



UNIVERSITY *of*
DENVER

STUDENT LIFE
Student Conduct

HONOR CODE *and* STUDENT CONDUCT

Policies and Procedures
2014–2015

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 New Employee Guide 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, or, in the instance of the trustees or Chancellor, by the Board of Trustees.

The Provost grants authority for resolving violations of the Honor Code by students to Student Conduct. Student Conduct is responsible for reviewing *Reports*, assigning *Charges*, and implementing the Student Conduct Process. This authority, or portions of it, may be delegated by Student Conduct 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 Associate Provosts for Student Life and for Graduate Studies 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 Student Conduct and the Associate Provosts for Student Life and for Graduate Studies, who may recommend whatever 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 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. 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 Associate Provosts of Student Life and Graduate Studies, and ultimately the Provost. In addition, upon recommendation from a Dean or the Faculty Senate, the Provost, in his/her 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 Conduct 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 Policies & Procedures

The Student Conduct 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.

Mission. Student Conduct 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. Student Conduct 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 Conduct. 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. 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. 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 Conduct reserves the authority to pilot new programs, procedures, etc. to best meet the needs of the ever-changing *University Community* with approval from the Associate Provosts for Student Life and Graduate Studies. Participation in any piloted programs is strictly voluntary; criteria used in assigning outcomes through a piloted program will be consistent with the overall Student Conduct Procedures.

The Office of Equal Opportunity maintains 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 including Sexual Misconduct. 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 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 at <http://www.du.edu/deo/EqualOpportunity.html> for more information.

Good Samaritan/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 at the *University*, students are expected to not only look out for their own health and safety but also for that 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 individuals 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. However, the individuals 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.

I. Definitions

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

- A. *Appellate Officer* is a person who has been designated to evaluate an appeal on the *Appellate Criteria* and then determine which available action should be taken if an *Appellate Criteria* is met.
- B. *Case(s)* refer to a *Report* in which *Charges* are assigned and at least one *Respondent* is named.
- C. *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*.
- D. *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*.
- E. *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-Action* policy.

- F. *Director of Student Conduct* is the administrator responsible for the oversight of the Student Conduct Policies and Procedures. As regularly referenced in this document, the *Director of Student Conduct* can empower a designee to act on her/his behalf in times of as needed, such as in an absence or when a conflict of interest may apply.
- G. *Effective Consent* 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.
- H. *Federally Illegal Drugs* are set forth by the FDA Controlled Substances Act (2009). 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.
- I. *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.
- J. *Proper Written Notification* means delivery via electronic mail to the student's preferred email address as updated by the student in the PioneerWeb account. 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*.
- K. *Report* means a narrative detailing an incident in which one or more students may have violated the Student Conduct Policies.
- L. *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.
- M. *Respondent* means any student who has been charged with one or more violations of the Student Conduct Policies.
- N. *Outcomes* are required educational opportunities, restrictions and/or expectations for a student found responsible for violating Student Conduct Policies.
- O. *Restorative Justice* offers a different framework for case resolution. 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.
- P. *Students* include any persons taking or auditing classes at the *University*, matriculated in any *University* program, or on *University Premises* for any purpose related to the same.
- Q. *Student Conduct Administrators* are administrators and staff authorized to implement the Student Conduct Process; and may include the professional and graduate staff within Student Conduct, Housing and Residential Education (HRE), Student Activities, and Graduate Studies.

- R. *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 (USG), Graduate Student Government (GSG) and/or by an official department of the University of Denver.
- S. *University* means the University of Denver (Colorado Seminary).
- T. *University Community* includes all students, *University Officials*, and other individuals involved in the normal operations of the *University*.
- U. *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*.
- V. *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.
- W. *University Organization* means any group of persons who have complied with the formal requirements for *University* recognition.
- X. *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.
- Y. *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.
- Z. *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.

II. **Student Conduct Policies**

The Student Conduct Policies are intended to provide an overview of the behavior prohibited by 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 of resources not authorized by the instructor(s) 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, 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 his/her *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 bong and funnels.
- Any violation of these Student Conduct 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. 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.
- 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 his/her safety.

4. Disrespect includes, but is not limited to:

- Behaviors or acts which are discourteous, vulgar, obscene, or abusive, or which produce or attempt to produce ridicule, embarrassment, or intimidation as a result. This includes verbal abuse or threats. This is not meant to be inclusive of all angry outbursts or disagreements.

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

- Possession, use, manufacture, or distribution 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. The manufacture or distribution of any drug is also prohibited, including Cannabis plants. Marijuana, including Medical Marijuana, is prohibited on campus regardless of age.
- Being under the influence of any *Federally Illegal Drug*, 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, bong 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 Conduct Policies while under the influence of any *Federally Illegal Drug*, prescription drug, or other controlled substance in violation of this policy regardless of age.

6. Endangerment includes, but is not limited to:

- 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.
- 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.

7. Harassment includes, but is not limited to:

- 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, bullying, or cyber bullying. *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 is a violation of the Equal Opportunity Policy – see policy below.*

8. 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.

9. Interference includes, but is not limited to:

- 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. This policy is not intended to prohibit organized, peaceful, and orderly protests.

10. Non-Action includes, but is not limited to:

- Any failure to take *Constructive Action* by reporting 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.

11. 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 Conduct 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 *University* postings.

12. 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, when performed over their objections.

13. 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.

14. 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.

15. 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.

16. Violation of the Law.

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

17. 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

18. Violation of Other University Policy.

- Any act which is in violation of *University Policy*, whether or not published in these Student Conduct 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.

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:

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 *Hearing Body* based on a demonstrable significant bias.
- 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 Conduct within 24 hours of Hearing Notice receipt.
- e) The responsibility to notify the *Director of Student Conduct* or either the Associate Provost for Student Life or Graduate Studies, if they feel fair and equitable treatment has not been given.
- f) Additionally, 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 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 Conduct*, or either the Associate Provost for Student Life or Graduate Studies, if they feel reasonable steps need to be taken in order to protect these rights.
- d) The right to have to HIPPA and FERPA information protected as provided by law.

3. *Presence of a Support Person*.

- a) The right to have a support person of their choice present throughout the Student Conduct Process. A party may consult with their support person, but the support person may not actively participate in any student conduct proceeding, which includes serving as a witness. Additionally, a support person is not allowed to attend a hearing 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 Conduct no later than 48 hours before the scheduled start of the hearing. 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 hearing. Student Conduct 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 right to *Proper Written Notification* of any hearing 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 hearing;
 - The consequences and process if a student chooses not to appear at the hearing;
 - 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*; and
 - The procedures for requesting a change in the time or date of the hearing.
- 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 hearing 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 CRB hearing is held, *additional* rights and responsibilities include:
 - The right to hear all witnesses and information presented during a hearing. 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 hearing. The Student Conduct 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 *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.
 - 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.
 - The responsibility to provide prior notification of any witness to Student Conduct no later than 48 hours before the scheduled start of the hearing. 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 hearing. Student Conduct 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.*

Specific to *Respondents*:

- a) The *Respondent* has the right to *Proper Written Notification* of the results of their student conduct hearing. 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.
- b) The *Respondent* has the right to appeal the finding and *Outcomes* 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.

Specific to *Complainants*:

- 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. 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:
 - 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 hearing.

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 Conduct's* 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 any allegation of Harassment, Discrimination, including Sexual Misconduct will be referred to OEO for evaluation, investigation, and findings on all allegations in the complaint. No administrative hearing or Conduct Review Board proceedings 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 *Hearing Body* if the *Report* is substantive, and sufficient evidence already exists to convene a hearing.
- E. *Notification of Hearing.* Once *Charges* have been determined, a *Student Conduct Administrator* will review the schedule(s) of those parties involved and schedule a hearing - see below for likely *Hearing Body* type. *Proper Written Notification* will be sent individually to the parties involved which will include the time, date, and location for the hearing along with the *Charges* being considered and information reported about the incident as applicable to the party.
- F. *Hearing.* The hearing is an opportunity to gain the perspectives of all 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 *Hearing Body* based on the following guidelines:
1. One-on-One Administrative Hearing 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. One-on-One Administrative Hearing 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. Conduct Review Board (CRB) hearing 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 hearing. However, a hearing is available upon request from the student.

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

Following a hearing, the *Hearing 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. Refer the *Respondent* to a new hearing before a separate *Hearing Body*.

G. *Notification of Decision.* Once a decision regarding responsibility and possible outcomes has been made following a hearing, *Proper Written Notification* will be sent individually to parties involved. Notification of Decision 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 *Hearing Body* based on specific appeal criteria. An appeal will only be considered when the Appeal Form, available on the Student Conduct website, is completed and submitted to Student Conduct within five days of the date on the Decision Notice letter. An extension to this deadline may be requested and can be granted at the discretion of the *Director of Student Conduct*. The *Director of Student Conduct* will then refer the appeal to an Appeal Review.

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, administrators involved with the appeals process 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 hearing 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.

NOTE: Not agreeing with the hearing 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 Conduct*.
 - b) If the *Case* was heard by Student Conduct staff or the Conduct Review Board (CRB), any appeal will be reviewed by the Associate Provost for Student Life for *Cases* involving undergraduate student *Respondents* and the Associate Provost for Graduate Studies for *Cases* involving graduate or professional student *Respondents*.
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 based on satisfying the Appeal Criteria and either:

- send the *Case* back to Student Conduct 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.

Final decisions on the appeal will be made, and *Proper Written Notification* provided, no later than five business days after the Appellate Officer has received 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 calendar days or an appeal is denied, rendering the decision by the *Hearing 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 by the student 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/importantdates.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. Hearing Bodies

- A. *Conduct Review Board*. The Conduct Review Board (CRB) is empowered to conduct hearings involving student *Respondents* 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* 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. If the *Respondent* is a graduate student, at least one member of the CRB will be a graduate student.
 - b) If possible, at least one member of the CRB should be a *University* faculty member.
 - c) If possible, at least one member of the CRB should be a *University* staff member.
 - d) If the *Case* involves an alleged violation of Academic Misconduct, at least one member of the CRB will be an *University* faculty member.

The CRB may conduct a hearing without these requirements, or with only two (2) members, provided that both the *Complainant* and *Respondent* (if present) 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.

Student Conduct 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 seven 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 FERPA protected.
- c) The Chairperson asks the *Complainant(s)** and the *Respondent* if there are any objections to proceeding with the hearing 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 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 (e.g, a *Complainant*) has been designated and chooses to attend the hearing.

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

- B. *Director of Student Conduct.* The *Director of Student Conduct*, or designee, has the authority to impose *Outcomes* up to, and including, suspension.
- C. *Student Conduct Staff.* Student Conduct staff members have the authority to impose *Outcomes* up to, and including, probation.
- D. *Housing and Residential Education (HRE) Staff.* HRE staff may be empowered by the *Director of Student Conduct* to conduct hearings 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. *Student Activities and Graduate Studies Staff.* Student Activities and Graduate Studies staff shall be empowered to conduct hearings for *Cases* that involve licensed or unlicensed *Student Organizations*. Generally, Student Activities staff may hear *Cases* involving alleged violations of undergraduate *Student Organizations* policies and alleged violations of *University Policies*; Graduate Student Services staff may hear *Cases* involving alleged violations of graduate *Student Organizations*. Student Activities and Graduate Studies staff members do not have the authority to take conduct action against individual students but rather against an organization as a whole. If individual students are responsible for behavior contrary to the *Honor Code*, that information will be forwarded to Student Conduct who is responsible for case resolution involving individual students.
- 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 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 Conduct by completing an Incident Report found on the Student Conduct website. Student Conduct 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.

- G. *Restorative Justice Conference*. A Restorative Justice Conference (RJC) is empowered to conduct case resolution for those *Cases* involving **undergraduate** student *Respondents*. 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, RJCs can impose all forms of *Outcomes*, up to and including dismissal from the *University*. 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. The RJC is a pilot program – contact Student Conduct staff for more information.

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, appropriate "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. *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 his/her 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, he/she will be issued an Interim Suspension until his/her 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 Conduct*. The *Director of Student Conduct* 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. *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 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 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* for undergraduate students and the Director of Graduate Student Services for graduate and professional students, 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.

Interim actions are in place until a formal 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. No Contact Orders and Location Restriction Orders expire upon graduation of the student upon which the order is issued, unless otherwise noted.

- B. *Interim Suspension.* The Associate Provosts for Student Life and Graduate Studies, or 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 Associate Provost for Student Life or Graduate Studies 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 the Associate Provost for Student Life or Graduate Studies may determine to be appropriate.

Whenever an interim suspension is imposed, case resolution will be completed as reasonably 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.* 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 instances where a student's presence is deemed an immediate threat to the instructor or other members of the class, instructors should immediately call the 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 Student Conduct, Office of Graduate Studies, 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 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 Provost. This decision is final.
- 6. Copies of all involuntary drop requests will be provided to Student Conduct, who will determine whether *Charges* should also be assigned and reviewed under the Student Conduct Process. Student Conduct will generally defer to the recommendation of the course instructor: however, if the student has a previous student conduct record, Student Conduct 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.* 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.

- 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 dependent 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 discretion

of the *Director of Student Conduct*.

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 Conduct 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. *Jurisdiction*. *Student Organizations* are responsible for upholding the Student Conduct Policies outlined in this document. *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 Undergraduate Organizations* is granted to the Executive Director of Campus Life, 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 Executive Director of Campus Life, or designee, to the Student Activities staff as necessary for purposes including, but not limited to, maintain efficiency and/or avoiding conflicts of interest. The Director of Graduate Student Services is responsible for addressing the conduct of graduate *Student Organizations*.
- C. *Process*. Conduct action taken against *Student Organizations* is an extension of the *University of Denver's* Student Conduct Process. Student Activities staff and the Director of Graduate Student Services shall be empowered to take whatever action deemed necessary and expedient to respond to complaints involving *Student Organizations* and/or 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 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 Student Conduct is authorized to take action against individual students. All *Student Organization Conduct* records will be maintained with Student Activities for a minimum of seven years following the most recent finding of violation.