards of conduct and impose appropriate sanctions. A student shall only be found responsible if, in the sole judgment of the hearing body, a preponderance of the evidence presented supports such a finding.

3. Refer the respondent to a new hearing before a separate hearing body.

D. *Appeal.* Both respondents and complainants have the right to appeal any decision made by a hearing body, unless this right has been waived or forfeited as allowed for elsewhere in this *Code*. An appeal shall only be considered in writing, and only if the appeal is received by the Director of CCS within five school days of the date of the hearing. An extension to this deadline may be granted at the sole discretion of the Director of CCS. The Director of CCS shall then refer the appeal to the appropriate appellate officer.

A decision on an appeal may not be rendered until appeals have been received from all respondents and/or complainants, or until the deadline has passed. Appellate decisions should be rendered, and proper written notification provided to all respondents and/or complainants, no later than five school days after the appeal is received by the Director of CCS.

The decision of the appellate officer is final.

1. *Appellate Officers.* The following persons shall be designated as appellate officers:

a) If the complaint was heard by HRE staff, any appeal shall be considered by the Director of CCS.

b) If the complaint was heard by the Director of CCS, any appeal shall be considered by the Associate Provost for Campus Life.

c) If the complaint was heard by the Conduct Review Board (CRB), any appeal shall be considered by the Associate Provost for Campus Life.

d) If the complaint involved a violation of the University's *Honor Code*, the appellate officer(s) shall be defined by that document.

2. *Appeal Criteria.* Appeals will only be considered in the following circumstances:

a) The existence of procedural errors so substantial that the accused was denied a fair hearing;

b) A finding of fact made in the original hearing clearly not supported by the facts presented;

c) Presentation of new and significant evidence which was not reasonably available at the time of the initial hearing; and/or

d) The imposition of a sanction that is arbitrary or capricious.

3. *Available Actions.* The appellate officer is limited to taking one of the following actions for each respondent:

a) Affirm the finding and sanctions imposed in the original hearing.

b) Affirm the finding but modify the sanctions imposed.

c) Remand the complaint for a new hearing.

d) Dismiss the complaint.

Under no circumstances shall the appellate officer supplant the judgment of the original hearing body; the appellate process exists solely to review the procedures used in disciplinary proceedings, and not to re-hear a complaint in its entirety.

VII. Disciplinary Bodies

A. *Hearing Bodies*. The following persons and groups shall be authorized to act as hearing bodies for the University:

1. *Conduct Review Board*. The Conduct Review Board (CRB) is empowered to conduct hearings for all types of complaints, and issue all forms of sanctions, up to and including dismissal from the University.

2. *Director of CCS*. The Director of CCS is empowered to conduct hearings for all types of complaints. The Director of CCS may not impose sanctions involving suspension or dismissal from the University without the respondent's consent.

3. *CCS Staff*. CCS staff may be empowered by the Director of CCS to conduct hearings for all types of complaints. CCS staff may not impose sanctions involving suspension or dismissal from the University without the respondent's consent.

4. *HRE Staff*. HRE staff may be empowered by the Director of CCS to conduct hearings for certain complaints that originate in the residence halls. All decisions made by HRE staff shall be immediately forwarded to CCS for appropriate record-keeping.

Generally, HRE staff may hear complaints involving violations of residence hall policies and/or first-time violations of University standards of conduct. Any complaint involving violence, threats of violence, sexual misconduct, illegal drugs, weapons, and/or other serious forms of misconduct may not be heard by HRE staff.

HRE staff may not impose sanctions involving probation without the consent of the Director of CCS. HRE staff may not impose sanctions involving suspension or dismissal from the University.

5. *Faculty*. The authority of faculty members to make determinations on academic sanctions in response to suspected academic misconduct is inherent to their role at the University. Academic sanctions may include, but are not limited to:

- a) Failure of an assignment.
- b) Failure of a course.
- c) Termination from a program of study.

When academic misconduct is suspected, the faculty member and/or academic unit involved should discuss these suspicions with the student, and then come to a determination regarding appropriate academic sanctions. Academic sanctions are not subject to the appellate process outlined in this *Code*, but are instead governed by the Academic Exceptions Committee.

If a finding of academic misconduct is made, the faculty member and/or academic unit may report their findings, and the action taken (if any), to CCS. CCS staff will then determine what disciplinary action may be appropriate, taking into consideration the nature of the violation, the student's previous disciplinary record, and the recommendations of the faculty member and/or academic unit.

VIII. Sanctions

A. *Rationale*. The purpose of sanctioning is educational rather than punitive, although it is recognized that the needs of the community or the existence of several previous violations may necessitate a strictly correctional response.

Sanctions for misconduct shall be determined on an individual basis, utilizing four main criteria:

1. The nature of and circumstances surrounding the offense;
2. The precedent and/or guidelines established by the University for similar offenses;
3. The previous disciplinary history of the student; and/or
4. The student's attitude during and/or reactions to the disciplinary process.

Especially intolerable is misconduct directed against an individual because of his/her identity and/or beliefs; this includes, but is not limited to, any act motivated by race, religion, gender, and/or sexual orientation. Therefore, any such acts may subject students to a more severe level of sanctioning. The University may also impose harsher sanctions upon any student who directs misconduct at a University official in the performance of his/her duties.

Sanctions are assessed for an entire incident, not for each violation. All sanctioning decisions shall include one "inactive" sanction, and should include one or more "active" sanctions.

B. *Inactive Sanctions* are those which define the University's official response to specific misconduct. These include the following:

1. *Technical*. A technical sanction is reserved for those situations where, in the judgment of the hearing body, the violation was inadvertent, unintentional, or otherwise outside the direct control of the student.

2. *Warning*. A warning is given to notify a student that his/her behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's standing at the University. However, once given a warning, students should expect more serious sanctions to result from any subsequent violations.

3. *Probation*. Probation serves to notify a student that he/she must avoid any further transgressions for a finite and specified period in order to remain a part of the University community. Students on probation are not in good standing with the University; as a result, certain co-curricular activities may be prohibited to a student while on probation. Any further violations while on probation may result in a student's suspension or dismissal from the University.

4. *Suspension.* A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period, and may be restricted from University premises.

A suspended student who wishes to re-enroll must apply for re-entry to the University and must also apply to the Director of CCS, who shall determine whether any and all requirements for readmission have been satisfactorily completed. The University does not accept courses completed at another institution while the student is under suspension.

5. *Dismissal.* A student who has been dismissed from the University is permanently prohibited from participating in any University activities, academic or otherwise, and may be restricted from University premises.

C. *Active Sanctions* may be assessed in order to facilitate the educational process and help students understand the consequences of their decisions for themselves, their fellow students, and the University as a whole. Such “active” sanctions include, but are not limited to:

1. *Written Assignments.* The student is required to write a reflection paper, complete a book or journal article review, maintain a journal, etc.

2. *Worksheets.* The student is required to answer a series of questions designed to help him/her evaluate the decisions that led to the violation and avoid making similar mistakes in the future.

3. *Programs & Activities.* The student is required to complete community service hours, attend a program, design a poster board, etc.

4. *Interventions.* The student is required to undergo a counseling assessment, attend an Alcoholics Anonymous meeting, complete a drug and/or alcohol treatment program, etc.

5. *Restrictions.* The student is restricted from contacting one or more individuals involved in the violation, hosting guests on campus, using the University computer network, etc.

6. *Referrals.* The student is referred to another process, such as mediation or counseling, to resolve some of the issues resulting from the violation.

7. *University Sanctions.* Other sanctions may include failing an academic assignment or course, changes to or cancellation of a student’s residence hall contract, notification of parents or guardians, the assessment of fines or payment of restitution, etc.

Failure to complete any active sanction by the specified deadline will result in a hold being placed on a student’s registration with the University, and may result in further disciplinary action.

A. *Rationale.* All students have the right to continue their education free from the threat of harassment, abuse, retribution, and/or violence. The University may take whatever measures it deems necessary in order to protect the safety, security, and/or integrity of a complainant, the University, and/or any member(s) of its community. Such measures include, but are not limited to, involuntary removal from a course, program, activity, or the campus pending a hearing, modifications to living arrangements, and/or reporting incidents to law enforcement or other non-University agencies. The Director of CCS, in consultation with the appropriate faculty and/or administrators, shall be empowered to impose any interim restriction short of an interim suspension.

The University also recognizes its obligation to students who have been accused but not yet found responsible for misconduct. Therefore, no interim action shall unduly interfere with a respondent’s academic progress short of that deemed necessary to protect the University, any member(s) of its community, and/or its mission.

B. *Interim Suspension.* The Associate Provost for Campus Life may suspend a student for an interim period prior to a disciplinary hearing. An interim suspension will be effective immediately, without prior notice, whenever the Associate Provost for Campus Life determines that the continued presence of the student on the University campus poses a substantial threat to any member of the University community and/or the stability and continuance of normal University functions.

During an interim suspension, students may be denied access to University premises and/or all University activities or privileges for which the student might otherwise be eligible, as the Associate Provost for Campus Life may determine to be appropriate.

Whenever an interim suspension is imposed, a disciplinary hearing shall be convened at the earliest possible time, pending normal procedural requirements as outlined in this *Code*. The interim suspension may remain in effect until a final decision has been reached, including any appropriate appellate process, at the discretion of the Associate Provost for Campus Life.

C. *Removal for Disruptive Classroom Behavior.* Individual instructors have the right to determine whether specific student behavior is disruptive. Instructors may require a student to leave an individual class meeting for disruptive behavior; however, instructors are not authorized to summarily remove a student from the course. Should such removal be deemed necessary, instructors must follow the procedure outlined below. In exceptional cases where a student’s presence is deemed an immediate threat to the instructor or other members of the class, instructors should immediately call the Department of Campus Safety.

If a student has repeatedly disrupted the class, or if a student’s presence represents a significant impediment to the educational process, that student may be removed via an involuntary drop.

IX. Interim Actions

1. The instructor should first meet with the student in an attempt to resolve the issue. Another faculty or staff member (including CCS or Campus Safety staff) may be asked to attend this meeting.

2. If this meeting fails to resolve the situation, the instructor shall inform the student of his/her intention to seek an involuntary drop, and provide the student an opportunity to drop the course voluntarily.

3. The instructor shall bring the matter to the office of the division or college dean prior to the class meeting following the instructor's meeting with the student. In consultation with the instructor, the dean (or designee) shall determine whether to grant the request for an involuntary drop. The decision should be communicated to the student before the next scheduled class meeting, and shall be communicated no later than one week from the instructor's initial meeting with the student.

4. The student may appeal the decision to the Office of the Provost. This appeal must be submitted in writing no later than one week from the decision. Appeals shall only be considered in the following circumstances:

- a) The existence of procedural errors so substantial that the student was denied due process;
- b) A decision clearly not supported by the facts presented;
- c) Presentation of new and significant evidence that was not reasonably available at the time of the decision; and/or
- d) The decision is demonstrably arbitrary and capricious.

While an appeal is being considered, the student shall be restricted from attending the class from which he/she has been dropped.

5. The appeal shall be considered, and a decision rendered to the student, no later than one week from its receipt by the Office of the Provost. This decision shall be final.

6. Copies of all involuntary drop requests shall be provided to CCS, who shall determine whether disciplinary charges should also be filed. CCS shall generally defer to the recommendation of the course instructor: however, if the student has a previous disciplinary record, CCS may take appropriate action regardless of the instructor's recommendation.

7. The course drop shall be effective from the date of the original decision, and for all administrative purposes (e.g., transcripts, tuition refunds, etc.) shall be considered the same as if the drop had been voluntary.

A. *Maintaining Records.* The Director of CCS shall be responsible for maintaining all official University records related to disciplinary action. A student's file shall include copies of all complaints filed against the student which resulted in a finding that the student violated University standards of conduct, as well as copies of all correspondence and other documentation related to disciplinary actions taken in response to such complaints.

The policies regarding the retention of disciplinary records are as follows:

1. Student disciplinary files shall be maintained for a period of no less than seven years following the most recent finding of violation.
2. Disciplinary files of students who have been dismissed from the University shall be kept indefinitely.
3. The University shall retain, as necessary, appropriate statistical information related to policy violations in order to comply with legislative reporting requirements.

B. *Parental Notification Policy.* The University considers disciplinary records to be part of a student's educational record, and as such the University complies with all applicable legislation, including but not limited to the Family Educational Rights and Privacy Act (FERPA). Further, the University's primary relationship is with its students, and not with their parents or guardians.

However, the University recognizes that parents and/or guardians maintain an interest in their students' behavior while at college, and can play a positive role in preventing further misconduct. Therefore, the University may notify the parents or guardians of any dependant student under the age of twenty-one who is placed on probation, or is suspended or dismissed from the University. The University also reserves the right to notify the parents or guardians of any dependent student under the age of twenty-one who has been found in violation of standard D1 (Alcohol Misuse) and/or D2 (Drug Misuse) from section IV of this *Code*, regardless of the sanction imposed. Notification may be deferred at the sole discretion of the Director of CCS.

This notification is intended as a means to encourage communication between students and their parents or guardians. Regardless of whether notification has occurred, the University shall only correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

X. Disciplinary Records

C. *Public Notification Policy.* The University recognizes the shared interest of the greater community in the disposition of complaints. Therefore, consistent with applicable laws, CCS shall regularly update the University and surrounding Denver community with statistics on the disciplinary process. Such statistics shall include the number and types of violations committed, as well as a summary of the sanctions imposed in the disciplinary process. CCS shall also provide specific behavioral summaries of all cases resulting in suspension or dismissal from the University. Such statistics shall be released once per academic quarter and be maintained as currently as possible on the CCS web site.

B. *Revision & Amendment.* This *Code* shall be subject to annual review by the Director of CCS and the Associate Provost for Campus Life, who shall recommend whatever changes they feel are necessary and expedient. All recommendations for substantive changes shall be forwarded to the Faculty Senate, All Undergraduate Student Association (AUSA), and the Graduate Student Association Council (GSAC) for comment. The Provost holds final authority to revise or amend this *Code*.

Any changes to this *Code* shall be communicated to the University community no later than ten school days prior to the beginning of the academic term in which the changes are to take effect.

XI. Interpretation & Revision

A. *Interpretation.* The purpose of publishing disciplinary regulations is to give the University community general notice of prohibited behavior. This *Code* is not written with the specificity of a criminal statute, and should not be interpreted as such. Any question regarding the interpretation of specific portions of this *Code* shall be directed to the Associate Provost for Campus Life for final review and judgment.