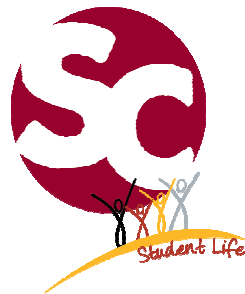


UNIVERSITY OF DENVER HONOR CODE

Revised August 2011



OFFICE OF
**STUDENT
CONDUCT**

HONOR YOURSELF. HONOR THE CODE.

Table of Contents

<i>Honor Code Statement</i>	1
<i>Pioneer Pledge</i>	1
<i>Inclusive Excellence</i>	1
<i>Enforcement</i>	1
<i>Interpretation</i>	2
<i>Revision & Amendment</i>	2
<i>Student Conduct Process</i>	2
<i>Mission</i>	2
<i>Jurisdiction</i>	2
<i>Good Samaritan Philosophy</i>	3
I. Definitions	3
II. Student Conduct Policies	4
III. Rights & Responsibilities	8
IV. Steps in the Student Conduct Process	12
V. Hearing Bodies	14
VI. Outcomes	16
VII. Interim Actions	18
VIII. Student Conduct Records	21

PIONEER PLEDGE

As a University of Denver Pioneer, I pledge...

- **to act with INTEGRITY and pursue academic excellence;**
- **to RESPECT differences in people, ideas, and opinions and;**
- **to accept my RESPONSIBILITY as a local and global citizen;**

Because I take pride in the University of Denver, I will uphold the Honor Code and encourage others to follow my example.

Honor Code Statement

All members of the University of Denver are expected to uphold the values of *Integrity*, *Respect*, and *Responsibility*. These values embody the standards of conduct for students, faculty, staff, and administrators as members of the University community. Our values are defined as:

- *Integrity*: acting in an honest and ethical manner;
- *Respect*: honoring differences in people, ideas, and opinions;
- *Responsibility*: accepting ownership for one's own conduct.

A. ***Pioneer Pledge***. As a University of Denver Pioneer, I pledge...

- to act with INTEGRITY and pursue academic excellence;
- to RESPECT differences in people, ideas, and opinions and;
- to accept my RESPONSIBILITY as a local and global citizen;

Because I take pride in the University of Denver, I will uphold the *Honor Code* and encourage others to follow my example.

B. ***Inclusive Excellence***. Inclusive Excellence (IE) is the recognition that a community or institution's success is dependent on how well it values, engages and includes the rich diversity of students, staff, faculty, administrators, and alumni constituents, and all the valuable social dimensions that they bring to the campus, including but not limited to race/ethnicity, sexual orientation, gender identity, gender expression, religion, nationality, age and disability. More than a short-term project or single office initiative, this comprehensive approach requires a fundamental transformation of the institution by embedding and practicing IE in every effort, aspect, and level of a college or university. Stated differently, the goal is to make IE a habit that is implemented and practiced consistently throughout an institution.

C. ***Enforcement***. In order to better foster and advance an environment of ethical conduct in the University community, all community members are expected to take "constructive action," that is, any effort to discuss or report any behavior contrary to the *Honor Code* with a neutral party.

Primary student conduct authority is granted by the University to the Office of Student Conduct (OSC), who is responsible for reviewing reports, assigning charges, and implementing the processes described in this *Honor Code*. This authority, or portions of it, may be delegated by OSC as necessary for purposes including, but not limited to, maintaining efficiency or avoiding conflicts of interest. The Student *Honor Code* procedures will be used when any student at the University may have violated the *Student Conduct Policies*. The student conduct process is an educational process where students can have an opportunity to learn from the decisions they have made and wherever possible repair any harm they may have caused.

The University's Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure will be used in the case of any faculty member who is accused of violating the *Honor Code*. The University of Denver's New Employee Guide will be used in the case of any non-faculty employee who is accused of violating the *Honor Code*. The By-Laws, or other Board policies, of Colorado Seminary or the University of Denver will be used in the case of any trustee who is accused of violating the *Honor Code*. Any conflict or dispute concerning which procedure governs in the enforcement of the *Honor Code* will be resolved by the Provost, or, in the case of the trustees or Chancellor, by the Board of Trustees.

D. **Interpretation.** The purpose of publishing this *Honor Code* is to give the University community general notice of policies and procedures related to student conduct. This *Honor 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 *Honor Code* as it pertains to students will be directed to the Associate Provost for Student Life for final review and judgment; for all other community members, questions will be directed to the Provost and/or Board of Trustees.

E. **Revision & Amendment.** The *Honor Code* was developed and has been revised following discussions among a broad range of constituencies within the University encompassing students, faculty, staff, administrators, and trustees. Revisions to the *Honor Code* may be made to reflect the ever-changing community. As it pertains to students, the *Honor Code* is subject to annual review by OSC and the Associate Provost for Student Life, who may recommend whatever changes they feel are necessary and expedient. All recommendations for substantive changes will be forwarded to the Faculty Senate, Undergraduate Student Government (USG), and the Graduate Student Association Council (GSAC) for comment. The Provost holds final authority to revise or amend this *Honor Code*.

Any modification of the *Honor Code* for staff, faculty, and administrators, other than to the procedures governing its enforcement, must be approved by the Board of Trustees upon recommendation from the Provost. Modifications and variations in procedures governing enforcement of the *Honor Code*, including the use of alternative procedures in specific context as mandated by federal or state law, are subject to the approval of the Provost. In addition, upon recommendation from a Dean or the Faculty Senate, the Provost, in their sole discretion, may permit individual units or divisions of the University to create additions to the *Honor Code* as they relate to that academic discipline or unit. However, individual units or divisions cannot lessen the standards set forth by the *Honor Code*. These additions must be published and provided to those impacted including OSC to be utilized in the student conduct process when appropriate.

Any substantial changes to this *Honor Code* will 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.

Student Conduct Process

- A. **Mission.** The Office of Student Conduct (OSC) 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. OSC 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; honor differences and gain an appreciation for living in a diverse society; understand the impact of their behavior both upon the University and the surrounding community; freely accept the responsibility for and consequences of their behavior; and seek opportunities to repair harm that they caused through a restorative process.
- B. **Jurisdiction.** The University will address alleged student behavior when it may have violated the *Student Conduct Policies* outlined in this *Honor Code* regardless of where the alleged behavior occurred. The student conduct process at the University is not intended to replace criminal or civil proceedings. Regardless of whether formal criminal charges are filed over alleged behavior, the University may proceed with the student conduct process under this *Honor Code* as it deems appropriate. The student conduct process will not be postponed due to concurrent criminal or civil proceedings. The University will still proceed with the student conduct process as described in this *Honor Code* even if a student's criminal or civil charges are reduced or dismissed.

- C. ***Good Samaritan Philosophy.*** The University has a concern and responsibility for preserving the well-being of all members of our community; therefore all issues of substance misuse must be addressed. Since the health and safety of students are of primary importance at the University of Denver, students are expected to not only look out for their own health and safety but also for that of their peers. When a person's health or safety is threatened, immediate action must be taken.

When the assistance of a University Official or emergency services is sought for oneself or others in an emergency, a Student Conduct Record *may* not be created for those involved in the incident. However, students involved may be required to attend a hearing with a Student Conduct Administrator and may be required to complete educational Outcomes in lieu of a Student Conduct Record. The University will always consider the unique nature of the incident and roles of those who may have been involved.

I. **Definitions**

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

- A. *Case* means a report to which charges are assigned and at least one respondent is named.
- B. *Charges* mean the University *Student Conduct Policies* which a student is notified to allegedly have violated as a result of the incident described in a report.
- C. *Complainant* means a reporting party who may have been harmed as a result of the incident described in a report. The decision whether to designate a reporting party as a complainant rests solely with The Office of Student Conduct (OSC). The University reserves the right to proceed with the student conduct process without the presence or cooperation of a complainant.
- D. *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.
- E. *Hearing body* means any person or persons authorized by the University to determine whether a student has violated *Student Conduct Policies* and to impose outcomes when appropriate.
- F. *Proper written notification* means 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.
- G. *Report* means a narrative detailing an incident in which one or more students may have violated the *Student Conduct Policies*.
- H. *Reporting party* means any person who has filed a report against a student, either directly or through a University official, such as a Campus Safety officer or a Resident Assistant.
- I. *Respondent* means any student who has been charged with one or more violations of the *Student Conduct Policies*.
- J. *Outcomes* are required educational opportunities, restrictions and/or expectations for a student found responsible for violating University *Student Conduct Policies*.

- K. *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.
- L. *Authorized Student Conduct Administrators* include the professional and graduate staff within the Office of Student Conduct (OSC) and Housing and Residential Education (HRE).
- M. The *Student Conduct Process* and *Student Conduct Proceedings* include any and all functions of the University directly related to the review of a report and/or resolution of a case.
- N. *Student Organization* is defined as two or more students meeting together in an organized manner with a common purpose. *Licensed Student Organizations* are defined as those student-run organizations that have received University recognition either by Undergraduate Student Government or by an official department of the University of Denver.
- O. *University* means the University of Denver (Colorado Seminary).
- P. *University community* includes all students, University officials, and other individuals involved in the normal operations of the University.
- Q. *University events* include any activity involving students or University officials and held on University premises. Activities involving students 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.
- R. *University Official* includes any person employed by the University performing academic, administrative, or professional duties. When this *Honor Code* refers to any University official by title, it includes their designee.
- S. *University Organization* means any group of persons who have complied with the formal requirements for University recognition.
- T. *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.

Please note: the Director of OSC, as regularly referenced in this document, can empower a designee to act on her/his behalf in times of absence or when a conflict of interest may apply.

II. **Student Conduct Policies**

Violations of these policies include, but are not limited to:

1. **Academic Misconduct.**

- Plagiarism, including any representation of another's work or ideas as one's own in academic and educational submissions.
- Cheating, including any actual or attempted use of resources not authorized by the instructor(s) for academic submissions.
- Fabrication, including any falsification or creation of data, research or resources to support academic submissions.

2. **Alcohol Misuse.**

- Possession, use, manufacture, or distribution of alcohol except as expressly permitted by law or University policy. Alcoholic beverages may not be used by, possessed by, or distributed to any person under 21 years of age.

- Intoxication to the point of endangering one's own health or safety regardless of age.
- Any act which causes a person to consume alcohol without their effective consent.
- Any possession or use on University premises of paraphernalia used to facilitate the rapid consumption of alcohol. This includes but is not limited to beer bongs and funnels.
- Any violation of these *Student Conduct Policies* while intoxicated regardless of age.

3. Dishonesty.

- Intentionally giving false or misleading information to a University official, law enforcement officer, or other emergency service professional in the performance of their duties. This includes, but is not limited to, intentionally omitting information when asked by a University official.
- Possession, use, manufacture, or distribution of forged or falsified identification. This includes, but is not limited to, use of another person's identification or the possession of "novelty" identification that misrepresents one's age.
- Any forgery, misuse, misrepresentation, 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 or alteration of University parking passes.

4. Disorderly Conduct.

- Any act, display, or communication that causes a disruption or an obstruction of educational, administrative, residential or other aspect of the University's mission or operations, or intentionally interferes with the right of access to University facilities or freedom of movement of anyone on campus.
- Any act, display, or communication that is disruptive, lewd, or indecent regardless of intent. This includes, but is not limited to streaking, flashing one's genitalia, buttocks, or breasts, or transmitting images or information that is lewd, indecent or disrupts normal University activity.
- Making an audio, photographic, or video record of anyone without their effective consent when that recording is likely to cause injury or distress. This includes, but is not limited to, taking pictures of another person in a locker room or restroom.

5. Drug Misuse.

- Possession, use, manufacture, or distribution 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. The manufacture or distribution of any drug is also prohibited. Marijuana, including Medical Marijuana, is prohibited on campus.
- Being under the influence of any illegal or prescription to the point of endangering one's own health or safety.
- Any possession or use on University premises of paraphernalia used to facilitate the use of any illegal drug or other controlled substance in violation of this policy. This includes but is not limited to marijuana pipes, bongs and scales or other measuring devices.
- Any act which causes a person to ingest any illegal or prescription drug or other controlled substance without their effective consent.

- Any violation of these *Student Conduct Policies* while under the influence of any illegal drug, prescription drug or other controlled substance in violation of this policy.

6. Duty to Respond.

- Any failure to report violations of these *Student Conduct Policies* which occur in one's presence whether committed by a student or visitor.
- Any failure to take reasonable action to prevent one's guest to the University from violating these *Student Conduct Policies*. Students are responsible for the conduct of their guests and may be held accountable for their guest's violations of these *Student Conduct Policies*.

7. Endangerment.

- Any act that directly or indirectly creates a substantial risk to anyone's health or safety (including one's own health or safety) regardless of intent.
- Any act, display, or communication that intentionally initiates or causes to be initiated any false report of an emergency. This includes, but is not limited to, any threat of fire, explosion, or any other emergency or the unauthorized possession, use, or alteration of any emergency or safety equipment.
- Any possession or use of weapons, ammunition, explosives, fireworks, or other objects designed 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 weapons or other dangerous objects. The possession of non-lethal self-defense instruments such as mace is not prohibited; however, the reckless use of those devices is prohibited.

8. Harassment.

- Any act, display or communication that causes substantial injury or distress or would cause a reasonable person to fear for their safety when it specifically targets any group or individual on the basis of race, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, or veteran status.
- Any act, display, or communication that causes substantial injury or distress or would cause a reasonable person to fear for their safety regardless of intent. This includes, but is not limited to, coercion, intimidation, unwanted sexual advances, or requests for sexual favors.
- Any attempt to repeatedly make contact with a person regardless of their stated objections, when that contact serves no legitimate purpose. This includes, but is not limited to, intentionally following another person or attempting to contact them through telephone, text messages, or any electronic social media.

9. Hazing.

- Any act, even if committed with the effective consent of all parties, which endangers the psychological or physical health or safety of a person, or by which a person is encouraged to engage in conduct that a reasonable person would consider to be humiliating, when the act is explicitly or implicitly a condition of admission into, affiliation with, or continued membership in any group. Actively or passively encouraging these acts is also prohibited.

10. Interference.

- Any act that disrupts or interferes with any educational, administrative, residential or other aspect of the University's mission or operations.

11. Non-Compliance.

- Any failure to comply with a reasonable requests of a University official, law enforcement officer, or other emergency service professional in the performance of their duties. This includes, but is not limited to, any requirements as part of the student conduct process.
- Any failure to provide one's Pioneer Card upon request to any University official.
- Any failure to abide by signs, placards, or other official University postings.

12. Physical Misconduct.

- Any act causing or likely to cause, bodily harm to any person, regardless of intent.
- Any act resulting in physical contact with another person, when performed over their objections.

13. Property Damage.

- Any act causing or likely to cause, damage to property without the effective consent of the owner or person legally responsible for that property, regardless of intent. This includes, but is not limited to, vandalism of residence hall bulletin boards.

14. Provocation.

- Any act, display, or communication that may reasonably be expected to cause an immediate disruption of normal University activity by a person to whom that action is specifically directed.
- Any act, display or communication that encourages actions which may be reasonably expected to cause harm to a person or damage to property. This includes, but is not limited to rioting.

15. Sexual Misconduct.

- 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:
 - Sexual intercourse, defined as anal or vaginal penetration by a penis, tongue, finger, or other object, and any mouth to genital contact.
 - Sexual contact, defined as fondling or touching the genitalia, buttocks, or breasts of any person.
 - Any other act which a reasonable person would associate with sexual conduct.
- Any physical act that is sexual in nature and intentionally performed in view of others without the effective consent of all parties. This includes, but is not limited to, the recording or broadcasting of sexual acts without the effective consent of all parties involved.
- Any physical act that is sexual in nature when such an act is likely to threaten any party's health or safety without their effective consent. This includes, but is not limited to, any act that may reasonably be expected to transmit sexually transmitted infections and performed when a party has failed to divulge their infection.

- 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 or flashing of one's genitalia, buttocks, or breasts.

16. Theft.

- Attempted or actual acquisition or possession of property (including intellectual property) without the consent of the owner or person legally responsible for that property. This includes, but is not limited to, the possession of property a student should reasonably know to have been stolen.
- Any utilization of labor or services by unauthorized or deceitful methods. This includes, but is not limited to, the misuse of University parking passes.
- Any attempted or actual acquisition of items provided without charge when that acquisition exceeds reasonable limits or restrictions imposed by the owner or person legally responsible for that materials. This includes, but is not limited to, taking excessive numbers of free newspapers.

17. Violation of the Law.

- Any violation or conviction of any federal or state law or local ordinance.

18. Violation of University Policy.

- Any act which is in violation of University policy not specifically outlined in these *Student Conduct Policies*. This includes, but is not limited to the Guide to Residence Living, parking regulations, and policies governing the appropriate use of University technology.

III. Rights & Responsibilities

A. *Respondents*. Throughout their involvement in the student conduct process, a respondent has the following rights and responsibilities:

1. *Fair Treatment*.

- a) The respondent has the right to be treated with dignity and respect.
- b) The respondent has the right to be considered not responsible of all charges unless found responsible by a hearing body. However, this right will not prevent the University from taking necessary interim action as specified in Chapter VII of this *Honor Code*.
- c) The respondent has the right to information regarding the student conduct process and their 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 request reasonable accommodations (i.e., for disability, language barriers, or location/proximity concerns) to allow the respondent to fully participate in the *Student Conduct Process*. Requests must be received by OSC no later than 72 hours before the scheduled start of the hearing.
- f) The respondent has the responsibility to notify the Director of Student Conduct (OSC), or an Associate Provost, if they feel fair and equitable treatment has not been given.

2. *Privacy.*

- a) The respondent has the right to privacy regarding their student conduct case throughout the student conduct process with respect to all parties without a legitimate educational interest.
- 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 OSC, or an Associate Provost, if they feel reasonable steps need to be taken in order to protect these rights.

3. *Presence of a Support Person.*

- a) The respondent has the right to have a support person of their choice present throughout the student conduct process. The support person may consult with the respondent, but may not actively participate in any student conduct proceeding, which includes serving as a witness.
- b) The respondent has the responsibility to notify their support person of the time, date, and location of any student conduct proceedings. Proceedings will not be rescheduled to accommodate a support person.
- c) The respondent has the responsibility to provide notification of their support person to OSC no later than 48 hours before the scheduled start of the hearing. The support person's name will be made available to the complainant, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. OSC has the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may be grounds to exclude a support person.

4. *Written Notice.*

- a) The respondent has the right to proper written notification of any hearing conducted as a result of a report in which they are involved. This notice will include the following:
 - 1) The time, date, and location of the hearing;
 - 2) The process if a student chooses not to appear at the hearing;
 - 3) A written copy of the report, including the name(s) of the reporting party and charges being considered;
 - 4) A list of all complainants and 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 all witnesses and information presented during a hearing. This does not include the right to question witnesses.
- b) The respondent has the right to present witnesses and other information directly relevant to the incident. Written statements from witnesses unable to participate must be provided at the time of the hearing. The *Student Conduct Process* addresses student behavior, not student character, therefore character witnesses, statements, and reference letters are not accepted.
- c) The respondent has the right not to present evidence. This right should not be construed to allow the respondent to present false or misleading information.

- 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. Any response must be directed to the hearing body and not to a witness.
- e) The respondent has the responsibility to inform any witnesses they wish to call of the time, date, and location of the hearing, and to have on hand all evidence they wish to present at the time of the hearing.
- f) The respondent has the responsibility to provide prior notification of any witness to OSC no later than 48 hours before the scheduled start of the hearing. These names will be made available to the complainant, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. OSC has the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may be grounds to exclude witnesses.

6. *Written Decision and Appeal.*

- a) The respondent has the right to proper written notification of the results of their student conduct hearing. This notice will include the following:
 - 1) The rationale for the finding;
 - 2) The specific *Student Conduct Policies* the respondent has been found responsible for violating;
 - 3) The outcomes 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 outcomes imposed as the result of a student conduct hearing once an appeal decision has been given.

B. *Complainants.* Throughout their involvement in the student conduct process, a complainant has the following rights and responsibilities:

1. *Fair Treatment.*

- a) The complainant has the right to be treated with dignity and respect.
- b) The complainant has the right to information regarding the student conduct process and their 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 request reasonable accommodations (i.e., for disability, language barriers, or location/proximity concerns) to allow the respondent to fully participate in the *Student Conduct Process*. Requests must be received by OSC no later than 72 hours before the scheduled start of the hearing.
- e) The complainant has the responsibility to notify the Director of OSC, or an Associate Provost, if they feel fair and equitable treatment has not been given.

2. *Privacy.*

- a) The complainant has the right to privacy regarding their student conduct case throughout the student conduct process with respect to all parties without a legitimate educational interest.
- b) The complainant has the right to be free from intimidation and harassment, and 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 OSC, or an Associate Provost, if they feel reasonable steps need to be taken in order to protect these rights.

3. *Presence of a Support Person.*

- a) The complainant has the right to have a support person of their choice present throughout the student conduct process. The support person may consult with the complainant, but may not actively participate in any student conduct proceeding, which includes serving as a witness.
- b) The complainant has the responsibility to notify the support person of the time, date, and location of any student conduct proceedings. Proceedings will not be rescheduled to accommodate a support person.
- c) The complainant has the responsibility to provide notification of their support person to OSC no later than 48 hours before the scheduled start of the hearing. The support person's name will be made available to the respondent, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. OSC has the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may be grounds to exclude a support person.

4. *Written Notice.*

- a) The complainant has the right to proper written notification of any hearing conducted as a result of a report filed by them or on their behalf. This notice will 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 report, 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 all witnesses and information presented during a hearing. This does not include the right to question witnesses.
- b) The complainant has the right to present witnesses and other information directly relevant to the incident. Written statements from witnesses unable to participate must be provided at the time of the hearing. The *Student Conduct Process* addresses student behavior, not student character, therefore character witnesses, statements, and reference letters are not accepted.

- c) The complainant has the right to provide a written impact statement to the hearing body, to be considered when determining outcomes should the respondent be found responsible for violating any *Student Conduct Policies*.
 - d) The complainant has the responsibility to participate in any hearing conducted as the result of the report, or risk the forfeiture of their 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. Any response must be directed to the hearing body and not to a witness.
 - f) The complainant has the responsibility to inform any witnesses they wish to call of the time, date, and location of the hearing, and to have on hand all evidence they wish to present at the time of the hearing.
 - g) The complainant has the responsibility to provide prior notification of any witness to OSC no later than 48 hours before the scheduled start of the hearing. These names will be made available to the respondent, and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the hearing. OSC has the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the hearing may be grounds for excluding witnesses.
6. *Written Decision and Appeal.*
- a) The complainant has the right to proper written notification of the results of any student conduct hearing convened as a result of a report they filed if the complainant is a victim of an alleged crime of violence or a non-forcible sex offense. If the victim dies as a result of the crime or offense the alleged victim's next of kin has the right to notification. This notification will include the following:
 - 1) The rationale for the finding;
 - 2) The specific *Student Conduct Policies* the student has been found responsible for violating;
 - 3) The outcomes 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.

IV. **Steps in the Student Conduct Process**

A. *Reporting.* Any person may file a report with the University. A report is considered to have been filed when it has been presented in writing to a conduct administrator.

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

B. *Determination of Charges.* Once a report has been filed, a conduct administrator will determine if charges from the *Student Conduct Policies* may be applicable and one of the following will occur:

1. No further action will be taken if, in the sole judgment of the conduct administrator, the report is not substantive. The University may resume action on any report should further relevant information become available.
2. The report will be referred to a hearing body if, in the sole judgment of the conduct administrator, the report is substantive, and sufficient evidence already exists to convene a hearing.

C. *Hearing*. Each hearing body will be empowered to determine the process by which the hearing is conducted, provided the procedures used conform to the rights afforded to respondents and complainants by this *Honor 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 *Student Conduct Policies*.
2. Find the respondent responsible of violating University *Student Conduct Policies* and impose appropriate outcomes. A student will 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. This will be done in cases where the outcome is potentially suspension or dismissal and the hearing body will be the Conduct Review Board.

D. *Appeal*. Respondents and complainants have the right to appeal a decision made by a hearing body based on specific appeal criteria. An appeal will only be considered when the Appeal form, available on the OSC website, is completed and submitted to the OSC within five days of the date on the Notice of Decision letter. An extension to this deadline may be requested and can be granted at the discretion of the Director of OSC. The Director of OSC will then refer the Appeal to the appropriate Appellate Officer for review and determination of next action.

If an Appeal is received from either the complainant or respondent within five days of the date on the Notice of Decision letter, the Appeal *may* be forwarded to the other party(ies) involved in the case and the other party(ies) will be given the opportunity to submit a written response. If an Appeal is received from both the complainant and the respondent within five days of the date on the Notice of Decision letter, the Appeal *may* be forwarded to each of the parties involved and each will be given the opportunity to submit a written response. In either situation, the response(s) will only be considered when provided to the Appellate Officer within the expressed deadline.

Decisions made by the Appellate Officer will be made, and proper written notification provided, no later than five days after the Office of Student Conduct receives the Appeal. If there are extenuating circumstances, all parties involved will be notified that an extension beyond five days is necessary for the Appellate Officer in making a decision on the Appeal.

1. *Appellate Criteria*. The Appeal must include information to support the Appeal Criteria under which an appeal is being submitted. Appeals will only be considered in the following circumstances:
 - a) The existence of procedural errors so substantial that it greatly impacted the hearing decision;
 - b) The hearing decision in the original hearing is clearly not supported by the information presented;
 - c) Presentation of new and significant evidence which was not reasonably available at the

time of the initial hearing and would likely alter the hearing decision; and/or

d) The imposition of an arbitrary outcome.

NOTE: Not agreeing with the hearing decision is not grounds for appeal.

2. *Appellate Officers.* following persons will be designated as Appellate Officers:

a) If the case was heard by Housing and Residential Education (HRE), any appeal will be reviewed by the Director of OSC.

b) If the case was heard by OSC or the Conduct Review Board (CRB), any appeal will be reviewed by an Associate Provost.

3. *Available Actions.* The Appellate Officer will review the Appeal, Student Conduct Records, and any other applicable information to determine if the Appeal satisfies any of the Appeal Criteria. Then, the Appellate Officer is limited to taking one of the following actions:

a) Deny the Appeal and uphold the original decision based on *not* satisfying the Appeal Criteria.

b) Accept the Appeal based on satisfying the Appeal Criteria and either:

- send the case back to OSC for a new hearing; or

- drop the case.

Under no circumstances will the Appellate Officer replace the judgment of the original hearing body; the appellate process exists solely to review the procedures used in the student conduct proceedings, and not to re-hear a case in its entirety.

V. **Hearing Bodies**

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

1. *Authority.* The CRB has the authority to determine if a respondent is responsible for a violation of the *Student Conduct Policies*, and to assign outcomes as appropriate.

2. *Composition.* The CRB will be composed of three (3) University community members, selected from a pool of eligible CRB members, and one Chairperson. The Chairperson will be the Director of Student Conduct (OSC) or their designee. The role of the chairperson is to facilitate the hearing and to ensure that the procedures are being followed. Specific guidelines for who will serve are as follows:

a) If the respondent is an undergraduate student, at least one member of the CRB will be an undergraduate student.

b) If the respondent is a graduate student, at least one member of the CRB will be a graduate student.

c) If possible, at least one member of the CRB should be a member of the faculty.

d) If possible, at least one member of the CRB should be a University staff member.

e) If the case involves an alleged violation of Academic Misconduct, at least one member of the CRB will be a member of the faculty.

The CRB may conduct a hearing without these requirements, or with only two (2) members, provided that both the complainant and respondent agree that the hearing should take place.

3. *Eligibility.* In order to be eligible to serve on the CRB, individuals must meet the following requirements.

- a) Students must be registered as a full-time student in good standing after completing at least one quarter of coursework at the University.
- b) Faculty must have been employed by and taught courses at the University for a minimum of one academic quarter. Faculty must also have taught at least one course within the most recent two academic quarters.
- c) Staff must be currently employed part- or full-time, and must have been employed full- or part-time by the University for at least one complete academic quarter.

OSC is responsible for recruiting, selecting, and training members of the CRB. It is expected that members of the CRB will excuse themselves from a particular hearing if there is the potential for their objectivity to be compromised.

4. *Hearing Procedures.*

- a) The Chairperson calls the hearing to order.
- b) The Chairperson states the conditions of the hearing, including:
 - The hearing will be audio-recorded. This recording will be kept for a period of no less than five years from the date of the respondent's most recent hearing.
 - The hearing will be closed, with participation limited to the respondent, the complainant, and any support persons and any witnesses.
 - All statements will be restricted to matters relevant to the case.
 - Any person disrupting, interfering with or failing to abide by the rulings of the Chairperson may be removed from the hearing.
 - Support persons, if present, are restricted to consulting with the person they are there to support. Support persons may not address witnesses or the CRB unless invited to do so by the Chairperson.
 - Deliberations will be limited to the CRB. Deliberations will not be audio-recorded.
 - The hearing and its outcome are considered part of the respondent's educational record, and as such are confidential.
- c) The Chairperson asks the complainant * and the respondent if there are any objections to proceeding with the hearing at this time. The Chairperson is solely responsible for deciding if such objections are reasonable and what measures should be taken to address them.
- d) The Chairperson presents the report to the CRB and states the charges.
- e) The Chairperson asks the respondent to respond to the charges with a statement of either "Responsible" or "Not Responsible".
- f) The complainant* makes an opening statement.
- g) The respondent makes an opening statement.
- h) The complainant * presents evidence and/or calls witnesses. The CRB has the option of questioning the complainant * and witnesses.

- i) The respondent presents evidence and/or calls witnesses. The CRB has the option of questioning the respondent and witnesses.
- j) The complainant * presents a closing statement.
- k) The respondent presents a closing statement.
- l) The Chairperson concludes the hearing.
- m) The CRB enters closed deliberations. A unanimous decision among the three members is desirable for determining responsibility; however, a majority vote is acceptable if, in the Chairperson's opinion, unanimity is not reasonably achievable.
- n) If the CRB determines the student to be responsible for violation of the *Student Conduct Policies*, a unanimous decision among the three voting members is desirable for determining outcomes; however, a majority vote is acceptable if, in the Chairperson's opinion, unanimity is not reasonably achievable.

*If one has been designated and chooses to attend the hearing.

B. *Director of OSC*. The Director of OSC, is empowered to conduct hearings for all types of cases. The Director of OSC may impose outcomes up to suspension. The Director of OSC may not impose outcomes of dismissal from the University without the respondent's consent.

C. *Student Conduct (OSC) Staff*. OSC staff may be empowered by the Director of OSC to conduct hearings for all types of cases. OSC staff may not impose outcomes involving suspension or dismissal from the University without the respondent's consent.

D. *Housing and Residential Education (HRE) Staff*. HRE staff may be empowered by the Director of OSC to conduct hearings for cases that originate in the residence halls. Generally, HRE staff may hear cases involving alleged violations of residence hall policies and alleged violations of University *Student Conduct Policies*. Any reports involving violence, threats of violence, sexual misconduct, weapons, or other serious forms of misconduct will be referred to OSC.

HRE staff may not impose outcomes involving probation without the consent of the Director of OSC or their designee. HRE staff may not impose outcomes involving suspension or dismissal from the University.

E. *Campus Activities Staff*. Campus Activities staff are empowered by OSC to conduct hearings for cases that involve licensed or unlicensed *Student Organizations*. Generally, Campus Activities staff may hear cases involving alleged violations of *Student Organizations* policies and alleged violations of the Honor Code's *Student Conduct Policies*. Campus Activities staff does not have the authority to take conduct action against individual students. Any reports involving violence, threats of violence, sexual misconduct, weapons or other serious forms of misconduct will be referred to OSC.

F. *Faculty*. The authority of faculty members to make decisions on Academic Actions in response to allegations of Academic Misconduct violations is inherent to their role at the University. Academic Actions may include, but are not limited to:

1. Failure of an assignment.
2. Failure of a course.
3. Termination from a program of study.

When Academic Misconduct violations of the *Honor Code* are suspected, the faculty member involved should discuss these suspicions with the student, and then make a decision regarding academic outcomes. Academic Actions are not subject to the appellate process outlined in this *Honor Code*, but are instead governed by the Academic Exceptions Committee.

If a faculty member finds a student responsible for Academic Misconduct, the faculty member should report their findings, and the Academic Action taken (if any), to OSC by completing an Incident Report found on the OSC website. OSC staff will then determine what student conduct action may be appropriate, taking into consideration the nature of the alleged violation, the student's previous student conduct record relating to Academic Misconduct violations, and the recommendations of the faculty member or academic unit.

VI. **Outcomes**

A. *Rationale*. Student conduct outcomes are intended to be educational rather than punitive wherever possible. Outcomes are based on each student's individual circumstances and balance the needs of the respondent as well as the University community.

Outcomes for misconduct will be determined utilizing six main criteria:

1. The circumstances and severity of the violation including conduct that targets a person's perceived or actual identity including race, color, national origin, age, religion, disability, sex, sexuality, gender identity, gender expression, marital status, or veteran status will have an impact on the student's outcome.
2. A student's previous student conduct history
3. The intent of the student
4. The impact of the situation
5. The level of demonstrated understanding
6. The influence of alcohol or other drugs

Outcomes are assigned for the entirety of an incident, not for each violation. All outcomes will include an "inactive" outcome, and at least one "active" outcome.

B. *Inactive Outcomes* are those which define the student's status at the University. These include the following:

1. *Warning*. A warning is given to notify a student that their behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's status at the University. However, once given a warning, students should expect different outcomes to result from any subsequent violations.
2. *Student Conduct Probation*. Probation serves to notify a student that they must avoid any further violations of the *Student Conduct Policies* for a specified period of time in order to remain a student at the University. 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.
3. *Suspension*. A student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period of time, and will be trespassing from all University premises and activities. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also apply to the Director of Student Conduct (OSC), who will 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 suspended.

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

C. *Active Outcomes* may be assigned in order to facilitate the educational process. These outcomes are intended to encourage a student to reflect on the impact of the decisions they have made and help students develop the skills necessary to be successful at the University of Denver. Types of “active” outcomes include, but are not limited to:

1. *Written Assignments*. A student is required to write a reflection paper, maintain a journal, write a review of a policy, etc.
2. *Worksheets*. A student is required to answer a series of questions designed to help them evaluate the decisions that led to the violation and avoid making similar decisions in the future.
3. *Programs & Activities*. A 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, complete a drug and/or alcohol treatment program, or attend a workshop, etc.
5. *Restrictions*. The student is restricted from contacting one or more individuals, 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.

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

VII. **Interim Actions**

A. *Rationale*. All students have the right to continue their education free from the threat of harassment, abuse, retribution, or violence. The University may take whatever measures it deems necessary in order to protect the safety, security, or integrity of a complainant, the University, or any member 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 reporting incidents to law enforcement or other non-University agencies. The Director of Student Conduct (OSC), in consultation with the appropriate faculty and/or administrators, will be empowered to impose any interim action short of an interim suspension.

The University also recognizes its obligation to students who have been accused of misconduct but have not yet gone through the student conduct process. Therefore, interim action should not unduly interfere with a respondent’s academic progress short of that deemed necessary to protect the University, any member of its community, or its mission.

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

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

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

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 emergency number at 303.871.3000.

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.

1. The instructor should first meet with the student in an attempt to resolve the issue. Another faculty or staff member (including OSC or Campus Safety staff) may be asked to attend this meeting.
2. If this meeting fails to resolve the situation, the instructor will inform the student of their intention to seek an involuntary drop, and provide the student an opportunity to drop the course voluntarily.
3. The instructor will 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) will 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 will 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 will only be considered in the following circumstances:
 - a.) The existence of procedural errors so substantial that it greatly impacted the hearing decision;
 - b) The hearing decision in the original hearing is clearly not supported by the information presented;
 - c) Presentation of new and significant evidence which was not reasonably available at the time of the initial hearing and would likely alter the hearing decision; and/or
 - d) The imposition of an arbitrary outcome.

While an appeal is being considered, the student will be restricted from attending the class from which they been dropped.

5. The appeal will 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 is final.

6. Copies of all involuntary drop requests will be provided to OSC, who will determine whether student conduct charges should also be filed. OSC will generally defer to the recommendation of the course instructor; however, if the student has a previous student conduct record, OSC may take appropriate action regardless of the instructor's recommendation.
7. The course drop will be effective from the date of the original decision, and for all administrative purposes (e.g., transcripts, tuition refunds, etc.) will be considered the same as if the drop had been voluntary.

VIII. Student Conduct Records

A. *Maintaining Records.* The Office of Student Conduct (OSC) will be responsible for maintaining all official University records related to student conduct. A student's record will include copies of all cases in which a student is charged with violating at least one *Student Conduct Policy*, as well as copies of all correspondence and other documentation related to the case.

The policies regarding the retention of student conduct records are as follows:

1. Student Conduct files will be maintained for a period of no less than seven years following the most recent finding of violation.
2. Student Conduct files of students who have been dismissed from the University will be kept indefinitely.
3. The University will 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 student conduct 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 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 responsible for violating any drug or alcohol policies. Notification may be deferred at the sole discretion of the Director of OSC.

This notification is intended as a means to encourage communication between students and their parents or guardians to provide the greatest level of support for the student. Regardless of whether notification has occurred, the University's priority and obligation is to correspond and otherwise conduct business directly with students, and not through parents, guardians, or any other third party.

C. *Public Notification Policy.* The University recognizes the shared interest of the greater community in the resolution of student conduct cases. OSC will update their website on a quarterly basis with statistics on the student conduct process. These statistics may include the number of students found responsible for violating each of the *Student Conduct Policies*, as well as a summary of the outcomes assigned in the student conduct process.

IX. **Student Organizations**

A. *Jurisdiction.* *Student Organizations* are responsible for upholding the *Student Conduct Policies* outlined in this *Honor Code*.

Student Organizations and/or individual members may be held responsible for misconduct which occurs on University premises, at University events, on premises used or controlled by the organization, or at off campus locations.

Officers or leaders of a *Student Organizations* may be held individually responsible for violations of *Student Conduct Policies* in the following circumstances:

1. Any violations committed by members of a *Student Organizations* with the implicit or explicit consent of the officers or leaders.
2. Any violations committed by members of a *Student Organizations*, 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 Organizations*, including when a *University Official* in the performance of his/her duties has directed the officers or leaders to take such steps..

B. *Authority.* Primary conduct authority over *Student Organizations* is granted by the Office of Student Conduct to Campus Activities staff, who shall be responsible for investigating misconduct, reviewing reports, determining applicable charges, and imposing outcomes. This authority, or portions thereof, may be delegated by the Director of Campus Activities as necessary for purposes including, but not limited to, maintain efficiency and/or avoiding conflicts of interest.

C. *Process.* Conduct action taken against *Student Organizations* is an extension of the University of Denver's *Student Conduct Process*. Campus Activities staff shall be empowered to take whatever action deemed necessary and expedient to respond to complaints involving *Student Organizations* and/or prevent future violations. In cases where it is determined that the safety and welfare of a student or students is immediately at risk, *Student Organizations* can face interim suspension until such time that an investigation and/or a hearing can occur.

Conduct action taken against *Student Organizations* shall be separate from action taken against individual members. Individual students involved in the conduct process for a *Student Organization* may be subject to the individual *Student Conduct Process* according to their involvement in a case. Only OSC is authorized to take action again individual students.

All decisions regarding *Student Organization* conduct will be communicated to the OSC. Student Organization Conduct records will be maintained with the OSC for a minimum of seven years following the most recent finding of violation.