



UNIVERSITY *of*
DENVER

HONOR CODE with the STUDENT RIGHTS & RESPONSIBILITIES

Policies and Procedures
2017 – 2018

Honor Yourself. HONOR THE CODE.

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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.

University 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 institutional 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***. The Pioneer Pledge was created in 2010 as an action statement which embodies the values of the Honor Code. The "Pledge" is intended as a mutual agreement between all members of the University of Denver and is as follows:

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.

The University's Faculty Personnel Guidelines Relating to Appointment, Promotion, and Tenure will be used in the instance of any faculty member who has allegedly violated the *Honor Code*. The University of Denver's Human Resources Policies and Procedures will be used in the instance 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 instance of any trustee who has allegedly violated the *Honor Code*. Any conflict or dispute concerning which procedure governs in the enforcement of the *Honor Code* will be resolved by the Provost & Executive Vice Chancellor or the Vice Chancellor for Campus Life & Inclusive Excellence, or, in the instance of the trustees or Chancellor, by the Board of Trustees.

The Provost & Executive Vice Chancellor grants authority for resolving violations of the Honor Code by students to the Office of Student Rights & Responsibilities. The Office of Student Rights & Responsibilities is responsible for reviewing *Reports*, assigning *Charges*, and implementing the Student Conduct Process. This authority, or portions of it, may be delegated by Student Rights & Responsibilities staff as necessary for purposes including, but not limited to, maintaining efficiency or avoiding conflicts of interest. 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 Office of Equal Opportunity will be responsible for adjudicating all alleged violations of Equal Opportunity policies.

- 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 Vice Chancellor for Campus Life & Inclusive Excellence for final review and judgment; for all other community members, questions will be directed to the Provost & Executive Vice Chancellor 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 Student Rights & Responsibilities who may recommend changes they feel are necessary and expedient. All recommendations for substantive changes will be forwarded to the appropriate University administration (e.g., Athletics, Internationalization), Faculty Senate, Undergraduate Student Government (USG), and the Graduate Student Government (GSG) for comment. The Provost & Executive Vice Chancellor and the Vice Chancellor for Campus Life & Inclusive Excellence hold final authority to revise or amend this *Honor Code*.

In addition, upon recommendation from a Dean or the Faculty Senate, the Provost & Executive Vice Chancellor, 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 Student Rights & Responsibilities to be utilized in the Student Conduct Process when appropriate.

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. 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 & Executive Vice Chancellor and the Vice Chancellor for Campus Life & Inclusive Excellence.

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 Rights & Responsibilities

Policies & Procedures. These policies and procedures govern all student behavior at the University of Denver in a manner consistent with the values of the Honor Code. It is expected that students will uphold the values of the *University* and the *Honor Code* by exhibiting behavior that supports the spirit under which these values were established. Actions taken by a student which are contrary to the core values of the *University Honor Code* may be addressed through the Student Conduct Policies and Procedures as managed by the Office of Student Right & Responsibilities.

Mission. The Office of Student Right & Responsibilities at the University of Denver supports the University mission by providing programs and services designed to foster a positive and safe environment for student learning. The Office of Student Right & Responsibilities 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.

Jurisdiction. The *University* will address alleged student behavior when it may have violated *University Policy*, including the Student Conduct Policies outlined in this document regardless of where the alleged behavior occurred. Off-campus student behavior that disrupts neighbors or negatively impacts the reputation of the University will be processed through Student Right & Responsibilities. Students hosting parties at off campus houses are responsible for the activities occurring at or associated with their gatherings.

The Student Conduct Process at the *University* is not intended to replace criminal or civil proceedings. It is a University administrative process and does not follow formal rules of evidence or procedure as set forth in any federal, state, or local law. *Case Resolution Bodies* will review information and give it appropriate weight without making a formal determination of relevance or admissibility. Determinations are based upon a finding of preponderance of evidence.

Regardless of whether formal criminal *Charges* are filed over alleged behavior, the *University* may proceed with the Student Conduct Process 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 document even if a student's criminal or civil charges are reduced or dismissed. Additionally, withdrawing from the *University* will not prevent the Student Conduct Process from proceeding.

Students may be involved in the *University Community* in different ways, such as students who are also *University* employees. Therefore, these policies do not necessarily encompass all policies that may apply.

Many students are also members of academic programs with professional standards of conduct in addition to the *University* standards. A student may be held responsible for alleged violations of both *University* policies and the professional standards of their academic program through the Student Conduct Process. Students are responsible for knowing all policies that apply to them.

The *University* encourages the prompt reporting of any alleged violations of *any* policy; however the *University* reserves the right to review any alleged violation at any time in its effort to maintain a safe and productive environment for all its community members.

Student Right & Responsibilities reserves the authority to pilot new programs, procedures, etc. to best meet the needs of the ever-changing *University Community* with approval from the Vice Chancellor for Campus Life & Inclusive Excellence. Participation in any piloted programs is strictly voluntary.

The Office of Equal Opportunity & the Office of Title IX maintain the responsibility for adjudicating alleged violations of Equal Opportunity policies through a separate investigative and case resolution process.

University Equal Opportunity Policy - As related to Discrimination, Harassment, and Gender-Based Violence. The University of Denver strives to create and maintain a community in which people are treated with dignity, decency and respect. The environment of the *University* should be characterized by mutual trust, freedom of inquiry and expression, and the absence of intimidation, oppression and exploitation. People in this community should be able to work and learn in a safe, yet stimulating, atmosphere. The accomplishment of this goal is essential to the academic mission of the *University*.

The *University* will not tolerate unlawful discrimination and/or harassment of any kind, including sexual misconduct matters. When a student is alleged to have violated any *University* Harassment and/or Discrimination policies, the incident report will be forwarded to the Office of Equal Opportunity or the Office of Title IX for evaluation, investigation, findings, outcomes, and appeal on all *University Policy* violations addressed in the complaint, including those policies outlined in this document.

Please see the full policies and procedures governing the separate resolution process handled by the Office of Equal Opportunity and/or the Office of Title IX at <http://www.du.edu/equalopportunity/complaints/index.html> for more information.

Protests & Demonstrations Statement. The *University* recognizes the right to freedom of expression and the free interchange of ideas, including the right to peaceful and orderly protests and demonstrations. The *University* also maintains an obligation to ensure that protests and demonstrations are not disruptive of *University* operations, allow for unrestricted movement on and around campus, and that they do not interfere with the safety or security of members of the *University* community. Students are expected to uphold the policies contained within the Honor Code, other *University* policies, as well as applicable laws, and will be held accountable for any violations, including, but not limited to *University* policies of Interference, Non Compliance, and Property Damage. Exercising your rights is something we value, let us help you do it effectively. We encourage you to reach out to the Executive Director for Campus Life for assistance.

ADA Statement. In accordance with the American with Disabilities Act (ADA), as amended (ADAA), Section 504 of the Rehabilitation Act and our commitment to equitable access, we include this statement to inform students of their right to request official accommodations through the Disability Services Program if they have a documented disability or a medical condition (e.g., mental health, emotional health, physical health). Students should contact the **Disability Services Program (DSP)**; 303.871.2372/ 2278; 1999 E. Evans Ave.; 4th floor of Ruffatto Hall. Information is also available online at www.du.edu/disability/dsp; see *Handbook for Students with Disabilities*.

Medical Amnesty Statement. The *University* has a concern and responsibility for preserving the well-being of all members of our community. Since the health and safety of students are of primary importance to the *University*, students are expected to not only look out for their own health and safety as well as the safety of their peers. Students are expected to take immediate action when a person's health or safety is threatened.

When a student undertakes an intentional action to seek assistance from a *University Official* or emergency services is sought for themselves or others as a result of excessive alcohol consumption or drug use, the students

involved will not be charged with an alcohol- or drug-related violation of the Honor Code, nor will an alcohol- or drug-related violation appear on their record. The students involved may be referred for an educational outcome or evaluation related to their mental status or substance use. This referral will not constitute a violation of the Honor Code. This option may not be offered on a repeated basis, but it is expected that health and safety are always prioritized. Moreover, this commitment does not preclude legal consequences or charges related to non-alcohol or drug-related Honor Code violations.

Responsibility for Guests Statement. Students are responsible for the conduct of their guests and may be held accountable for their guest's violations of the applicable Student Conduct Policies.

I. Definitions

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

- A. *Academic Actions* are those outcomes and/or consequences which are determined by faculty members, instructors, and/or academic units in response to student academic misconduct within a course.
- B. *Appellate Officer* is a person who has been designated to evaluate an appeal on the *Appeal Criteria* and then determine which available action should be taken if an *Appeal Criteria* is met.
- C. *Case(s)* refer to a *Report* in which *Charges* are assigned and at least one *Respondent* is named.
- D. *Case Resolution Body* refers to any person, persons, or groups authorized by the *University* to determine whether a student has violated Student Conduct Policies and to impose *Outcomes* when appropriate.
- E. *Case Resolution Meeting* refers to the time during which a student will be invited to present their perspective of an incident with the designated *Case Resolution Body*. The *Case Resolution Meeting* can be conducted in-person with an administrator, through the Student Accountability Board or other *Case Resolution Body* designated in these policies. Students have the right not to attend the *Case Resolution Meeting*, however a decision will then be made without their input; non-attendance is not grounds for appeal.
- F. *Charges* mean the Student Conduct Policies which a student is notified to allegedly have violated as a result of the incident described in a *Report*.
- G. *Complainant* means a *Reporting Party* who may have been harmed as a result of the incident described in a *Report*. The *Student Conduct Administrator* reserves the right to determine "complaint" status. The *University* reserves the right to proceed with the Student Conduct Process without the presence or cooperation of a *Complainant*.
- H. *Constructive Action* means reporting any action contrary to *University Policy* to someone in a position to take action – such as a faculty member, Dean, Campus Safety officer, or administrator. Students failing to take such action may result in a violation of the *Non-Compliance* policy.
- I. *Director of Student Rights & Responsibilities* is the administrator responsible for the oversight of the Student Conduct Policies and Procedures. As regularly referenced in this document, the *Director of Student Rights & Responsibilities* can empower a designee to act on their behalf in times as needed, such as in an absence or when a conflict of interest may apply.
- J. *Effective Consent*, in reference to Student Conduct Policies such as Alcohol Misuse, Drug Misuse, Hazing, Physical Misconduct and Property Damage, means an 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. In order to give consent, one must be of legal age. Further consent to any one activity cannot automatically imply consent to any other activity.

NOTE: *Consent*, in reference to sexual activity, is defined in the [Office of Equal Opportunity and Office of Title IX Procedures, V. Prohibited Conduct, A. Guiding Principles, 1. Consent.](#)

- K. *Federally Illegal Drugs* are set forth by the FDA Controlled Substances Act (2009), and any amendments to that act. Under CSA, marijuana is classified as a Schedule I controlled substance; all forms of cannabis are federally illegal, even medical marijuana regardless of state drug policies. In an effort to comply with the *Drug-Free Schools Act*, DU prohibits the distribution, possession, use, or manufacture of marijuana in any form or paraphernalia associated with the use of *Federally Illegal Drugs* on *University* property.
- L. *Outcomes* are required educational opportunities, restrictions and/or expectations for a student found responsible for violating Student Conduct Policies.
- M. *Proper Written Notification* means delivery via electronic mail to the student's preferred email address as updated by the student in the PioneerWeb or other approved University Process. It is therefore the responsibility of the student, per [University policy](#) to have an updated preferred email account on file with the *University* which is checked regularly. Notice *may* also be delivered in person, or to a student's *University* or permanent address, as reported by the student to the *University*.
- N. *Report* means a narrative detailing an incident in which one or more students may have violated the Student Conduct Policies.
- O. *Reporting Party* is 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.
- P. *Respondent* means any student who has been charged with one or more violations of the Student Conduct Policies.
- Q. *Restorative Justice* offers a different framework for case resolution and is considered an "alternative dispute resolution" option. It moves beyond the confines of the traditional *Student Conduct Process* to acknowledge the injuries sustained by Complainants/victims as well as the potential damaged relationships that result from any wrongdoing and focuses on repairing the harms created. Complainants/victims take an active role in the process, while *Respondents* are encouraged to take responsibility for their actions and take action to repair wrongdoings where possible. Restorative Justice Conferences are a *Case Resolution Body* option when *Respondents* take active responsibility for their actions, are interested in directly addressing the negative impact caused by their actions, and volunteer to participate.
- R. *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.
- S. *Student Conduct Administrators* are administrators and staff authorized to implement the Student Conduct Process; and may include the professional and graduate staff within Student Rights & Responsibilities and Housing and Residential Education (HRE).
- T. *Student Organization* is defined as two or more students meeting together in an organized manner with a common purpose. This definition includes, but is not limited to athletic teams, fraternities, and sororities. *Registered Student Organizations* are defined as those student-run organizations that have received *University* recognition either by Undergraduate Student Government (USG), Graduate Student Government (GSG) and/or by an official department of the University of Denver.
- U. *University* means the University of Denver (Colorado Seminary).
- V. *University Community* includes all students, *University Officials*, and other individuals involved in the normal operations of the *University*.
- W. *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*.

- X. *University Official* includes any person employed by the *University* performing academic, administrative, or professional duties. When this document refers to any *University Official* by title, it includes their designee.
- Y. *University Organization* means any group of persons who have complied with the formal requirements for *University* recognition.
- Z. *University Policies* refers to any rule, regulation, or process as it relates to the expectations and functions of the institution. When used in this document, *University Policies* includes, but is not limited to the Student Conduct Policies.
- AA. *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.
- BB. *Vice Chancellor for Campus Life & Inclusive Excellence* is the administrator with oversight of the Student Life Division and the Center for Multicultural Excellence. As referenced in this document, the *Vice Chancellor for Campus Life & Inclusive Excellence* can empower a designee to act on their behalf in times as needed, such as in an absence or when a conflict of interest may apply.
- CC. *Weapons* refer to objects designed or used to inflict injury or damage and include, but are not limited to knives with a blade over three inches, guns, pellet guns, paint guns, tasers, bows and arrows, machetes, ninja stars, nun chucks, explosive or incendiary devices, and swords.

III. Rights & Responsibilities

- A. *Respondents & Complainants*. Throughout their involvement in the Student Conduct Process, the *Respondent* and *Complainant* parties have the following rights and responsibilities:
Note: These rights and responsibilities are afforded to students involved in the traditional student conduct process. Alternative dispute resolution processes, such as Restorative Justice Conferences, may limit a student's rights and responsibilities, but involvement in such processes is voluntary.
 - 1. *Fair Treatment*.
 - a) The right to be treated with dignity and respect.
 - b) The right to information regarding the Student Conduct Process and their role within that process.
 - c) The right to object to a member of a *Case Resolution Meeting* based on a demonstrable bias that would affect the member's ability to render a fair decision.
 - d) The responsibility to request reasonable arrangements and/or accommodations (i.e., for disability, language barriers, or location/proximity concerns) to allow their full participation in the Student Conduct Process. Requests must be received by Student Rights & Responsibilities as soon as possible, but no later than 24 hours before the *Case Resolution Meeting*
 - e) The right for all decisions in the process to be based upon a preponderance of evidence.
 - f) The responsibility to notify the *Director of Student Rights & Responsibilities* or the Vice Chancellor for Campus Life & Inclusive Excellence, if they feel fair and equitable treatment has not been given.
 - g) Additionally, the *Respondent* has the right to be considered not responsible of all *Charges* unless found responsible by a *Case Resolution Meeting*. However, this right will not prevent the *University* from taking necessary interim action as specified in Chapter VII of this document.
 - 2. *Privacy*.
 - a) 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 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 involved parties.
- c) The responsibility to notify the *Director of Student Rights & Responsibilities*, or the Vice Chancellor of Campus Life & Inclusive, if they feel reasonable steps need to be taken in order to protect these rights.
- d) The right to have to HIPAA and FERPA information protected as provided by law.

3. *Presence of a Support Person.*

- a) The right to have a (one) support person of their choice present throughout the Student Conduct Process. A support person can be any person chosen by the student, including a parent or family member, or an attorney. A party must file a Release of Information form with the University for any involved support person. This can be done online at https://myweb.du.edu/mdb/du_bwskfrpa.P_DU_AddStuFERPA after logging into PioneerWeb/MyWeb. A party may consult with their support person, but the support person may not speak on behalf of or actively participate in any student conduct proceeding, which includes serving as a witness. Additionally, a support person is not allowed to attend a *Case Resolution Meeting* without the party they are supporting being present.
- b) 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 responsibility to provide notification of their support person to Student Rights & Responsibilities no later than 48 hours before the scheduled start of the *Case Resolution Meeting*. The support person's name will be made available to the involved parties (as applicable), and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the *Case Resolution Meeting*. Student Rights & Responsibilities has the authority to exclude any individual from participating, based on a reasonable objection. Failure to provide a support person's name prior to the *Case Resolution Meeting* may be grounds to exclude that support person.

4. *Written Notice.*

- a) The right to *Proper Written Notification* of any *Case Resolution Meeting* conducted as a result of a *Report* they filed, was filed on their behalf, or in which they are involved. This notice will include the following:
 - The time, date, and location of the *Case Resolution Meeting*;
 - The consequences and process if a student chooses not to appear at the *Case Resolution Meeting*;
 - A copy of the redacted *Report* OR the information on whom to contact for a hard-copy *Report*;
 - The *Charges* being considered and the name(s) of the *Reporting Party* (as applicable);
 - A list of all parties to be called by the *University* (as applicable); and
 - The procedures for requesting a change in the time or date of the *Case Resolution Meeting*.
- b) The right to view any supporting documents not already provided in the written notice, such as videos and photos. Note: photos and videos will not be released. However, reasonable accommodations will be made to allow parties the chance to review such materials in a monitored environment.
- c) The responsibility, per University policy, to ensure the *University* has been provided with accurate address and other contact information so that notification is not unduly delayed.

5. *Respond to Charges and Provide Testimony.*

- a) When an administrative *Case Resolution Meeting* is held:
- The right to respond to the *Charges*, which includes the right to present information directly relevant to the incident.
 - The right *not* to present evidence. This right should not be construed to allow the presentation of false or misleading information.
- b) When a Student Accountability Board (SAB) meeting is held, *additional* rights and responsibilities include:
- The right to hear all witnesses and information presented during a SAB meeting. This does not include the right to question witnesses.
 - The right to present witnesses. Written statements from witnesses unable to participate must be provided at the time of the SAB meeting. The Student Rights & Responsibilities Process addresses student behavior, not student character, therefore character witnesses, statements, and reference letters are not accepted.
 - The responsibility to respond to any witnesses or information at the time such evidence is presented. A SAB meeting is not required to consider any rebuttal made after a witness has been dismissed. Any response must be directed to the SAB members and not to a witness.
 - The responsibility to inform any witnesses they wish to call of the time, date, and location of the SAB meeting, and to have on hand all evidence they wish to present at the time of the SAB.
 - The responsibility to provide prior notification of any witness to Student Rights & Responsibilities no later than 48 hours before the scheduled start of the SAB Meeting. These names will be made available to the involved parties (as applicable), and an opportunity given to voice any objections to their participation no later than 24 hours before the scheduled start of the SAB meeting. Student Rights & Responsibilities has the authority to exclude any individual from participation, based on a reasonable objection. Failure to provide names prior to the SAB meeting may be grounds to exclude witnesses.

6. *Written Decision and Appeal.*

Specific to *Respondents*:

- a) The *Respondent* has the right to *Proper Written Notification* of the results of their student conduct *Case Resolution Meeting*. This notice will include the following:
- The rationale for the finding;
 - The specific Student Conduct Policies the *Respondent* has been found responsible for violating;
 - The *Outcomes* imposed; and
 - The procedures for filing an appeal (as applicable).
- b) The *Respondent* has the right to appeal the finding and *Outcomes* of the *Case Resolution Meeting* (as applicable).
- c) The *Respondent* has the responsibility to comply with all *Outcomes* imposed as the result of a student conduct *Case Resolution Meeting* once an appeal decision has been given.

Specific to *Complainants*:

- a) The *Complainant* has the right to *Proper Written Notification* of the results of any student conduct *Case Resolution Meeting* convened as a result of a *Report* they filed if the *Complainant* is a victim

of an alleged crime of violence. 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 – as they relate to the complainant:

- The rationale for the finding;
- The specific Student Conduct Policies the *Respondent* has been found responsible for violating;
- The *Outcomes* imposed; and
- The procedures for filing an appeal.

b) The *Complainant* has the right to appeal the findings and *Outcomes* of the *Case Resolution Meeting*.

NOTE: Appeals must be submitted by the appealing party and must be completed through the online Appeal Form.

II. Student Rights & Responsibilities Policies

These Student Rights & Responsibilities Policies set forth prohibited behavior for students.

1. Academic Misconduct includes, but is not limited to:

- 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 or possession of resources prohibited by the instructor(s) or those that a reasonable person would consider inappropriate under the circumstances for academic submissions, and/or any actual or attempted effort to assist another student in cheating.
- Double submission, including any submission of an academic work for more than one course without expressed permission.
- Fabrication, including any falsification or creation of data, research or resources to support academic submissions.

2. Alcohol Misuse includes, but is not limited to:

- Possession and/or use of alcohol except as expressly permitted by law or *University Policy*. Alcoholic beverages may not be used by or possessed by any person under the legal drinking age (i.e., 21 years of age in the US).
- Manufacture and/or distribution of alcohol except as expressly permitted by law or *University Policy*. Alcoholic beverages may not be distributed to any person under the legal drinking age (i.e., 21 years of age in the US).
- 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 bonging or similar items.
- Any violation of these Student Rights & Responsibilities Policies while intoxicated regardless of age.

3. Dishonesty includes, but is not limited to:

- Intentionally giving false or misleading information to a *University Official*, law enforcement officer, or other emergency service professional in the performance of their duties or to another community member. This includes, but is not limited to, intentionally omitting information when asked by a *University Official*. This also may include asking or persuading someone else to give false or misleading information and/or to omit information to another community member.
- 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.
- Any written or public statement about another person or group that is proven to be false or misleading that would cause distress or would cause a reasonable person to fear for their safety.

4. Drug Misuse includes, but is not limited to:

- Possession and/or use of any *Federally Illegal Drug*, or any possession or use of any prescription drug or other controlled substance except under the direction of a licensed physician. Marijuana, including Medical Marijuana, is prohibited on campus in all circumstances.
- Manufacture or distribution of any *Federally Illegal Drug* is prohibited, including Cannabis in any form.
- Being under the influence of any *Federally Illegal Drug*, prescription or non-prescription drug, or other controlled substance to the point of endangering one's own health or safety regardless of age.
- Any possession or use on *University Premises* of paraphernalia used to facilitate the use of any *Federally Illegal Drug* or other controlled substance in violation of this policy regardless of age. 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 *Federally Illegal Drug*, prescription drug, or other controlled substance without their *Effective Consent*.
- Any violation of these Student Rights & Responsibilities Policies while under the influence of any *Federally Illegal Drug*, prescription drug, or other controlled substance in violation of this policy regardless of age.

5. Endangerment includes, but is not limited to:

- Any act that directly or indirectly creates a substantial risk to anyone's medical or mental health or safety (including one's own health or safety) regardless of intent. This includes but is not limited to the use or abuse of any substances that results in medical evaluation or assistance.
- 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*, or the reckless misuse of these items either on or off campus. 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.
- Intentionally or recklessly causing a fire which damages or threatens *University* or personal property and/or causes injury. This includes, but is not limited to, tampering or improper use of fire safety equipment.

6. Harassment includes, but is not limited to:

- Bullying, including any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another person or group. Bullying conduct may not only cause a negative effect on individuals targeted, but also on observers of said conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of substantially interfering with a community member's education, employment, or full enjoyment of the

University; creating a threatening or intimidating environment; or substantially disrupting the orderly operation of the *University*.

- Coercion including any use of force, threats, manipulation, blackmail, bribery or extortion in order to persuade someone to do something.
- Intimidation, including any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for their physical or emotional well-being, or significantly impacts a person's social engagement on campus.
- Retaliation, including any actions, or attempted actions, that impose a hardship, loss of benefit, or a penalty on any student, faculty, or staff in response to filing or responding to a complaint of misbehavior, appearing as a witness in the investigation of a complaint, or serving as a conduct administrator or as a member of a disciplinary board.

Any form of harassment based on race or ethnicity, color, national origin, age, religion, disability, sex, sexual orientation, gender identity, gender expression, marital status, veteran status, or genetic information, or that is in the context of intimate partner violence is a violation of the Equal Opportunity Policy – see policy below.

7. Hazing includes, but is not limited to:

- 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.

8. Interference includes, but is not limited to:

- Any act, display, or communication that causes a disruption or an obstruction of educational, administrative, residential (including off campus) 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. This policy is not intended to prohibit organized, peaceful, and orderly protests.

9. Non-Compliance includes, but is not limited to:

- Any failure to comply with the reasonable request 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, requirements as part of the Student Rights & Responsibilities Process (as applicable).
- Any failure to provide one's Pioneer Card upon request to any *University Official*.
- Any failure to abide by signs, placards, or other official postings.

10. Physical Misconduct includes, but is not limited to:

- Any act causing or likely to cause, bodily harm to any person, regardless of intent.
- Any act resulting in physical contact with another person, without their *Effective Consent*.

11. Property Damage includes, but is not limited to:

- 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.

12. Provocation includes, but is not limited to:

- 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.

13. 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.

14. Violation of the Law.

- Any participation in illegal activity not otherwise outlined in these policies.
- Any violation or conviction of any federal or state law or local ordinance.

15. Violation of Equal Opportunity Policy.

- Any violation of the University's Equal Opportunity Policy, which includes, but is not limited to, discrimination, harassment, sexual harassment, non-consensual sexual contact, sexual exploitation, domestic violence, stalking, and retaliation. For a complete overview of the prohibited conduct included in the Equal Opportunity Policy, please visit http://www.du.edu/equalopportunity/policies/equalopportunity/prohibited_conduct.html

16. Violation of Other University Policy.

- Any act which is in violation of *University Policy*, whether or not published in these Student Rights & Responsibilities Policies. This includes, but is not limited to the Guide to Residence Living, Smoke-Free DU policy, parking regulations, and policies governing the appropriate use of *University* technology.

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 *Student Conduct Administrator*.
- Once a *Report* has been filed, the *University* may 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 *Director of Student Rights & Responsibilities*' judgment, such action is necessary to protect the safety, security, or integrity of the *University* or any member(s) of its community. Additionally, withdrawing from the *University* will not prevent the Student Conduct Process from proceeding.
- B. *Issue Interim Actions*. Interims Actions may be implemented based on the unique circumstances of a specific incident. Please see Section VII in this document for further information.
- C. *Referrals to Office of Equal Opportunity (OEO)*. *Reports* involving allegations of Harassment, or Discrimination related to a status protected by law, including Sexual Misconduct, will be referred to OEO for evaluation, investigation, and findings on all allegations in the complaint. No *Case Resolution Meeting* will be held in cases where a responsible determination is made; instead such case will be referred to an Outcomes Council. See the OEO policies and procedures for more information.
- D. *Determination of Charges*. Once a *Report* has been filed, a *Student 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 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 *Case Resolution Body* if the *Report* is substantive, and sufficient evidence already exists to proceed with the student conduct process.
- E. *Case Resolution Meeting Notification*. Once *Charges* have been determined, a *Student Conduct Administrator* will review the schedule(s) of those parties involved and schedule a *Case Resolution Meeting* - see below for likely *Case Resolution Body* type. *Proper Written Notification* will be sent individually to the parties involved which will include the time, date, and location for the *Case Resolution Meeting* along with the *Charges* being considered and information reported about the incident as applicable to the party.
- F. *Case Resolution Meeting*. The *Case Resolution Meeting* is an opportunity to gain the perspectives from those parties involved in the incident, evaluate the impact of the incident, and begin to explore possible alternatives to the behavior that occurred. *Cases* may be referred to the appropriate *Case Resolution Body* based on the following guidelines:
1. Administrative *Case Resolution Meeting* with *Housing and Residential Education (HRE) staff* in *Cases* which:
 - a) Occur within the Residence Halls/Apartments involving violations of the Residential Living Policies and basic violations of Student Conduct Policies.
 2. Administrative *Case Resolution Meeting* with *Student Conduct staff* in *Cases* which:
 - a) Occur within the Residence Halls/Apartments and involve physical violence, legitimate threats of violence, or *Weapons*.
 - b) Occur within the Residence Halls/Apartments and at least one of the *Respondents* involved is already on probation or has been previously suspended.
 - c) Non-Residential incidents.

3. Student Accountability Board(SAB) in *Cases* which:
 - a) An active *Complainant* is participating;
 - b) There is highly disputed information between parties;
 - c) The *Outcome* is potentially dismissal.

In *Cases* involving a minor violation of the Residential Living Policies and/or Student Conduct Policies, a simple warning letter may be sent to the *Respondent* instead of scheduling a *Case Resolution Meeting*. However, a *Case Resolution Meeting* is available upon request from the student.

NOTE: Student Rights & Responsibilities reserves the right to make exceptions to the above guidelines to accommodate scheduling, confidentiality, or other extenuating circumstances.

NOTE: Parties involved with the student conduct process are prohibited from making an audio recording of any Case Resolution Meeting or proceeding.

Following a *Case Resolution Meeting*, the *Case Resolution Body* can 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 a preponderance of the evidence presented supports such a finding.
3. Find the *Respondent* responsible of violating *University Student Conduct Policies* and refer the student to a Restorative Justice Conference (RJC) for *Outcomes* when the *Case Resolution Body* determines that this option is appropriate. A student will only be referred to an RJC if an agreement on responsibility can be made and the student agrees to seek alternative ways to address the impact of their actions.
4. Refer the *Respondent* to a new *Case Resolution Meeting* before a separate *Case Resolution Body*.

G. *Decision Notice*. Once a decision regarding responsibility and possible outcomes has been made, *Proper Written Notification* will be sent individually to parties involved. Decision Notice letters will include, as applicable to the recipient, a rationale explaining the decision, the determination of responsibility per each *Charge* reviewed, any assigned outcomes with details and due dates for completion, and the appeal instructions.

H. *Appeal*. *Respondent* and *Complainants* have the right to appeal a decision made by a *Case Resolution Body* based on specific appeal criteria. An appeal will only be considered when the Appeal Form, available on the Student Rights & Responsibilities website, is completed and submitted to Student Rights & Responsibilities within five business days from when the Decision Notice letter was sent by the appealing party. A reasonable extension to this deadline may be requested within the appeal period and can be granted at the discretion of the *Director of Student Rights & Responsibilities*. A reasonable extension is considered to be 2-3 additional business days. The *Director of Student Rights & Responsibilities* will then refer the appeal to an Appellate Officer for review.

If the *Respondent* submits an appeal, outcomes assigned will be considered “on hold” pending a final decision unless otherwise determined or in a case in which the *Respondent* was previously issued an Interim Suspension.

If an Appeal Form is received from either the *Complainant* or *Respondent*, or from both parties, within five days of the date on the Decision Notice letter, the other party(ies) involved in the *Case* will be notified that an appeal has been received. Neither *Complainants* nor *Respondents* have the right to view the appeal

information which was submitted by the other party(ies). However, the Appellate Officer may reserve the right to forward any and all portions of the appeal to the other part(ies) as needed in order to address matters raised in the appeal. In such situations, the other party(ies) will be given the opportunity to submit a written response, which will only be considered when provided within the expressed deadline.

1. *Appeal 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 findings, responsibility determination, and/or the ultimate *Outcomes*;
 - b) Presentation of new and significant evidence which was not reasonably available at the time of the initial *Case Resolution Meeting* and would likely alter the findings, responsibility determination, and/or the ultimate *Outcomes*; and/or
 - c) The *Outcomes* imposed are substantially disproportionate to the severity of the violation.

Disagreement with the decision is not grounds for appeal.
2. *Appellate Officers.* The 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 Student Rights & Responsibilities*.
 - b) If the *Case* was heard by Student Rights & Responsibilities staff or the Student Accountability Board (SAB), any appeal will be reviewed by the Vice Chancellor for Campus Life & Inclusive Excellence or their designee.
3. *Available Actions.* The *Appellate Officer*, will review the Appeal Form, Student Conduct Records, and any other applicable information to determine a decision on the appeal. 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 in whole or in part based on satisfying the Appeal Criteria and either:
 - send the *Case* back to Student Rights & Responsibilities for a new *Case Resolution Meeting*; or
 - dismiss the *Case*.

The *Appellate Officer* may not replace the judgment of the original *Case Resolution Body*; the appellate process exists solely to review the procedures used in the student conduct proceedings.

The Appellate Officer will transmit a final decision on the appeal within 5 business days after receipt of the appeal. If there are extenuating circumstances, all parties involved will be notified that an extension beyond five business days is necessary in making a decision on the appeal.

H. *Campus Notification and Refunds.* The case resolution process is considered completed when either no appeal is received by the student within 5 business days or an appeal is denied, rendering the decision by the *Case Resolution Body* as final. At this time, campus entities may be notified of the decision as necessary in order to move forward with processes impacted by the student conduct *Outcome* decision. For example, in *Cases* resulting in suspension or dismissal, the offices impacted financially will be notified to update their records. Financial Aid Eligibility is based on the effective withdrawal date. The effective withdrawal date is the first date of notification to the Office of the Registrar or other designated official offices that the student is no longer enrolled (see <http://www.du.edu/financialaid/undergraduate/policies/withdrawing.html> for more information). Campus housing and food expense will be reimbursed at a pro-rated amount based on the date of the final student conduct outcome decision. Tuition will be reimbursed according to the posted

Tuition Refund Calendar (see <http://www.du.edu/registrar/calendar/tuitionrefunddates.html>) based on the incident date. Other fees (i.e., parking permit, Greek membership, health insurance, student activities, etc.) may be refunded at the discretion of the applicable office.

V. Case Resolution Bodies

When it is determined that a possible policy violation has occurred, the case is referred to one of the following *Case Resolution Bodies* for responsibility and/or outcome determination.

A. *Student Accountability Board*. The Student Accountability Board (SAB) is empowered to conduct *Case Resolution Meetings* involving student *Respondents* and issue all forms of *Outcomes*, up to and including dismissal from the *University*.

1. *Authority*. The SAB 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 SAB will be composed of three (3) eligible *University Community* members, selected from a pool of eligible SAB members, and one Chairperson. The Chairperson will be the *Director of Student Rights & Responsibilities* or their designee. The role of the chairperson is to facilitate the SAB 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 SAB will be an undergraduate student. If the *Respondent* is a graduate student, at least one member of the SAB will be a graduate student.
 - b) If possible, at least one member of the SAB should be a *University* faculty member.
 - c) If possible, at least one member of the SAB should be a *University* staff member.
 - d) If the *Case* involves an alleged violation of Academic Misconduct, at least one member of the SAB will be an *University* faculty member.

The SAB may conduct a meeting with only 2 members provided that no participating party objects.

3. *Eligibility*. In order to be eligible to serve on the SAB, 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.

Student Rights & Responsibilities is responsible for recruiting, selecting, and training members of the SAB. It is expected that members of the SAB will excuse themselves from a particular SAB meeting if there is the potential for their objectivity to be compromised.

4. *SAB Procedures*.
 - a) The Chairperson calls the SAB to order.
 - b) The Chairperson states the conditions of the SABSAB, including:
 - The SAB will be audio-recorded. This recording will be kept for a period of no less than seven

years from the date of the *Respondent's* most recent case.

- The SAB 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 SAB.
 - Support persons, if present, are restricted to consulting with the person they are there to support. Support persons may not address witnesses or the SAB unless invited to do so by the Chairperson.
 - Deliberations will be limited to the SAB. Deliberations will not be audio-recorded.
 - The SAB and its outcome are considered part of the *Respondent's* educational record, and as such are FERPA protected.
- c) The Chairperson asks the *Complainant(s)** and the *Respondent* if there are any objections to proceeding with the SAB at this time. The Chairperson is 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 SAB 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 SAB has the option of questioning the *Complainant ** and witnesses.
 - i) The *Respondent* presents evidence and/or calls witnesses. The SAB 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 SAB.
 - m) The SAB 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 SAB 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 (e.g, a *Complainant*) has been designated and chooses to attend the SAB.

Note: As long as the components listed above are included, the specific order for the SAB procedure may vary slightly at the discretion of the Chairperson. Additionally, there may be multiple Complainants and Respondents involved in a SAB at one time. All Complainants will share first, followed by all Respondents.

B. *Director of Student Rights & Responsibilities.* The *Director of Student Rights & Responsibilities*, or designee, has the authority to impose *Outcomes* up to, and including, suspension.

C. *Student Rights & Responsibilities Staff.* Student Rights & Responsibilities staff members may be empowered

by the *Director of Student Rights & Responsibilities* to impose *Outcomes* up to, and including, deferred suspension.

D. *Housing and Residential Education (HRE) Staff*. HRE staff may be empowered by the *Director of Student Rights & Responsibilities* to conduct *Case Resolution Meetings* for *Cases* that originate in the residence halls and are not otherwise routed elsewhere. Generally, HRE staff may hear *Cases* involving alleged violations of residence hall policies and alleged violations of Student Conduct Policies. HRE staff members have the authority to assign *Outcomes* up to, and including, probation.

E. *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 are suspected, the faculty member involved should discuss these suspicions with the student, and then make a decision regarding *Academic Actions*. *Academic Actions* are not subject to the appellate process outlined in this document, but are instead governed by the Grade Appeal or Academic Grievance process.

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 Student Rights & Responsibilities by completing an Academic Misconduct Incident Report found on the Student Rights & Responsibilities website. Student Rights & Responsibilities 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.

F. *Restorative Justice Conference*. A Restorative Justice Conference (RJC) is empowered to conduct case resolution for those *Cases* involving student *Respondent(s)*. An RJC is an alternative dispute resolution process, and will only be considered when the student *Respondent(s)* have taken responsibility for violating the applicable Student Conduct Policies and have an interest in repairing the harm done by their actions. Members of the greater DU community will serve on an RJC, including faculty, staff, students, alumni, neighbors and impacted parties. Through a collaborative process in which an "Outcomes Agreement" is created, RJC's can impose a variety of *Outcomes* focused on reconciliation, resolution, and/or the betterment of the overall community. As such, if an Outcomes Agreement is successfully created, it cannot be appealed. If the members of an RJC cannot come to an agreement about *Outcomes*, the RJC is considered unsuccessful and the *Case* will be sent back to the Student Conduct Process for traditional case resolution.

As noted previous in these policies, the typical rights and responsibilities provided to students in the traditional student conduct process may not be applicable in an RJC. Additionally, Restorative Justice Conferences are not used in cases involving Equal Opportunity policy violations.

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 a "Status" *Outcome*, and at least one appropriate "Educational" *Outcome*.

- B. *Status Outcomes* are those which define the student's standing 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. *Deferred Suspension*. Deferred Suspension serves to notify a student that they must avoid any further violations of the Student Conduct Policies for a specific period of time in order to remain a student at the *University* because their behavior has not met the standards expected by students. Different than Student Conduct Probation, when a student on Deferred Suspension is alleged to be involved with any subsequent violations of policy, they will be issued an Interim Suspension until their responsibility in the subsequent incident can be determined. Students on Deferred Suspension are not in good standing with the *University*; as a result, certain co-curricular activities may be prohibited. If found responsible for any further violations of policy while on Deferred Suspension, a student will likely be dismissed 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 of time, and will be restricted 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 Rights & Responsibilities*. The *Director of Student Rights & Responsibilities* 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.
5. *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. *Educational Outcomes* are assigned in order to facilitate the learning 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 *Educational 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 evaluation, 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 educational 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 case resolution, modifications to living arrangements, and reporting incidents to law enforcement or other non-*University* agencies. The Vice Chancellor for Campus Life & Inclusive Excellence or their designee, in consultation with the appropriate faculty and/or administrators, will be empowered to impose any interim action.

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.

The University may impose interim actions while it undertakes any review or until a final decision is made through a Student Conduct Process. Any interim action upheld through a formal case resolution process will become a formal outcome, which is appealable through the Appeals Process. Should no formal case resolution process occur following the issuance of an interim action, the University will make a determination on the continuance of the interim action and notify the parties involved. No Contact Orders and Location Restriction Orders expire upon graduation of the student upon which the order is issued, unless otherwise stated in formal correspondence to parties involved.

Please see the full policies and procedures regarding additional interim measures contained within the Office of Equal Opportunity and/or the Office of Title IX policies and procedures at <http://www.du.edu/equalopportunity/complaints/index.html> for more information.

B. *Interim Suspension.*

The Vice Chancellor for Campus Life and Inclusive Excellence or their designee may suspend a student for an interim period prior to case resolution. An interim suspension will be effective immediately, without prior notice, whenever the Vice Chancellor for Campus Life & Inclusive Excellence their designee 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, the student may be denied access to *University Premises* and all *University* activities or privileges for which the student might otherwise be eligible, as the Vice Chancellor for Campus Life and Inclusive Excellence or their designee may determine to be appropriate. Whenever an interim suspension is imposed, case resolution will be completed as reasonably as possible. The interim suspension may remain in effect until a final decision has been reached, including any appropriate appellate process.

C. *Removal for Disruptive Classroom Behavior.*

In case of emergency, please call 911, then 303.871.3000.

Individual instructors have the right to determine whether specific student classroom behavior is disruptive. In extenuating circumstances, instructors may require a student to leave an individual class meeting for disruptive behavior; however, instructors are not authorized to remove a student from the course without process. Should such removal be deemed necessary, instructors must follow the procedure outlined below as soon as possible.

To begin the process, all faculty members must file a Pioneers Care Report:

https://publicdocs.maxient.com/reportingform.php?UnivofDenver&layout_id=99

All concerns regarding community safety will be evaluated by Campus Safety. All other concerns will be directed through the Disruptive Classroom Behavior procedure. Upon receiving the Pioneers Care report, a representative from both Campus Life and the Office of the Provost will determine whether to proceed through the student conduct process, through the disruptive classroom behavior process, or jointly through both. If appropriate, the Office of Equal Opportunity/Title IX may be involved.

Additionally, student members of a class may approach the instructor to discuss behavior of other classmates that they consider disruptive. The instructor may file a Pioneers Care Report on the behalf of the student, or the student may file a report independently.

Disruptive Classroom Behavior

If the student's presence in the class represents a *significant impediment to the educational process*, that student may be officially withdrawn from the class. The withdrawal procedure will be followed if attempts at informal resolution between the instructor and the student have failed or are not possible.

- I. The instructor, student, and the appropriate dean or dean's designee will meet to attempt to resolve the concern. Every effort should be made to ensure that this meeting takes place as soon as possible after the faculty member files the report, and ideally before the next class session. Another faculty or staff member (including Student Rights & Responsibilities, dean's office staff, or Campus Safety staff) may be asked to attend this meeting. The student may bring a support person to this meeting. The support person may not speak on behalf of or actively participate in this meeting. This meeting will not be rescheduled to accommodate a support person. *Unless there are extenuating circumstances warranted by a concern for safety, this step is preferred. The instructor need not lead the meeting but should be*

present at this initial meeting with the student.

2. If the student fails to attend the meeting, the instructor may proceed with a request to the relevant dean's office for an involuntary removal of the student from the class.
3. As soon as possible, and no later than 5 business days of the initial meeting, the dean or dean's designee will determine whether or not to move forward with removing the student from the class. The student is not permitted to return to class during this review. The decision shall be communicated to the student by the dean or dean's designee.
4. If the dean or dean's designee determines that the request to remove the student from the class is warranted, the student will be provided the opportunity to drop the class voluntarily. If the student does not drop the class voluntarily, the student will be dropped from the class by the Office of the Registrar.
5. If it is determination that removal is not warranted, the student shall be allowed to return to the class immediately. Both the student and faculty *may* be required to sign a Student Life Behavioral Contract which will be kept on file with Student Rights & Responsibilities. This contract will outline the appropriate and inappropriate conduct and expectations for behavior for the remainder of the class as well as the consequences for violating the contract.
6. The student may appeal the decision to the Office of the Provost. This appeal must be submitted in writing no later than 5 business days from the dean's (or designee's) decision. Appeals will only be considered by the Provost or Provost's designee in the following circumstances:
 - The existence of procedural errors so substantial that it greatly impacted the decision,
 - the original decision is clearly not supported by the information presented,
 - the presentation of new and significant evidence which was not reasonably available at the time of the initial review and would likely alter the hearing decision, and/or
 - the imposition of an arbitrary outcome.

The appeal will be considered, and a decision rendered to the student, no later than 5 business days from its receipt by the Office of the Provost. This decision is final.

During the appeal process, the student is not permitted to attend class sessions or activities. The instructor shall provide the student with materials, assignments, and other course information the instructor deems essential to assist the student with remaining current in the course.

Copies of all withdrawal requests will be reviewed under the Student Conduct Process. Student Rights & Responsibilities will generally defer to the recommendation of the course instructor: however, if the student has a previous student conduct record, Student Rights & Responsibilities may take additional appropriate action regardless of the instructor's recommendation.

The course withdrawal 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 withdrawal had been voluntary.

VIII. Student Conduct Records

- A. *Maintaining Records.* Student Conduct 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 per Clery Reporting stipulations.
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. *Release of Records:* Numerous members of the DU faculty and staff receive requests from students or former students to complete forms that include a request for information about student conduct records at the *University*. These forms typically serve the following purposes: Undergraduate transfer to another institution; Graduate/professional/law school admission; Admission to the Bar (by state); Security clearances for employment (typically federal), etc. Access and release of records of student conduct proceedings are governed by applicable FERPA and other privacy laws. Unless required by law, student conduct records will not be released without the expressed permission from the student.

When a student requests and authorizes the release of information through our online "[Institutional Action Letter Request Form](#)", we will provide a brief statement with an overview of the student's conduct history. The information released will include the findings, rationale, outcomes, and will indicate whether or not a student is in good conduct standing. Specific documents, including pictures and videos, are not released to any entity unless required by law. Per *University* policy, students may review their Student Conduct Record in person by making an appointment with the Office of the Registrar or, for a summary, they can complete the online request noted above.

Records for alternative resolution processes, such as Medical Amnesty, are considered internal records for *University* purposes and will not be released through the Release of Records process as outlined above.

- C. *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 student under the age of twenty-one whose current enrollment ends due to suspension or dismissal. 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 discretion of the Director of Student Rights & Responsibilities.

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.

D. *Public Notification Policy.* The *University* recognizes the shared interest of the greater community in the resolution of Student Conduct *Cases*. Student Rights & Responsibilities will update their website on an annual 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. *Authority.* The policies and procedures governing *Student Organizations* at the University of Denver are applicable to any *Student Organization* at the University of Denver. The Office of Student Rights & Responsibilities maintains the authority to investigate and adjudicate any violation of University policies as they relate to *Student Organizations*, including, but not limited to violations of policies contained in the Honor Code, the Student Organization Handbook, or any other applicable University policy. The Director of Student Rights & Responsibilities can delegate responsibility for investigation or adjudication of alleged policy violations at their discretion.
- B. *Jurisdiction.* The *University* will address any allegation of misconduct of a *Student Organization* when it may have violated University Policy, including the Honor Code and Student Conduct Policies and Procedures, the Student Organization Handbook, the University of Denver Alcohol Policy, or national organization policies as applicable. The *University* may address both individual behavior through the Student Conduct process, as well as organizational behavior as appropriate. The investigation of individuals does not absolve the *Student Organization* of responsibility, nor does the process to address organizational responsibility absolve individuals of their responsibility under the Honor Code.
- C. *Process.* Conduct action taken against *Student Organizations* is an extension of the University's Student Conduct Process. Student Right & Responsibilities, in consultation with relevant campus partners including, but not limited to, Athletics, Student Engagement, Campus Life & Inclusive Excellence staff, etc., shall take whatever action deemed necessary to respond to complaints involving *Student Organizations* and/or to prevent future violations. In instances 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 *Case Resolution Meeting* 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*. All *Student Organization* Conduct records will be maintained with Student Right & Responsibilities for a minimum of seven years following the most recent finding of violation.

Full Student Organization Policies and Procedures, may be reviewed on the Office of Student Rights & Responsibilities website: <http://www.du.edu/studentlife/studentconduct/>.