



Review of the Code of Student Conduct (V-1.00[B]) Modification Regarding Housing Termination

PRESENTED BY Gideon Mark, Chair

REVIEW DATES SEC – January 23, 2024 | SENATE – February 6, 2022

VOTING METHOD In a single vote

RELEVANT POLICY/DOCUMENT N/A

NECESSARY APPROVALS Senate, President

ISSUE

In August 2023, James Bond, Director of Student Conduct, submitted a proposal to the Senate Executive Committee (SEC) requesting that the *Code of Student Conduct (Code)*, be amended to address language inadvertently included regarding the Administrative Housing Termination process. This language is in direct conflict with the Department of Resident Life’s (DRL) long-standing administrative process for the review of Housing Terminations that result from Disciplinary Conferences, which are handled internally. The proposal requested that the *Code* be updated to correct this conflict.

The SEC charged the Student Conduct Committee with reviewing the proposal and revisions to the *Code of Student Conduct* at its September 11, 2023 meeting.

RECOMMENDATION(S)

The Student Conduct Committee recommends that the *Code of Student Conduct* be revised as shown immediately following this report.

COMMITTEE WORK

The Student Conduct Committee (SCC) began working on the charge from the SEC at its September 29, 2023 meeting. The committee learned the background of the proposal from James Bond, Director of Student Conduct and the proposer. Prior to the start of this charge, James Bond worked with the Office of General Counsel (OGC) on proposed changes to the *Code of Student Conduct* in order to remedy the conflict. During the October 27, 2023 meeting, the committee conducted its two consultations as outlined in the charge, one with the Resident Hall Association representative and another with a representative from the Department of Resident Life. At the November 30, 2023 committee meeting, the two consider elements were discussed, as well as, the proposed changes to the *Code of Student Conduct*.

After this meeting, the proposed changes were sent back to OGC for a final review of the *Code of Student Conduct*. On Thursday, January 11, 2024, the Student Conduct Committee approved the proposed revisions to the *Code of Student Conduct*.

ALTERNATIVES

The Senate could decide not to approve the recommendations.

RISKS

There are no risks to the University in approving these recommendations.

FINANCIAL IMPLICATIONS

There are no financial implications in approving these recommendations.



Review of the Code of Student Conduct (V-1.00[B]) Modification Regarding Housing Termination

2022-2023 Committee

Gideon Mark (Chair)
James Bond (Ex-Officio, Director of Student Conduct)
Joshua Fitch (Undergraduate Student)
Alex Cheung (Graduate Student)
Christopher Hanson (Faculty)
Ursula Gorham-Oscilowski (Staff)
Miara Sasaki (Undergraduate Student)
Victoria Boger (Undergraduate Student)

Monique Koppel (Faculty)
Michael McMillan (Faculty)
Tony Cui (Graduate Student)
K. Frances Lieder (Faculty)

Date of Submission

January 2024

BACKGROUND

In August 2023, James Bond, Director of Student Conduct, submitted a proposal to the Senate Executive Committee (SEC) requesting that the *Code of Student Conduct (Code)*, be amended to address language inadvertently included regarding the Administrative Housing Termination process. This language is in direct conflict with the Department of Resident Life's (DRL) long-standing administrative process for the review of Housing Terminations that result from Disciplinary Conferences, which are handled internally.

This oversight essentially gives the *Code* authority over the Administrative Process which should not be the case. If not corrected in the *Code*, it would result in a misalignment between the policy and a practice by DRL. The *Code* addresses disciplinary matters and sanctions; administrative sanctions are established as a contractual agreement with DRL and spelled out in their Community Living Handbook.

Amending the language in the *Code* would not take any rights away from a student, it only expedites the process by which an administrative housing sanction can be reviewed in the event of a Disciplinary Conference. The Department of Resident Life has already had this additional review in place and the revisions to the *Code* overstepped in taking authority over an administrative Resident Life process. Removing Housing Termination from the *Code* does not conflict with the goals of the *Code* revision, which was to provide students with the right of an additional review for certain outcomes. It simply corrects an oversight of the expedited revision process.

At its meeting on September 11, 2023, the Senate Executive Committee (SEC) voted to charge the "Code of Student Conduct Modification Regarding Housing Termination" proposal (Senate Document #23-24-05) to the Student Conduct Committee (Appendix 1).

COMMITTEE WORK

The Student Conduct Committee (SCC) began working on the charge from the SEC at its September 29, 2023 meeting. The committee reviewed the proposal, the *Code of Student Conduct*, and the Department of Resident Life's Community Living Handbook. After, the committee met with

the proposer to better understand the conflict in the *Code* and how it relates to the Housing Termination Process and held consultations with the Department of Resident Life and the Resident Hall Association (RHA).

Consultations

At the September 29, 2023 meeting, James Bond, proposer and Director of Student Conduct, presented the proposal and background information on the *Code* and how it conflicts with the Housing Termination Process to the Student Conduct Committee.

As directed in the charge from the SEC, the committee consulted with representatives from the Department of Resident Life and the Resident Hall Association. Both consultations took place at the October 27, 2023 Student Conduct Committee Meeting. The Committee met with the President of the Resident Hall Association to get a better understanding of how students who live in the resident halls understand the housing termination process and if they could understand the conflict in the *Code* and the Community Living Handbook. The President of RHA said she did not personally know anyone who had to go through the housing termination process, but the process seemed clear as outlined in the Community Living Handbook.

The Committee spoke with the Associate Director of Communities from the Department of Resident Life to have the housing termination process explained. During this consultation, the Associate Director explained the housing termination process, the timeline of having students removed from on campus housing, the process for students to return to on campus housing (if permitted), and the frequency in which the Department of Resident Life reviews their administrative practices. She also elaborated on how inclusion of the housing termination process in the *Code* oversteps the authority of the Department of Resident Life's administrative process because this process is handled internally in the Department of Resident Life.

COMMITTEE FINDINGS

The Committee found that inclusion of the housing termination process in the *Code of Student Conduct* conflicts with the housing termination process as it stands with the Department of Resident Life. By removing housing termination from the *Code*, the Committee finds that this will remedy this issue and the process can continue as outlined in the Community Living Handbook.

RECOMMENDATIONS

The Student Conduct Committee recommends that the *Code of Student Conduct* be revised as shown immediately following this report.

APPENDICES

- Appendix 1 — Charge from the Senate Executive Committee
- Appendix 2 — Redlined version of changes to the *Code of Student Conduct*
- Appendix 3 — Clean version of changes to the *Code of Student Conduct*



Review of the Code of Student Conduct for Modification Regarding Housing Termination

(Senate Document #23-24-05)

Student Conduct Committee | Chair: Gideon Mark

The Senate Executive Committee (SEC) and Senate Chair Jarzynski request that the Student Conduct Committee review issues with the Code of Student Conduct (V-1.00[B]) as it pertains to the Administrative Housing Termination process.

The Student Conduct Committee should:

1. Review the University of Maryland Code of Student Conduct (V-1.00[B]).
2. Review the proposal entitled, "Code of Student Conduct Modification Regarding Housing Termination" (Senate Document #23-24-05).
3. Review Department of Resident Life's Community Living Handbook.
4. Consult with representatives from the Department of Resident Life.
5. Consult with representatives from the Resident Hall Association (RHA).
6. Consider whether the Code of Student Conduct conflicts with Department of Resident Life administrative processes.
7. Consider whether any rights of students will be affected by the updated Code of Student Conduct.
8. Consult with a representative of the Office of General Counsel on any proposed revision to the Code of Student Conduct.
9. If appropriate, recommend whether the Code of Student Conduct should be revised and submit recommended revisions.

We ask that you submit a report to the Senate Office no later than **January 12, 2024**. If you have questions or need assistance, please contact the Senate Office at senate-admin@umd.edu.

Appendix 2



V-1.00(B) UNIVERSITY OF MARYLAND CODE OF STUDENT CONDUCT

(Approved by the Board of Regents January 25, 1980; amended September 4, 1990; December 18, 2001; April 22, 2004; November 18, 2005; April 5, 2006; March 10, 2011; January 17, 2012; February 20, 2013; May 9, 2013; Technical amendments September 2, 2015; Amended effective January 1, 2018; Technical amendments August 14, 2020; Amended May 25, 2023)

This *Code* does not apply to matters of student academic integrity. The policy and procedures document applicable to student academic integrity is III-1.00(A) University of Maryland Code of Academic Integrity at <https://policies.umd.edu/academic-affairs/university-of-maryland-code-of-academic-integrity>.

This *Code* does not apply to student sexual harassment and other sexual misconduct. The policy and procedures document applicable to student sexual harassment and other sexual misconduct is VI-1.60(A) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct at <https://policies.umd.edu/general-administration/university-of-maryland-policy-and-procedures-on-sexual-harassment-and-other-sexual-misconduct>.

I. INTRODUCTION

The *Code of Student Conduct (Code)* was created to ensure the safety and security of the University community. The *Code*, administered by the Office of Student Conduct, seeks to balance the rights and responsibilities of all individuals within the community, and uphold the integrity and values of the University of Maryland. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for their actions. The *Code* outlines behaviors that are inconsistent with University standards and expectations and sets forth applicable procedures and potential Sanctions governing *Code* violations.

II. APPLICABILITY

- A. This *Code* covers conduct by a Student, Student Group, or Student Organization that occurs:
1. on University Premises; or
 2. at University-sponsored events; or
 3. not on University Premises, if:
 - a) the conduct would constitute a violation of this *Code* had it occurred on University premises; *and*

b) the Director of Student Conduct determines that the conduct affects the safety of the University community or the orderly operation of the University.

B. This *Code* applies to all covered conduct that occurred on or after August 28, 2023. Where the date of the alleged conduct precedes August 28, 2023, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this *Code*, however, will be used to resolve all Referrals made on or after August 28, 2023, regardless of when the alleged incident(s) occurred.

C. Office of Student Conduct

The Office of Student Conduct and its Director are charged with the administration of the *Code of Student Conduct* and its processes. References in this *Code* to the Director of Student Conduct include the Director and designees. The Director of Student Conduct grants at their discretion to the Office of Rights and Responsibilities the authority to administer matters involving *Code* that occur in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University. The responsibilities of the Office of Student Conduct include:

1. Providing official and final interpretation of the *Code*;
2. Accepting reports of alleged Prohibited Conduct;
3. Determining the appropriate alleged policy violation(s) to be filed in accordance with this *Code*;
4. Administering the process and procedures for investigating and resolving alleged *Code* violations;
5. Supervising, training, and advising all conduct boards;
6. Maintaining all Student disciplinary records;
7. Administering certain duties as set forth in [VI-1.60\(A\) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct](#) and [VI-1.00\(B\) University of Maryland Non-Discrimination Policy and Procedures](#) as related to allegations against Students; and
8. Administering No Contact Orders.

D. Referral to Another University Process

Reports of Student, Student Group, or Student Organization conduct made to the Office of Student Conduct may violate other University policies, and the report may be referred to another University process and/or office in accordance with applicable University policies and procedures.

Responding Parties found responsible for Prohibited Conduct under this *Code* may additionally be subject to program review for continued participation in their academic and/or University-sponsored scholarship programs, including but not limited to a graduate assistantship.

III. DEFINITIONS

- A. “Advisor” means a person chosen by a Responding Party to assist the Responding Party. The Advisor may be an attorney. The Responding Party is responsible for paying any expenses incurred by retaining an Advisor. The Advisor may be present at any meeting or proceeding to provide advice and consultation to the Responding Party. The Advisor shall not be an active participant in any meeting or proceeding, but if necessary, the Responding Party may request a break in order to speak privately with an Advisor. The Advisor may not speak for the Responding party, serve as a witness, provide evidence, delay or otherwise interfere with the University’s resolution process.
- B. “Advocate” means a registered, University degree-seeking Student designated to assist a Responding Party. The role of an Advocate includes:
 - 1. Providing confidential advice to the Responding Party.
 - 2. Making brief opening and closing statements.
 - 3. Questioning parties and witnesses, including Reporting Parties, pursuant to the applicable procedures.
 - 4. Following a determination of responsibility, the Advocate may make recommendations regarding Sanctions, if appropriate.
- C. “Aggravating Factor” means a factor that may be considered in determining Sanctions. Aggravating Factors may include, but are not limited to, the degree of premeditation and/or planning on the part of the Responding Party’s behavior, the nature of the violation, the severity of any resulting damage, injury, or harm, providing false information in the resolution process, and the past disciplinary record of the Responding Party.
- D. “Community Advocate” means a registered, University degree-seeking Student who is trained to assist or represent the Reporting Party and present disciplinary matters at Student Conduct Board hearings. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by a Student Conduct Board. The Community Advocate performs their responsibilities under the oversight of the Office of Student Conduct.
- E. “Days” means business weekdays when the University is not closed.
- F. “Knowingly” means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.
- G. “Mitigating Factor” means a factor that may be considered in determining Sanctions. A Mitigating Factor is present either at the time the violation occurred, or after the violation when a Responding Party engages in substantial activities to increase their knowledge or prevent future violations. Mitigating Factors include the steps the Responding Party has taken to address their behavior.
- H. “Referral” means a report, complaint, or allegation of Prohibited Conduct against a Student, Student Group, or Student Organization.

- I. “Reporting Party” means an individual(s) who has(have) referred a Student, Student Group, Student Organization, or incident to the Office of Student Conduct based on an alleged violation of the *Code*.
- J. “Responding Party” means a Student, Student Group, or Student Organization alleged to have committed a violation of this *Code*.
- K. “Student” means a person enrolled, registered, or auditing courses at the University on a full-time or part-time basis or a person who may not be enrolled but has a continuing academic relationship with the University.
- L. “Student Group” means a number of persons who are associated with each other but who do not have status as an officially registered Student Organization.
- M. “Student Organization” means a group of persons who are associated with each other and who have complied with University requirements for Student Organization registration.
- N. “Support Person” means a person chosen by a Responding Party to provide emotional and logistical support. A Support Person cannot be an active participant or witness in the resolution process.
- O. “University” means the University of Maryland, College Park.
- P. “University-sponsored Activity” means any activity on or off campus which is initiated, aided, authorized, or supervised by the University.
- Q. “University Premises” means buildings or grounds owned, leased, operated, controlled, or managed by the University.

IV. NO CONTACT ORDERS

The Director of Student Conduct has authority to implement, modify, and terminate No Contact Orders against Students, regardless of whether a Referral of Prohibited Conduct is made under this *Code*, and consistent with all other applicable University policies and procedures. The Director of Student Conduct may consult with other University officials regarding No Contact Orders. No Contact Orders are typically mutual between two or more individuals and are designed to prevent individuals from engaging in direct or indirect communication with each other. They are typically non-punitive in nature and are not considered a Sanction, unless ordered otherwise. No Contact Orders are effective immediately without prior notice to Students whenever there is evidence that the continued interaction of the Student with other particular members of the University community poses a substantial threat to themselves or others, or to the stability and continuation of normal University operations including but not limited to individuals’ educational or work environments. No Contact Orders may, but are not required to be, implemented as an Interim Measure under this *Code*. No Contact Orders may remain in place following the conclusion of any relevant University proceeding. Violations of No Contact Orders may constitute a violation of this *Code*.

V. STUDENT RIGHTS AND RESPONSIBILITIES

- A. Standards of Conduct

When Students choose to enroll at the University of Maryland, they accept the rights and responsibilities of membership in the University community both on and off campus. Students at the University of Maryland are expected to uphold the values of the University by conducting themselves in accordance with University policies and procedures.

B. Student Rights

The Office of Student Conduct provides a fair and balanced University process for resolving allegations of Student Prohibited Conduct. Students will be treated fairly and with dignity and respect without regard to race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected status, as outlined in the University's non-discrimination policies.

The focus of the Student Conduct Review Process is to resolve allegations of Student Prohibited Conduct. Students have the right to be notified of the allegations and specific policies they are alleged to have violated, to have access to the information underlying the allegation(s), and to have an opportunity to respond.

C. Student Responsibilities

1. Balancing Students' rights with their responsibilities as members of the University community is imperative to creating mature and engaged citizens. All Students are expected to understand and follow University policies and procedures as well as to comply with applicable federal, state, and local laws. Due to the high expectations the University has of its community members, responsibilities set forth in University policies may exceed federal, state, or local requirements.
2. University email is the primary means the Office of Student Conduct uses to communicate with Students. Students are responsible for reading all official communications delivered to their University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.

VI. STANDARD OF EVIDENCE

The preponderance of the evidence standard will be used to determine responsibility for *Code* violations. Preponderance of the evidence means that based on the totality of the information presented, it is more likely than not that the violation occurred. Sanctions are imposed according to the nature and severity of the violation.

VII. PROHIBITED CONDUCT

This list of “Prohibited Conduct” is provided to inform Students, Student Groups, and Student Organizations of behaviors that are not permitted. The list should be read broadly and is not designed to define Prohibited Conduct in exhaustive terms. Attempts to commit acts prohibited by this *Code* may be reviewed and sanctioned to the same extent as completed violations.

A. Offenses Against Persons

1. Intentionally or recklessly causing physical harm to any person, or intentionally or recklessly causing reasonable expectation of such harm.
2. Engaging in hazing activities as prohibited by [V-1.00\(K\) University of Maryland Policy and Procedures on Hazing](#).
3. Intentionally and substantially interfering with the lawful freedom of expression of others. (Demonstrations, rallies, [leafleting](#), and equivalent activity are addressed by [VI-4.10\(A\) University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces, Appendix A: Guidelines for Expressive Activity](#).)

B. Alcohol and Other Drug Offenses

“Controlled substance” and “illegal drugs” are defined by Maryland and federal law.

1. Unauthorized distribution of any controlled substance or illegal drug, or the production, manufacture, or possession of any controlled substance or illegal drug for purposes of unauthorized distribution.
2. Unauthorized use, production, manufacture, or possession of any controlled substance or illegal drug.
3. Providing alcohol or alcoholic beverages to a person under the legal age of consumption or possession.
4. The illegal or unauthorized consumption, possession, or sale of alcohol or alcoholic beverages.
5. Operating a motor vehicle while intoxicated or impaired by alcohol or other drugs.

C. Property Offenses

1. Theft of property, services, or resources, or the unauthorized use of services to which one is not entitled.
2. Knowingly possessing stolen property.
3. Intentionally or recklessly destroying, damaging, vandalizing, tampering with, or defacing University property or the property of others.
4. Trespassing on or the unauthorized use of facilities, property, or resources.

D. Community Offenses

1. Unauthorized on-campus or illegal off-campus use, possession, or storage of any weapon or explosive. The term “weapon” includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, and knives with blades five (5) or more inches in length.

2. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergencies.
 3. Rioting, assault, theft, vandalism, fire setting, or other serious misconduct
 - a) related to a University-sponsored event, occurring on- or off-campus, that results in harm to persons or property; or
 - b) which otherwise poses a threat to the stability of the campus or campus community.
 Such conduct may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law.
 4. Engaging in disorderly or disruptive action that interferes with University or community activities, including but not limited to studying, teaching, research, and University administration.
 5. Intentionally or recklessly misusing or damaging fire safety equipment.
 6. Unauthorized setting of fires on University premises.
 7. Unauthorized use or possession of fireworks.
 8. Public urination or defecation.
- E. Offenses Against University Operations
1. Intentionally furnishing false information to the University or law enforcement officials acting in performance of their duties.
 2. Making, possessing, providing, or using any forged, altered, or falsified University document.
 3. Failure to comply with a directive of University officials, including law enforcement officials, acting in the performance of their duties.
 4. Knowingly violating the terms of any Sanctions imposed in accordance with this *Code* or by the Office of Student Conduct in accordance with other University policies.
- F. Other Offenses
1. Conviction, a plea of no contest, acceptance of responsibility or acceptance of punishments in state or federal court for a crime (other than a minor traffic offense) not otherwise prohibited by this *Code*.
 2. Making, possessing, providing, or using any forged, altered, or falsified instrument of identification.
 3. Violation of published University regulations or policies that do not have governing resolution procedures, including but not limited to, ~~rules addressing conduct in the residence halls~~, use of vehicles, campus demonstrations, misuse of identification cards, acceptable use of technology resources, and access to University resources.
 4. **Rules addressing conduct in the residence halls, whether or not such conduct is also subject to proceedings under such residence hall rules and procedures.**

VIII. SANCTIONS

Students found responsible for Prohibited Conduct under this *Code* are subject to Sanctions. The aims of Sanctions are to protect the campus community, deter future offenses, promote individual

accountability, and enhance ethical development. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for one's actions. However, the University is not designed nor equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or others.

- A. The following Sanctions may be imposed by the Director of Student Conduct for violations of the *Code*:
1. Expulsion: permanent separation of the Student from the University. A permanent notation will appear on the Student's transcript. The Student may also be barred from University premises. (Expulsion requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion.)
 2. Suspension: separation of the Student from the University for a specified period of time. A permanent notation will appear on the Student's transcript. The Student shall not participate in any University-sponsored activity and may be barred from University premises during the period of Suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Suspension.)
 3. Disciplinary Probation: a designated period of time in which the Student may be prohibited from representing the University in any extracurricular activity or from running for or holding office in any Student Organization or University organization, or a Student Group or Student Organization may face restrictions. Additional restrictions or conditions may also be imposed.
 4. Disciplinary Warning: written notice to the Responding Party that further Prohibited Conduct may result in more severe disciplinary action.
 5. Educational Assignments: a sanction that may be imposed in addition to those specified above with the intent of providing the Responding Party with learning, assistive, or growth opportunities, as well as restoring any harm caused to the community. Alcohol or other drug education, research or reflective assignments, community service, values/ethics-based activities, or other sanctions may be assigned.
 6. Other Sanctions: other outcomes may be imposed in addition to those specified above. ~~For example, Students may be subject to University housing termination for Prohibited Conduct that occurs in the residence halls. Likewise, For example, R~~responding Parties may be subject to **temporary or permanent loss of housing privileges in University-owned residence units**, restrictions or denial of driving privileges for Prohibited Conduct involving the use or registration of motor vehicles, **and/or other restrictions and sanctions as determined by the Director of Student Conduct**. Responding Parties may **also** be required to pay fines or to make payments to the University or to other persons, groups, or organizations as restitution for damages incurred as a result of a violation of this *Code*. Student Groups or Student Organizations may be subject to social moratorium

- (prohibited from hosting, sponsoring, or attending events where alcohol is present), or other relevant restrictions and sanctions as determined by the Director of Student Conduct.
- B. Repeated or aggravated violations of any section of this *Code* may also result in Suspension or Expulsion in the imposition of lesser Sanctions as deemed appropriate.
 - C. Consistent with [V-8.00 University System of Maryland Policy on Event-Related Student Misconduct](#), any decision to impose a sanction less than Suspension or Expulsion for event-related Prohibited Conduct as prohibited by Section VII.d.3 of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A Student suspended under this section shall not be admitted to any other institution in the University of Maryland System during the term of the Suspension. A Student expelled under this section shall not be admitted to any other institution in the University of Maryland System for at least one year from the effective date of the Expulsion.
 - D. The University considers Prohibited Conduct motivated in whole or in part because of an individual or group characteristic or status, or the perception of an individual or group characteristic or status, protected by the University's non-discrimination policies to be an Aggravating Factor, which may subject the Responding Party to a more severe Sanction than would be imposed in the absence of such motivation.

IX. STUDENT CONDUCT REVIEW PROCESS

- A. This section provides general information and an overview of the Student Conduct Review Process. Not all cases are the same, and allegations differ in their severity and complexity. However, the Office of Student Conduct endeavors to treat similar facts and circumstances consistently.
- B. Certain conduct may constitute both a violation of law and a violation of this *Code*. Therefore, Students may be accountable to both criminal authorities and the University as a result of the same conduct or incident. The University's Student Conduct Review Process differs from legal civil or criminal proceedings. Disciplinary action at the University will normally move forward before or during criminal proceedings, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

The same conduct may also result in civil litigation. Civil litigation is separate and independent from any University process under this *Code*, and the resolution of any civil legal action that does not involve the University by settlement or other means will not resolve a University action for violation of the *Code*.

C. Referral

1. Anyone may refer a Student, Student Group, or Student Organization suspected of violating this *Code* to the Office of Student Conduct. Written Referrals are preferred.

The Office of Student Conduct will review all Referrals for reasonable cause. This means the Office will review the allegations to determine whether allegations, if substantiated, would amount to Prohibited Conduct in violation of the *Code*. If the Office of Student

Conduct determines that reasonable cause, the Reporting Party should expect to be a participant and provide pertinent information in any future proceedings. In the absence of a determination that there is reasonable cause to proceed, the case may be dismissed.

2. There are no time restrictions on reporting potential *Code* violations to the Office of Student Conduct. However, individuals are encouraged to report incidents as soon as they occur so witnesses can be identified and important information and documents preserved, if there is a reasonable cause determination and the Office of Student Conduct determines to move forward.
3. A Reporting Party may remain anonymous; however, anonymity may limit the University's ability to investigate and respond to a Referral.
4. Retaliation against anyone for reporting an alleged violation of this *Code* is strictly prohibited, and persons who engage in retaliation will be considered for further disciplinary action.

D. Interim Measures

Based on the nature and circumstances of the Referral, the Director of Student Conduct, in consultation with appropriate University administrators, may authorize Interim Measures to ensure the safety and well-being of the parties and others in the University community, as appropriate, including but not limited to the following:

1. **Interim Suspension:** The Director of Student Conduct may suspend a Student for an interim period pending the resolution of disciplinary proceedings. This Interim Suspension may become effective immediately without prior notice to the Student whenever there is evidence that the continued presence of the Student in the University community poses a significant threat to themselves or others, or to the stability and continuation of normal University operations. The Student will be offered an opportunity to meet with the Director of Student Conduct to review the reliability of the information within five (5) Days from the effective date of the Interim Suspension. However, there is no guarantee that the Student will be permitted to return to campus.
2. **Cease and Desist:** A Cease and Desist notice may be issued to Student Groups or Student Organizations whose continued operation poses a threat to the health and safety of the University community. Directives to Cease and Desist may be effective immediately without prior notice to the Student Group or Student Organization if there is evidence that the continued presence and operation of the Student Group or Student Organization poses a substantial threat to the health and safety of their members or others in the community (e.g., hazing allegation).
3. **No Contact Orders:** No Contact Orders may be implemented as an Interim Measure in accordance with Section IV of this *Code*.

E. Preliminary Interview

1. After determining reasonable cause exists, the Office of Student Conduct or the Office of Rights & Responsibilities will contact the Responding Party and request that they attend a

Preliminary Interview. The purpose of the Preliminary Interview is to review the allegations with the Responding Party and to assist the Responding Party in understanding the Student Conduct Process. Responding Parties may discuss the alleged incident during the Preliminary Interview; however, they are not required to do so. Relevant information shared in a Preliminary Interview may become part of the case file for future proceedings.

2. The officers, leaders, or any identifiable spokespersons for the Student Group or Student Organization may be directed by the Director of Student Conduct to act on the Student Group or Student Organization's behalf as the Responding Party.
3. The Director of Student Conduct may initiate, defer, or dismiss allegations of Prohibited Conduct against a Responding Party regardless of whether they choose to attend or discuss the alleged incident during the Preliminary Interview. A deferral of disciplinary proceedings may not exceed a period of ninety (90) days, and may be conditional.

F. Notice of Resolution Procedures

1. The Office of Student Conduct and/or Office of Rights and Responsibilities will review Referrals to determine whether the alleged Prohibited Conduct might result in Suspension or Expulsion from the University ~~or University housing termination~~. Alleged Prohibited Conduct which results in or could have foreseeably resulted in significant injury to persons or damage to property, or which otherwise poses a substantial threat to the stability and continuation of normal University or University-sponsored activities, may result in a Student's Suspension or Expulsion ~~or University housing termination~~.
2. The Office of Student Conduct will advise the Responding Party of the alleged Prohibited Conduct and the range of sanctions that might be imposed if the Responding Party is found responsible for the violation.
3. The Office of Student Conduct will advise the Responding Party of the Resolution Process options based on the alleged Prohibited Conduct.
 - a) Responding Parties who face potential Suspension, **or** Expulsion, ~~or University housing termination~~ have the right to a hearing before the appropriate Student Conduct Board. The Responding Party may appeal a Student Conduct Board hearing outcome resulting in a determination of responsibility, regardless of the Sanction imposed.

Responding Parties who face potential Suspension, **or** Expulsion, ~~or University housing termination~~ may waive their right to a Student Conduct Board hearing and proceed to have their case resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or in Alternative Resolution if applicable. Responding Parties who waive their right to a Student Conduct Board hearing remain subject to the full range of Sanctions. The Responding Party may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, **or** Suspension, ~~or University housing termination~~ is imposed.

- b) Responding Parties who do not face potential Suspension, **or** Expulsion, ~~or University housing termination~~ do not have a right to a hearing before a Student Conduct Board. Such cases are resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or in Alternative Resolution if applicable. In these cases, all outcomes are considered final and may not be appealed.

G. Alternative Resolution Options

The Office of Student Conduct may develop Alternative Resolution options, which may include options such as restorative justice practices, mediation, or an informal resolution agreement. At the discretion of the Office of Student Conduct, the Responding Party may be permitted to have their case resolved in an Alternative Resolution option without participating in a formal resolution proceeding through a Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board.

If an Alternative Resolution option is utilized and resolves the matter, the Responding Party waives the right to appeal the outcome, including any agreement, if applicable.

X. DISCIPLINARY CONFERENCE AND DISCIPLINARY CONFERENCE BOARD

- A. A Disciplinary Conference is a resolution meeting between the Responding Party and the designee(s) assigned by the Director of Student Conduct who is (are) the matter. Responding Parties participating in Disciplinary Conferences receive the following procedural protections:
 - 1. At least three (3) Days advance written notice of the alleged *Code* violation(s) and the scheduled Disciplinary Conference;
 - 2. Reasonable access to the case file prior to and during the Disciplinary Conference;
 - 3. An opportunity to respond to the allegations and bring forward any documentation, witnesses, or information on their behalf; and
 - 4. The option to be assisted by an Advocate or Advisor, and accompanied by a Support Person, of their choosing.
 - 5. The Responding Party will be notified in writing of the outcome, including any Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.
- B. The Director of Student Conduct may refer complex or contested cases to a Disciplinary Conference Board for resolution. A Disciplinary Conference Board consists of two Students from the University Student Judiciary and a staff member from the Office of Student Conduct. All procedures applicable to Disciplinary Conferences will apply to Disciplinary Conference Board proceedings.

Following Disciplinary Conference Board proceedings, the Responding Party and the Office of Student Conduct will be notified in writing of the outcome, including any

Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.

C. Appeal

1. A Responding Party who is before a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) because they are not facing potential Suspension **or**, Expulsion, ~~or University housing termination~~ and therefore do not have a right to a Student Conduct Board hearing, may not appeal the outcome of the Disciplinary Conference or Disciplinary Conference Board. The Disciplinary Conference or Disciplinary Conference Board outcome is final.
2. A Responding Party who is facing potential Suspension, **or** Expulsion, ~~or University housing termination~~ and opts for a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) in lieu of a Student Conduct Board hearing, may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, **or** Suspension, ~~or University housing termination~~ is imposed.
3. The Reporting Party cannot appeal the outcome.

XI. STUDENT CONDUCT BOARDS

In Student Conduct Board hearings, a designated panel of board members hears a case, determines facts, renders a decision, and recommends sanctions to the Office of Student Conduct. Student Conduct Boards have an integral role in the Student Conduct Review Process. The University Student Judiciary is a diverse group of Students specifically trained in the *Code* and matters related to the University's Student Conduct Board process. The University Student Judiciary operates under the direction of the Office of Student Conduct. Students selected for Student Conduct Boards are selected according to procedures developed by the Director of Student Conduct. Selected Students assume positions of responsibility in the University Student Judiciary for the express purpose of providing Student perspective as a part of the Student Conduct Review Process. Final authority for resolving matters under the *Code*, however, is vested in the Office of Student Conduct.

A. Types of Student Conduct Boards

1. Resident Board –A panel of three (3) Students from the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving alleged violations of the *Code* when the incident occurs in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University.
2. Central Board –A panel of three (3) Students of the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving violations of this *Code* that are not referred to the Resident Board or resolved in a Disciplinary Conference or by a Disciplinary Conference Board.

3. Ad-Hoc Board –A panel appointed at the discretion of the Director of Student Conduct when a Resident Board or the Central Board is unable to convene in a timely manner. An Ad-Hoc Board shall be comprised of three (3) members, one of whom may be the Presiding Officer who serves as a voting member, and include at least one Student.
- B. All Student Conduct Board hearings are facilitated by a Presiding Officer. The Presiding Officer is a member of the Board whose role is to exercise control over the proceedings for the purpose of time management and an orderly completion of the hearing. The Presiding Officer may be a trained member of the University Student Judiciary or a staff designee as selected by the Director of Student Conduct. In cases of the Central or Resident Board, the Presiding Officer is a non-voting member. In cases where there is an Ad-Hoc Board, the Presiding Officer serves as a voting member.
 - C. All Student Conduct Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board Advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the hearing.
 - D. University Student Judiciary members alleged to have violated this *Code*, a University policy, or with a criminal offense may be suspended from their University Student Judiciary positions by the Director of Student Conduct while allegations are pending. Students found responsible for *Code* violations or convicted of criminal offenses may be removed from further participation in the University Student Judiciary by the Director. of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the University Student Judiciary

XII. STUDENT CONDUCT BOARD HEARING PROCEDURES

- A. The following procedural guidelines shall be applicable in Board hearings:
 1. Responding Parties shall receive written notice of the specific alleged policy violation(s) and a hearing date at least five (5) Days in advance of the hearing. Hearing dates are scheduled in consultation with the parties whenever possible.
 2. Responding Parties will have reasonable access to their case file maintained in the Office of Student Conduct prior to their hearing.
 3. Responding Parties who fail to appear at a hearing after proper notice will have a response of “no contest” to the allegations against them entered into the record on their behalf. An outcome determination may be made without the participation or presence of the Responding Party at a hearing.
 4. All hearings are closed to the public.
 5. Hearings may be recorded or transcribed by the Office of Student Conduct, and no other recordings will be permitted. Recordings and transcripts are maintained in the Office of Student Conduct for the purpose of permitting a review by appellate bodies and by staff members in the Office of Student Conduct.

6. Prior to the start of a hearing, any party may challenge a Student Conduct Board member's participation based on a potential conflict of interest. Board members may be disqualified due to a conflict of interest upon a majority vote of the remaining members of the Board conducted by secret ballot, or by the decision of the Director of Student Conduct. In the case of a tie among the remaining members of the Board, the issue will be referred to the Director of Student Conduct for decision.
7. Formal rules of evidence are not applicable to Student Conduct Board hearings. The Presiding Officer of each Student Conduct Board shall admit all evidence, meaning documents, other information, and witnesses, into consideration which reasonable persons would accept as relevant, significant, and important to the issues being decided in the case. Unnecessarily repetitious, irrelevant, or prejudicial information or witnesses may be excluded at the discretion of the Presiding Officer.
8. Responding Parties may be assisted by an Advisor and an Advocate, and accompanied by a Support Person.
9. Both parties will be provided an opportunity to question witnesses who provide information at hearings.
10. Student Conduct Board Deliberations
 - a) Student Conduct Board deliberations are private, and the parties are excluded.
 - b) Responsible or Not Responsible Determination
 - (1) The Student Conduct Board shall find the Responding Party not responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that there is not a preponderance of the evidence to support a conclusion that the Prohibited Conduct occurred. The Board will make an outcome determination that the Responding Party was found not responsible, and the matter is concluded.
 - (2) The Student Conduct Board shall find the Responding Party responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that the preponderance of the evidence supports a conclusion that the Prohibited Conduct occurred.
 - (3) The parties will be informed of the Student Conduct Board's determination of responsibility. If there is a finding of responsibility, the parties will be given an opportunity to submit documentation or make statements concerning appropriate Sanctions.
 - c) If there is a determination of responsibility, the Student Conduct Board shall hold a separate session to consider Sanction recommendations, during which it may consider Aggravating Factors and Mitigating Factors and documentation or statements provided by the parties. The past disciplinary record of the Responding Party will not be provided to the Student Conduct Board prior to a determination of responsibility but may be shared with the Student Conduct Board for its consideration for recommending a Sanction(s).

11. Final decisions of all Student Conduct Boards shall be by a majority vote of the members present and voting. A tie vote on a determination of responsibility for a *Code* violation will result in a finding of “not responsible.”
12. Final decisions of all Student Conduct Boards, including the determination of responsibility and Sanction recommendation, if applicable, will be accompanied by a brief written report provided to the Office of Student Conduct. The brief written report will include any Aggravating Factors or Mitigating Factors that were considered.

B. Final Outcome Notification

Based on the Student Conduct Board determining the Responding Party is responsible for Prohibited Conduct and consideration of the Board’s Sanction recommendation, the Director of Student Conduct will impose an appropriate Sanction.

The Office of Student Conduct will notify the Responding Party in writing of the final outcome, including the imposed Sanction and a copy of the written report of the Student Conduct Board.

C. Appeal

1. A Responding Party who is found responsible by a Student Conduct Board may appeal the responsibility determination and imposed Sanction as provided in the Appeals section of this *Code*, regardless of the Sanction imposed.
2. The Reporting Party cannot appeal a final outcome determination.

D. Witnesses

1. The Presiding Officer of any Board may direct a witness to appear before the Board upon the request of any Student Conduct Board member, at the request of either party, or at the request of the Board Advisor. Directives for witnesses to appear must be approved by the Director of Student Conduct. University Students and employees are expected to comply with a request to appear before a Student Conduct Board unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.
2. If a. the Director of Student Conduct determines that a fair hearing cannot be held without the testimony of a particular witness and after good faith attempts are made to notify the witness, if the witness either fails to or refuses to appear, the hearing will be postponed until the witness agrees to appear or the allegations will be dismissed.
 - a) A witness who is unable to attend the hearing, may submit a signed statement to the Office of Student Conduct prior to the hearing. Statements will not be admitted into the proceedings unless verified by the witness in the presence of a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct.
3. Witnesses will be asked to sign an ‘Honesty Statement’ affirming that the information they present during the hearing will be truthful and accurate. Students who knowingly

provide false information may be presented with an alleged policy violation under this *Code*.

4. Prospective witnesses, other than the Responding Party and the Reporting Party, may be excluded from the hearing during the testimony of other witnesses.
5. Witnesses should expect to be questioned by the Reporting Party, Responding Party, the respective Advocates, and Board members (including Board Advisor, if applicable) during hearing proceedings.

XIII. APPEALS

Appeals are not intended to allow for a second review of the facts of the matter and determination whether the Responding Party is responsible for Prohibited Conduct. A review of the matter on appeal will be prompt and narrowly tailored to the stated Grounds for an Appeal outlined below. Mere dissatisfaction with the responsibility and sanction outcome is not a valid basis for appeal. In most cases, appeal reviews and considerations are confined to a review of the written record and the submissions in support of or against the appeal. In all matters, deference shall be given to the determinations of the Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference, as applicable.

A. Submission of an Appeal

1. A Responding Party may appeal the determination of responsibility and/or the Sanction imposed if:
 - a) The Responding Party had a hearing with a Student Conduct Board; or
 - b) The Responding Party had a Disciplinary Conference or Disciplinary Conference Board and received a Sanction of Suspension, **or** Expulsion, ~~or University housing termination.~~
2. An appeal must be submitted in writing within five (5) Days from the date of the Office of Student Conduct's written notice of the final outcome. Appeals submitted after five (5) Days shall be denied. At the discretion of the Director of Student Conduct, extensions may be granted with written permission in extenuating circumstances. The Director of Student Conduct has the discretion to defer the imposition of Sanctions pending any appeal.
3. If the Responding Party does not submit an appeal, the responsibility determination and Sanctions become final five (5) Days from the date of the Office of Student Conduct's written notice.

B. Grounds for an Appeal shall be limited to:

1. Substantial Procedural Error: Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Responding Party notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Responding Party notice or a fair opportunity to be heard will not be a basis for granting an appeal.
2. Disproportionate Sanction: The Sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or the circumstances of the violation.

3. Arbitrary and Capricious: An arbitrary and capricious decision is a decision without a rational basis or that is not supported by any evidence in the record.
4. New Evidence: New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference proceeding.
 - a) When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the proceeding. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied.
 - b) If the information is determined to be new and unavailable at the time of the proceeding, the appellate body will consider whether the new information could have changed the outcome of the original proceeding.
 - c) If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, as applicable, for further review.
5. Unanticipated Disparate Impact of the Sanction: The Sanction has an unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.

C. Appeal Screening

1. Appeals will be screened by the Director Office of Student Conduct, and only those appeals that meet the Grounds for an Appeal provided in this *Code* will be forwarded to the appropriate appellate body for review.
2. The Responding Party will have three (3) Days to correct an appeals submission if they are advised that the initial submission does not state sufficient Grounds for an Appeal.

D. Response from the Office of Student Conduct

E. Review of the Appeal

1. Appeals of decisions resulting in Suspension or Expulsion will be decided by the University Senate Student Conduct Committee Appellate Body, which is composed of three members from the Student Conduct Committee including at least one Student.
2. Appeals of decisions resulting in sanctions other than Suspension or Expulsion will be decided by the Appellate Board, which is a branch of the University Student Judiciary composed of three Students.

F. The appellate body will consider the appeal and may:

1. Affirm the Decision and the Sanction outcome(s) imposed;
 2. Affirm the Decision and reduce, but not eliminate, the Sanction outcome(s) imposed;
 3. Remand the case to a new Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, if there was substantial procedural error;
 4. Remand the case to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board in accordance with procedures outlined under “New Evidence”;
- or

5. Dismiss the case if the decision is determined to be arbitrary and capricious.
- G. Sanctions of Expulsions or Suspensions affirmed by the Senate Student Conduct Committee Appellate Body require administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion or Suspension. Sanctions other than Expulsions or Suspensions affirmed by the Appellate Board require administrative review and approval by the Director of Student Conduct who may alter, defer or withhold the Sanction.

XIV. DISCIPLINARY RECORDS

- A. Students, Student Groups, and Student Organizations found responsible for violations of this *Code* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the letter providing notice of the final outcome and disciplinary action. Disciplinary records may be retained for longer periods of time or permanently, if specified in the Sanction. Disciplinary records of Students, Student Groups, and Student Organizations with a sanction of Suspension or Expulsion will be retained permanently unless otherwise specified.
- B. Students may petition the Office of Student Conduct to void their disciplinary record early, for good cause. Students are eligible to petition to void their disciplinary record six (6) months from the date of the letter providing notice of final disciplinary action if the following criteria are met:
 1. all Sanctions have been satisfactorily completed; and
 2. the Student must not have any new or pending disciplinary issues.
- C. Factors to be considered in review of such petitions include but are not limited to:
 1. Review and assessment of a completed submission of a “Petition to Void Disciplinary Record,” which should include the Student’s learning and growth since the time of the incident;
 2. the conduct of the Student subsequent to the Prohibited Conduct; and
 3. the nature of the Prohibited Conduct and the severity of any resulting damage, injury, or harm.
- D. Disciplinary records retained for less than ninety (90) calendar days or designated as “permanent” shall not be voided without unusual and compelling justification.
- E. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee Appellate Body, which will consider the appeal using the Grounds for an Appeal outlined in the Appeals section of this *Code*. Such an appeal must be submitted in writing within five (5) Days from the date of the letter providing notice of the original denial of the petition.
- F. In situations with unusual and compelling justification, the Director of Student Conduct has discretionary authority to alter, defer, or withhold a Sanction that has been previously imposed pursuant to the provisions of this *Code*, except the Director may not impose a stricter Sanction than was previously imposed pursuant to this authority. The Director of Student Conduct shall consult with the Dean of Students in cases of Suspension or Expulsion and may consult with

other University administrators as appropriate in all cases. There shall be no right to appeal a denial of a request to alter, defer, or withhold a Sanction under this provision.

Appendix 3



V-1.00(B) UNIVERSITY OF MARYLAND CODE OF STUDENT CONDUCT

(Approved by the Board of Regents January 25, 1980; amended September 4, 1990; December 18, 2001; April 22, 2004; November 18, 2005; April 5, 2006; March 10, 2011; January 17, 2012; February 20, 2013; May 9, 2013; Technical amendments September 2, 2015; Amended effective January 1, 2018; Technical amendments August 14, 2020; Amended May 25, 2023)

This *Code* does not apply to matters of student academic integrity. The policy and procedures document applicable to student academic integrity is III-1.00(A) University of Maryland Code of Academic Integrity at <https://policies.umd.edu/academic-affairs/university-of-maryland-code-of-academic-integrity>.

This *Code* does not apply to student sexual harassment and other sexual misconduct. The policy and procedures document applicable to student sexual harassment and other sexual misconduct is VI-1.60(A) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct at <https://policies.umd.edu/general-administration/university-of-maryland-policy-and-procedures-on-sexual-harassment-and-other-sexual-misconduct>.

I. INTRODUCTION

The *Code of Student Conduct (Code)* was created to ensure the safety and security of the University community. The *Code*, administered by the Office of Student Conduct, seeks to balance the rights and responsibilities of all individuals within the community, and uphold the integrity and values of the University of Maryland. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for their actions. The *Code* outlines behaviors that are inconsistent with University standards and expectations and sets forth applicable procedures and potential Sanctions governing *Code* violations.

II. APPLICABILITY

- A. This *Code* covers conduct by a Student, Student Group, or Student Organization that occurs:
1. on University Premises; or
 2. at University-sponsored events; or
 3. not on University Premises, if:
 - a) the conduct would constitute a violation of this *Code* had it occurred on University premises; *and*

b) the Director of Student Conduct determines that the conduct affects the safety of the University community or the orderly operation of the University.

B. This *Code* applies to all covered conduct that occurred on or after August 28, 2023. Where the date of the alleged conduct precedes August 28, 2023, the definitions of misconduct in existence at the time of the alleged incident(s) will be used. The procedures under this *Code*, however, will be used to resolve all Referrals made on or after August 28, 2023, regardless of when the alleged incident(s) occurred.

C. Office of Student Conduct

The Office of Student Conduct and its Director are charged with the administration of the *Code of Student Conduct* and its processes. References in this *Code* to the Director of Student Conduct include the Director and designees. The Director of Student Conduct grants at their discretion to the Office of Rights and Responsibilities the authority to administer matters involving *Code* that occur in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University. The responsibilities of the Office of Student Conduct include:

1. Providing official and final interpretation of the *Code*;
2. Accepting reports of alleged Prohibited Conduct;
3. Determining the appropriate alleged policy violation(s) to be filed in accordance with this *Code*;
4. Administering the process and procedures for investigating and resolving alleged *Code* violations;
5. Supervising, training, and advising all conduct boards;
6. Maintaining all Student disciplinary records;
7. Administering certain duties as set forth in [VI-1.60\(A\) University of Maryland Policy & Procedures on Sexual Harassment and Other Sexual Misconduct](#) and [VI-1.00\(B\) University of Maryland Non-Discrimination Policy and Procedures](#) as related to allegations against Students; and
8. Administering No Contact Orders.

D. Referral to Another University Process

Reports of Student, Student Group, or Student Organization conduct made to the Office of Student Conduct may violate other University policies, and the report may be referred to another University process and/or office in accordance with applicable University policies and procedures.

Responding Parties found responsible for Prohibited Conduct under this *Code* may additionally be subject to program review for continued participation in their academic and/or University-sponsored scholarship programs, including but not limited to a graduate assistantship.

III. DEFINITIONS

- A. “Advisor” means a person chosen by a Responding Party to assist the Responding Party. The Advisor may be an attorney. The Responding Party is responsible for paying any expenses incurred by retaining an Advisor. The Advisor may be present at any meeting or proceeding to provide advice and consultation to the Responding Party. The Advisor shall not be an active participant in any meeting or proceeding, but if necessary, the Responding Party may request a break in order to speak privately with an Advisor. The Advisor may not speak for the Responding party, serve as a witness, provide evidence, delay or otherwise interfere with the University’s resolution process.
- B. “Advocate” means a registered, University degree-seeking Student designated to assist a Responding Party. The role of an Advocate includes:
 - 1. Providing confidential advice to the Responding Party.
 - 2. Making brief opening and closing statements.
 - 3. Questioning parties and witnesses, including Reporting Parties, pursuant to the applicable procedures.
 - 4. Following a determination of responsibility, the Advocate may make recommendations regarding Sanctions, if appropriate.
- C. “Aggravating Factor” means a factor that may be considered in determining Sanctions. Aggravating Factors may include, but are not limited to, the degree of premeditation and/or planning on the part of the Responding Party’s behavior, the nature of the violation, the severity of any resulting damage, injury, or harm, providing false information in the resolution process, and the past disciplinary record of the Responding Party.
- D. “Community Advocate” means a registered, University degree-seeking Student who is trained to assist or represent the Reporting Party and present disciplinary matters at Student Conduct Board hearings. Their responsibilities include providing brief opening and closing statements, presenting evidence, and other duties as requested by a Student Conduct Board. The Community Advocate performs their responsibilities under the oversight of the Office of Student Conduct.
- E. “Days” means business weekdays when the University is not closed.
- F. “Knowingly” means consciously engaging in specific conduct, regardless of whether the individual understood the conduct was a violation of the *Code*.
- G. “Mitigating Factor” means a factor that may be considered in determining Sanctions. A Mitigating Factor is present either at the time the violation occurred, or after the violation when a Responding Party engages in substantial activities to increase their knowledge or prevent future violations. Mitigating Factors include the steps the Responding Party has taken to address their behavior.
- H. “Referral” means a report, complaint, or allegation of Prohibited Conduct against a Student, Student Group, or Student Organization.

- I. “Reporting Party” means an individual(s) who has(have) referred a Student, Student Group, Student Organization, or incident to the Office of Student Conduct based on an alleged violation of the *Code*.
- J. “Responding Party” means a Student, Student Group, or Student Organization alleged to have committed a violation of this *Code*.
- K. “Student” means a person enrolled, registered, or auditing courses at the University on a full-time or part-time basis or a person who may not be enrolled but has a continuing academic relationship with the University.
- L. “Student Group” means a number of persons who are associated with each other but who do not have status as an officially registered Student Organization.
- M. “Student Organization” means a group of persons who are associated with each other and who have complied with University requirements for Student Organization registration.
- N. “Support Person” means a person chosen by a Responding Party to provide emotional and logistical support. A Support Person cannot be an active participant or witness in the resolution process.
- O. “University” means the University of Maryland, College Park.
- P. “University-sponsored Activity” means any activity on or off campus which is initiated, aided, authorized, or supervised by the University.
- Q. “University Premises” means buildings or grounds owned, leased, operated, controlled, or managed by the University.

IV. NO CONTACT ORDERS

The Director of Student Conduct has authority to implement, modify, and terminate No Contact Orders against Students, regardless of whether a Referral of Prohibited Conduct is made under this *Code*, and consistent with all other applicable University policies and procedures. The Director of Student Conduct may consult with other University officials regarding No Contact Orders. No Contact Orders are typically mutual between two or more individuals and are designed to prevent individuals from engaging in direct or indirect communication with each other. They are typically non-punitive in nature and are not considered a Sanction, unless ordered otherwise. No Contact Orders are effective immediately without prior notice to Students whenever there is evidence that the continued interaction of the Student with other particular members of the University community poses a substantial threat to themselves or others, or to the stability and continuation of normal University operations including but not limited to individuals’ educational or work environments. No Contact Orders may, but are not required to be, implemented as an Interim Measure under this *Code*. No Contact Orders may remain in place following the conclusion of any relevant University proceeding. Violations of No Contact Orders may constitute a violation of this *Code*.

V. STUDENT RIGHTS AND RESPONSIBILITIES

- A. Standards of Conduct

When Students choose to enroll at the University of Maryland, they accept the rights and responsibilities of membership in the University community both on and off campus. Students at the University of Maryland are expected to uphold the values of the University by conducting themselves in accordance with University policies and procedures.

B. Student Rights

The Office of Student Conduct provides a fair and balanced University process for resolving allegations of Student Prohibited Conduct. Students will be treated fairly and with dignity and respect without regard to race, color, sex, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, physical or mental disability, religion, protected veteran status, genetic information, personal appearance, or any other legally protected status, as outlined in the University's non-discrimination policies.

The focus of the Student Conduct Review Process is to resolve allegations of Student Prohibited Conduct. Students have the right to be notified of the allegations and specific policies they are alleged to have violated, to have access to the information underlying the allegation(s), and to have an opportunity to respond.

C. Student Responsibilities

1. Balancing Students' rights with their responsibilities as members of the University community is imperative to creating mature and engaged citizens. All Students are expected to understand and follow University policies and procedures as well as to comply with applicable federal, state, and local laws. Due to the high expectations the University has of its community members, responsibilities set forth in University policies may exceed federal, state, or local requirements.
2. University email is the primary means the Office of Student Conduct uses to communicate with Students. Students are responsible for reading all official communications delivered to their University email address and are advised to check their email regularly for University communications, including those from the Office of Student Conduct.

VI. STANDARD OF EVIDENCE

The preponderance of the evidence standard will be used to determine responsibility for *Code* violations. Preponderance of the evidence means that based on the totality of the information presented, it is more likely than not that the violation occurred. Sanctions are imposed according to the nature and severity of the violation.

VII. PROHIBITED CONDUCT

This list of “Prohibited Conduct” is provided to inform Students, Student Groups, and Student Organizations of behaviors that are not permitted. The list should be read broadly and is not designed to define Prohibited Conduct in exhaustive terms. Attempts to commit acts prohibited by this *Code* may be reviewed and sanctioned to the same extent as completed violations.

A. Offenses Against Persons

1. Intentionally or recklessly causing physical harm to any person, or intentionally or recklessly causing reasonable expectation of such harm.
2. Engaging in hazing activities as prohibited by [V-1.00\(K\) University of Maryland Policy and Procedures on Hazing](#).
3. Intentionally and substantially interfering with the lawful freedom of expression of others. (Demonstrations, rallies, [leafleting](#), and equivalent activity are addressed by [VI-4.10\(A\) University of Maryland Policy and Procedures for the Use of Facilities and Outdoor Spaces, Appendix A: Guidelines for Expressive Activity](#).)

B. Alcohol and Other Drug Offenses

“Controlled substance” and “illegal drugs” are defined by Maryland and federal law.

1. Unauthorized distribution of any controlled substance or illegal drug, or the production, manufacture, or possession of any controlled substance or illegal drug for purposes of unauthorized distribution.
2. Unauthorized use, production, manufacture, or possession of any controlled substance or illegal drug.
3. Providing alcohol or alcoholic beverages to a person under the legal age of consumption or possession.
4. The illegal or unauthorized consumption, possession, or sale of alcohol or alcoholic beverages.
5. Operating a motor vehicle while intoxicated or impaired by alcohol or other drugs.

C. Property Offenses

1. Theft of property, services, or resources, or the unauthorized use of services to which one is not entitled.
2. Knowingly possessing stolen property.
3. Intentionally or recklessly destroying, damaging, vandalizing, tampering with, or defacing University property or the property of others.
4. Trespassing on or the unauthorized use of facilities, property, or resources.

D. Community Offenses

1. Unauthorized on-campus or illegal off-campus use, possession, or storage of any weapon or explosive. The term “weapon” includes any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to, all firearms, pellet guns, switchblade knives, and knives with blades five (5) or more inches in length.

2. Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergencies.
 3. Rioting, assault, theft, vandalism, fire setting, or other serious misconduct
 - a) related to a University-sponsored event, occurring on- or off-campus, that results in harm to persons or property; or
 - b) which otherwise poses a threat to the stability of the campus or campus community.
 Such conduct may result in disciplinary action regardless of the existence, status, or outcome of any criminal charges in a court of law.
 4. Engaging in disorderly or disruptive action that interferes with University or community activities, including but not limited to studying, teaching, research, and University administration.
 5. Intentionally or recklessly misusing or damaging fire safety equipment.
 6. Unauthorized setting of fires on University premises.
 7. Unauthorized use or possession of fireworks.
 8. Public urination or defecation.
- E. Offenses Against University Operations
1. Intentionally furnishing false information to the University or law enforcement officials acting in performance of their duties.
 2. Making, possessing, providing, or using any forged, altered, or falsified University document.
 3. Failure to comply with a directive of University officials, including law enforcement officials, acting in the performance of their duties.
 4. Knowingly violating the terms of any Sanctions imposed in accordance with this *Code* or by the Office of Student Conduct in accordance with other University policies.
- F. Other Offenses
1. Conviction, a plea of no contest, acceptance of responsibility or acceptance of punishments in state or federal court for a crime (other than a minor traffic offense) not otherwise prohibited by this *Code*.
 2. Making, possessing, providing, or using any forged, altered, or falsified instrument of identification.
 3. Violation of published University regulations or policies that do not have governing resolution procedures, including but not limited to, use of vehicles, campus demonstrations, misuse of identification cards, acceptable use of technology resources, and access to University resources.
 4. Rules addressing conduct in the residence halls, whether or not such conduct is also subject to proceedings under such residence hall rules and procedures.

VIII. SANCTIONS

Students found responsible for Prohibited Conduct under this *Code* are subject to Sanctions. The aims of Sanctions are to protect the campus community, deter future offenses, promote individual

accountability, and enhance ethical development. Reasonable efforts are made to educate and support Students in reaching their academic and personal goals while fostering a climate of accountability and responsibility for one's actions. However, the University is not designed nor equipped to rehabilitate or incapacitate persons who pose a substantial threat to themselves or others.

- A. The following Sanctions may be imposed by the Director of Student Conduct for violations of the *Code*:
1. Expulsion: permanent separation of the Student from the University. A permanent notation will appear on the Student's transcript. The Student may also be barred from University premises. (Expulsion requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion.)
 2. Suspension: separation of the Student from the University for a specified period of time. A permanent notation will appear on the Student's transcript. The Student shall not participate in any University-sponsored activity and may be barred from University premises during the period of Suspension. Suspended time will not count against any time limits required by the Graduate School for completion of a degree. (Suspension requires administrative review and approval by the Dean of Students who may alter, defer, or withhold the Suspension.)
 3. Disciplinary Probation: a designated period of time in which the Student may be prohibited from representing the University in any extracurricular activity or from running for or holding office in any Student Organization or University organization, or a Student Group or Student Organization may face restrictions. Additional restrictions or conditions may also be imposed.
 4. Disciplinary Warning: written notice to the Responding Party that further Prohibited Conduct may result in more severe disciplinary action.
 5. Educational Assignments: a sanction that may be imposed in addition to those specified above with the intent of providing the Responding Party with learning, assistive, or growth opportunities, as well as restoring any harm caused to the community. Alcohol or other drug education, research or reflective assignments, community service, values/ethics-based activities, or other sanctions may be assigned.
 6. Other Sanctions: other outcomes may be imposed in addition to those specified above. For example, responding Parties may be subject to temporary or permanent loss of housing in University-owned residence units, restrictions or denial of driving privileges for Prohibited Conduct involving the use or registration of motor vehicles, and/or other restrictions and sanctions as determined by the Director of Student Conduct. Responding Parties may also be required to pay fines or to make payments to the University or to other persons, groups, or organizations as restitution for damages incurred as a result of a violation of this *Code*. Student Groups or Student Organizations may be subject to social moratorium (prohibited from hosting, sponsoring, or attending events where alcohol is present), or other relevant restrictions and sanctions as determined by the Director of Student Conduct.

- B. Repeated or aggravated violations of any section of this *Code* may also result in Suspension or Expulsion in the imposition of lesser Sanctions as deemed appropriate.
- C. Consistent with [V-8.00 University System of Maryland Policy on Event-Related Student Misconduct](#), any decision to impose a sanction less than Suspension or Expulsion for event-related Prohibited Conduct as prohibited by Section VII.d.3 of this *Code* must be supported by written findings signed by the Vice President for Student Affairs. A Student suspended under this section shall not be admitted to any other institution in the University of Maryland System during the term of the Suspension. A Student expelled under this section shall not be admitted to any other institution in the University of Maryland System for at least one year from the effective date of the Expulsion.
- D. The University considers Prohibited Conduct motivated in whole or in part because of an individual or group characteristic or status, or the perception of an individual or group characteristic or status, protected by the University's non-discrimination policies to be an Aggravating Factor, which may subject the Responding Party to a more severe Sanction than would be imposed in the absence of such motivation.

IX. STUDENT CONDUCT REVIEW PROCESS

- A. This section provides general information and an overview of the Student Conduct Review Process. Not all cases are the same, and allegations differ in their severity and complexity. However, the Office of Student Conduct endeavors to treat similar facts and circumstances consistently.
- B. Certain conduct may constitute both a violation of law and a violation of this *Code*. Therefore, Students may be accountable to both criminal authorities and the University as a result of the same conduct or incident. The University's Student Conduct Review Process differs from legal civil or criminal proceedings. Disciplinary action at the University will normally move forward before or during criminal proceedings, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced.

The same conduct may also result in civil litigation. Civil litigation is separate and independent from any University process under this *Code*, and the resolution of any civil legal action that does not involve the University by settlement or other means will not resolve a University action for violation of the *Code*.

C. Referral

- 1. Anyone may refer a Student, Student Group, or Student Organization suspected of violating this *Code* to the Office of Student Conduct. Written Referrals are preferred.

The Office of Student Conduct will review all Referrals for reasonable cause. This means the Office will review the allegations to determine whether allegations, if substantiated, would amount to Prohibited Conduct in violation of the *Code*. If the Office of Student Conduct determines that reasonable cause, the Reporting Party should expect to be a

participant and provide pertinent information in any future proceedings. In the absence of a determination that there is reasonable cause to proceed, the case may be dismissed.

2. There are no time restrictions on reporting potential *Code* violations to the Office of Student Conduct. However, individuals are encouraged to report incidents as soon as they occur so witnesses can be identified and important information and documents preserved, if there is a reasonable cause determination and the Office of Student Conduct determines to move forward.
3. A Reporting Party may remain anonymous; however, anonymity may limit the University's ability to investigate and respond to a Referral.
4. Retaliation against anyone for reporting an alleged violation of this *Code* is strictly prohibited, and persons who engage in retaliation will be considered for further disciplinary action.

D. Interim Measures

Based on the nature and circumstances of the Referral, the Director of Student Conduct, in consultation with appropriate University administrators, may authorize Interim Measures to ensure the safety and well-being of the parties and others in the University community, as appropriate, including but not limited to the following:

1. **Interim Suspension:** The Director of Student Conduct may suspend a Student for an interim period pending the resolution of disciplinary proceedings. This Interim Suspension may become effective immediately without prior notice to the Student whenever there is evidence that the continued presence of the Student in the University community poses a significant threat to themselves or others, or to the stability and continuation of normal University operations. The Student will be offered an opportunity to meet with the Director of Student Conduct to review the reliability of the information within five (5) Days from the effective date of the Interim Suspension. However, there is no guarantee that the Student will be permitted to return to campus.
2. **Cease and Desist:** A Cease and Desist notice may be issued to Student Groups or Student Organizations whose continued operation poses a threat to the health and safety of the University community. Directives to Cease and Desist may be effective immediately without prior notice to the Student Group or Student Organization if there is evidence that the continued presence and operation of the Student Group or Student Organization poses a substantial threat to the health and safety of their members or others in the community (e.g., hazing allegation).
3. **No Contact Orders:** No Contact Orders may be implemented as an Interim Measure in accordance with Section IV of this *Code*.

E. Preliminary Interview

1. After determining reasonable cause exists, the Office of Student Conduct or the Office of Rights & Responsibilities will contact the Responding Party and request that they attend a Preliminary Interview. The purpose of the Preliminary Interview is to review the

allegations with the Responding Party and to assist the Responding Party in understanding the Student Conduct Process. Responding Parties may discuss the alleged incident during the Preliminary Interview; however, they are not required to do so. Relevant information shared in a Preliminary Interview may become part of the case file for future proceedings.

2. The officers, leaders, or any identifiable spokespersons for the Student Group or Student Organization may be directed by the Director of Student Conduct to act on the Student Group or Student Organization's behalf as the Responding Party.
3. The Director of Student Conduct may initiate, defer, or dismiss allegations of Prohibited Conduct against a Responding Party regardless of whether they choose to attend or discuss the alleged incident during the Preliminary Interview. A deferral of disciplinary proceedings may not exceed a period of ninety (90) days, and may be conditional.

F. Notice of Resolution Procedures

1. The Office of Student Conduct and/or Office of Rights and Responsibilities will review Referrals to determine whether the alleged Prohibited Conduct might result in Suspension or Expulsion from the University. Alleged Prohibited Conduct which results in or could have foreseeably resulted in significant injury to persons or damage to property, or which otherwise poses a substantial threat to the stability and continuation of normal University or University-sponsored activities, may result in a Student's Suspension or Expulsion.
2. The Office of Student Conduct will advise the Responding Party of the alleged Prohibited Conduct and the range of sanctions that might be imposed if the Responding Party is found responsible for the violation.
3. The Office of Student Conduct will advise the Responding Party of the Resolution Process options based on the alleged Prohibited Conduct.
 - a) Responding Parties who face potential Suspension, or Expulsion have the right to a hearing before the appropriate Student Conduct Board. The Responding Party may appeal a Student Conduct Board hearing outcome resulting in a determination of responsibility, regardless of the Sanction imposed.

Responding Parties who face potential Suspension, or Expulsion may waive their right to a Student Conduct Board hearing and proceed to have their case resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or in Alternative Resolution if applicable. Responding Parties who waive their right to a Student Conduct Board hearing remain subject to the full range of Sanctions. The Responding Party may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, or Suspension is imposed.

- b) Responding Parties who do not face potential Suspension, or Expulsion do not have a right to a hearing before a Student Conduct Board. Such cases are resolved in a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto), or

in Alternative Resolution if applicable. In these cases, all outcomes are considered final and may not be appealed.

G. Alternative Resolution Options

The Office of Student Conduct may develop Alternative Resolution options, which may include options such as restorative justice practices, mediation, or an informal resolution agreement. At the discretion of the Office of Student Conduct, the Responding Party may be permitted to have their case resolved in an Alternative Resolution option without participating in a formal resolution proceeding through a Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board.

If an Alternative Resolution option is utilized and resolves the matter, the Responding Party waives the right to appeal the outcome, including any agreement, if applicable.

X. DISCIPLINARY CONFERENCE AND DISCIPLINARY CONFERENCE BOARD

- A. A Disciplinary Conference is a resolution meeting between the Responding Party and the designee(s) assigned by the Director of Student Conduct who is (are) the matter. Responding Parties participating in Disciplinary Conferences receive the following procedural protections:
1. At least three (3) Days advance written notice of the alleged *Code* violation(s) and the scheduled Disciplinary Conference;
 2. Reasonable access to the case file prior to and during the Disciplinary Conference;
 3. An opportunity to respond to the allegations and bring forward any documentation, witnesses, or information on their behalf; and
 4. The option to be assisted by an Advocate or Advisor, and accompanied by a Support Person, of their choosing.
 5. The Responding Party will be notified in writing of the outcome, including any Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.
- B. The Director of Student Conduct may refer complex or contested cases to a Disciplinary Conference Board for resolution. A Disciplinary Conference Board consists of two Students from the University Student Judiciary and a staff member from the Office of Student Conduct. All procedures applicable to Disciplinary Conferences will apply to Disciplinary Conference Board proceedings.

Following Disciplinary Conference Board proceedings, the Responding Party and the Office of Student Conduct will be notified in writing of the outcome, including any Sanction determination, if applicable. If an appeal is permissible pursuant to subparagraph (3) below, a brief written report of the responsibility determination and Sanction, including any Aggravating Factors or Mitigating Factors that were considered, will be provided.

C. Appeal

1. A Responding Party who is before a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) because they are not facing potential Suspension or, Expulsion and therefore do not have a right to a Student Conduct Board hearing, may not appeal the outcome of the Disciplinary Conference or Disciplinary Conference Board. The Disciplinary Conference or Disciplinary Conference Board outcome is final.
2. A Responding Party who is facing potential Suspension, or Expulsion and opts for a Disciplinary Conference (or Disciplinary Conference Board, if referred thereto) in lieu of a Student Conduct Board hearing, may appeal the Disciplinary Conference or Disciplinary Conference Board outcome only if a Sanction of Expulsion, or Suspension is imposed.
3. The Reporting Party cannot appeal the outcome.

XI. STUDENT CONDUCT BOARDS

In Student Conduct Board hearings, a designated panel of board members hears a case, determines facts, renders a decision, and recommends sanctions to the Office of Student Conduct. Student Conduct Boards have an integral role in the Student Conduct Review Process. The University Student Judiciary is a diverse group of Students specifically trained in the *Code* and matters related to the University's Student Conduct Board process. The University Student Judiciary operates under the direction of the Office of Student Conduct. Students selected for Student Conduct Boards are selected according to procedures developed by the Director of Student Conduct. Selected Students assume positions of responsibility in the University Student Judiciary for the express purpose of providing Student perspective as a part of the Student Conduct Review Process. Final authority for resolving matters under the *Code*, however, is vested in the Office of Student Conduct.

A. Types of Student Conduct Boards

1. Resident Board –A panel of three (3) Students from the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving alleged violations of the *Code* when the incident occurs in or around the residence halls and/or on-campus University-affiliated housing owned by, leased from, operated in cooperation with, or supervised by the University.
 2. Central Board –A panel of three (3) Students of the University Student Judiciary and a non-voting Presiding Officer, that hears cases involving violations of this *Code* that are not referred to the Resident Board or resolved in a Disciplinary Conference or by a Disciplinary Conference Board.
 3. Ad-Hoc Board –A panel appointed at the discretion of the Director of Student Conduct when a Resident Board or the Central Board is unable to convene in a timely manner. An Ad-Hoc Board shall be comprised of three (3) members, one of whom may be the Presiding Officer who serves as a voting member, and include at least one Student.
- B. All Student Conduct Board hearings are facilitated by a Presiding Officer. The Presiding Officer is a member of the Board whose role is to exercise control over the proceedings for

the purpose of time management and an orderly completion of the hearing. The Presiding Officer may be a trained member of the University Student Judiciary or a staff designee as selected by the Director of Student Conduct. In cases of the Central or Resident Board, the Presiding Officer is a non-voting member. In cases where there is an Ad-Hoc Board, the Presiding Officer serves as a voting member.

- C. All Student Conduct Boards may be advised by a University staff member as designated by the Director of Student Conduct. A Board Advisor is a non-voting member of the Board and has all the privileges of Board members, including the ability to comment on questions of procedure and on the relevance of evidence, and will otherwise assist in the administration of the hearing.
- D. University Student Judiciary members alleged to have violated this *Code*, a University policy, or with a criminal offense may be suspended from their University Student Judiciary positions by the Director of Student Conduct while allegations are pending. Students found responsible for *Code* violations or convicted of criminal offenses may be removed from further participation in the University Student Judiciary by the Director. of Student Conduct. Additional grounds and procedures for removal may also be set forth in the bylaws of the University Student Judiciary

XII. STUDENT CONDUCT BOARD HEARING PROCEDURES

- A. The following procedural guidelines shall be applicable in Board hearings:
 - 1. Responding Parties shall receive written notice of the specific alleged policy violation(s) and a hearing date at least five (5) Days in advance of the hearing. Hearing dates are scheduled in consultation with the parties whenever possible.
 - 2. Responding Parties will have reasonable access to their case file maintained in the Office of Student Conduct prior to their hearing.
 - 3. Responding Parties who fail to appear at a hearing after proper notice will have a response of “no contest” to the allegations against them entered into the record on their behalf. An outcome determination may be made without the participation or presence of the Responding Party at a hearing.
 - 4. All hearings are closed to the public.
 - 5. Hearings may be recorded or transcribed by the Office of Student Conduct, and no other recordings will be permitted. Recordings and transcripts are maintained in the Office of Student Conduct for the purpose of permitting a review by appellate bodies and by staff members in the Office of Student Conduct.
 - 6. Prior to the start of a hearing, any party may challenge a Student Conduct Board member’s participation based on a potential conflict of interest. Board members may be disqualified due to a conflict of interest upon a majority vote of the remaining members of the Board conducted by secret ballot, or by the decision of the Director of Student Conduct. In the case of a tie among the remaining members of the Board, the issue will be referred to the Director of Student Conduct for decision.

7. Formal rules of evidence are not applicable to Student Conduct Board hearings. The Presiding Officer of each Student Conduct Board shall admit all evidence, meaning documents, other information, and witnesses, into consideration which reasonable persons would accept as relevant, significant, and important to the issues being decided in the case. Unnecessarily repetitious, irrelevant, or prejudicial information or witnesses may be excluded at the discretion of the Presiding Officer.
8. Responding Parties may be assisted by an Advisor and an Advocate, and accompanied by a Support Person.
9. Both parties will be provided an opportunity to question witnesses who provide information at hearings.
10. Student Conduct Board Deliberations
 - a) Student Conduct Board deliberations are private, and the parties are excluded.
 - b) Responsible or Not Responsible Determination
 - (1) The Student Conduct Board shall find the Responding Party not responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that there is not a preponderance of the evidence to support a conclusion that the Prohibited Conduct occurred. The Board will make an outcome determination that the Responding Party was found not responsible, and the matter is concluded.
 - (2) The Student Conduct Board shall find the Responding Party responsible for Prohibited Conduct if, by a majority vote of the Board members, the Student Conduct Board determines that the preponderance of the evidence supports a conclusion that the Prohibited Conduct occurred.
 - (3) The parties will be informed of the Student Conduct Board's determination of responsibility. If there is a finding of responsibility, the parties will be given an opportunity to submit documentation or make statements concerning appropriate Sanctions.
 - c) If there is a determination of responsibility, the Student Conduct Board shall hold a separate session to consider Sanction recommendations, during which it may consider Aggravating Factors and Mitigating Factors and documentation or statements provided by the parties. The past disciplinary record of the Responding Party will not be provided to the Student Conduct Board prior to a determination of responsibility but may be shared with the Student Conduct Board for its consideration for recommending a Sanction(s).
11. Final decisions of all Student Conduct Boards shall be by a majority vote of the members present and voting. A tie vote on a determination of responsibility for a *Code* violation will result in a finding of "not responsible."
12. Final decisions of all Student Conduct Boards, including the determination of responsibility and Sanction recommendation, if applicable, will be accompanied by a brief

written report provided to the Office of Student Conduct. The brief written report will include any Aggravating Factors or Mitigating Factors that were considered.

B. Final Outcome Notification

Based on the Student Conduct Board determining the Responding Party is responsible for Prohibited Conduct and consideration of the Board's Sanction recommendation, the Director of Student Conduct will impose an appropriate Sanction.

The Office of Student Conduct will notify the Responding Party in writing of the final outcome, including the imposed Sanction and a copy of the written report of the Student Conduct Board.

C. Appeal

1. A Responding Party who is found responsible by a Student Conduct Board may appeal the responsibility determination and imposed Sanction as provided in the Appeals section of this *Code*, regardless of the Sanction imposed.
2. The Reporting Party cannot appeal a final outcome determination.

D. Witnesses

1. The Presiding Officer of any Board may direct a witness to appear before the Board upon the request of any Student Conduct Board member, at the request of either party, or at the request of the Board Advisor. Directives for witnesses to appear must be approved by the Director of Student Conduct. University Students and employees are expected to comply with a request to appear before a Student Conduct Board unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities.
2. If a. the Director of Student Conduct determines that a fair hearing cannot be held without the testimony of a particular witness and after good faith attempts are made to notify the witness, if the witness either fails to or refuses to appear, the hearing will be postponed until the witness agrees to appear or the allegations will be dismissed.
 - a) A witness who is unable to attend the hearing, may submit a signed statement to the Office of Student Conduct prior to the hearing. Statements will not be admitted into the proceedings unless verified by the witness in the presence of a staff member in the Office of Student Conduct or a person designated by the Director of Student Conduct.
3. Witnesses will be asked to sign an 'Honesty Statement' affirming that the information they present during the hearing will be truthful and accurate. Students who knowingly provide false information may be presented with an alleged policy violation under this *Code*.
4. Prospective witnesses, other than the Responding Party and the Reporting Party, may be excluded from the hearing during the testimony of other witnesses.

5. Witnesses should expect to be questioned by the Reporting Party, Responding Party, the respective Advocates, and Board members (including Board Advisor, if applicable) during hearing proceedings.

XIII. APPEALS

Appeals are not intended to allow for a second review of the facts of the matter and determination whether the Responding Party is responsible for Prohibited Conduct. A review of the matter on appeal will be prompt and narrowly tailored to the stated Grounds for an Appeal outlined below. Mere dissatisfaction with the responsibility and sanction outcome is not a valid basis for appeal. In most cases, appeal reviews and considerations are confined to a review of the written record and the submissions in support of or against the appeal. In all matters, deference shall be given to the determinations of the Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference, as applicable.

A. Submission of an Appeal

1. A Responding Party may appeal the determination of responsibility and/or the Sanction imposed if:
 - a) The Responding Party had a hearing with a Student Conduct Board; or
 - b) The Responding Party had a Disciplinary Conference or Disciplinary Conference Board and received a Sanction of Suspension, or Expulsion-
2. An appeal must be submitted in writing within five (5) Days from the date of the Office of Student Conduct's written notice of the final outcome. Appeals submitted after five (5) Days shall be denied. At the discretion of the Director of Student Conduct, extensions may be granted with written permission in extenuating circumstances. The Director of Student Conduct has the discretion to defer the imposition of Sanctions pending any appeal.
3. If the Responding Party does not submit an appeal, the responsibility determination and Sanctions become final five (5) Days from the date of the Office of Student Conduct's written notice.

B. Grounds for an Appeal shall be limited to:

1. Substantial Procedural Error: Procedural errors or errors in interpretation of University policy that were so substantial as to effectively deny a Responding Party notice or a fair opportunity to be heard. Deviations from procedures that were not so substantial as to deny a Responding Party notice or a fair opportunity to be heard will not be a basis for granting an appeal.
2. Disproportionate Sanction: The Sanction is substantially disproportionate to the offense, which means it is far in excess of what is reasonable given the facts or the circumstances of the violation.
3. Arbitrary and Capricious: An arbitrary and capricious decision is a decision without a rational basis or that is not supported by any evidence in the record.
4. New Evidence: New and significant relevant information has become available which a reasonably diligent person could not have discovered before or during the original Student Conduct Board, Disciplinary Conference Board, or Disciplinary Conference proceeding.

- a) When the basis of the appeal is new evidence, the appellate body will determine whether the information is new and was unavailable at the time of the proceeding. If the appellate body determines that the information is not new and was available at the time, the appeal will be denied.
 - b) If the information is determined to be new and unavailable at the time of the proceeding, the appellate body will consider whether the new information could have changed the outcome of the original proceeding.
 - c) If it is determined that the outcome could have been impacted by the new evidence, the case will be sent back to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, as applicable, for further review.
5. Unanticipated Disparate Impact of the Sanction: The Sanction has an unanticipated disparate impact on a Responding Party that exceeded the intention of the imposed Sanction.
- C. Appeal Screening
- 1. Appeals will be screened by the Director Office of Student Conduct, and only those appeals that meet the Grounds for an Appeal provided in this *Code* will be forwarded to the appropriate appellate body for review.
 - 2. The Responding Party will have three (3) Days to correct an appeals submission if they are advised that the initial submission does not state sufficient Grounds for an Appeal.
- D. Response from the Office of Student Conduct
- E. Review of the Appeal
- 1. Appeals of decisions resulting in Suspension or Expulsion will be decided by the University Senate Student Conduct Committee Appellate Body, which is composed of three members from the Student Conduct Committee including at least one Student.
 - 2. Appeals of decisions resulting in sanctions other than Suspension or Expulsion will be decided by the Appellate Board, which is a branch of the University Student Judiciary composed of three Students.
- F. The appellate body will consider the appeal and may:
- 1. Affirm the Decision and the Sanction outcome(s) imposed;
 - 2. Affirm the Decision and reduce, but not eliminate, the Sanction outcome(s) imposed;
 - 3. Remand the case to a new Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board, if there was substantial procedural error;
 - 4. Remand the case to the original Disciplinary Conference, Disciplinary Conference Board, or Student Conduct Board in accordance with procedures outlined under “New Evidence”;
or
 - 5. Dismiss the case if the decision is determined to be arbitrary and capricious.
- G. Sanctions of Expulsions or Suspensions affirmed by the Senate Student Conduct Committee Appellate Body require administrative review and approval by the Dean of Students who may alter, defer, or withhold the Expulsion or Suspension. Sanctions other than Expulsions or

Suspensions affirmed by the Appellate Board require administrative review and approval by the Director of Student Conduct who may alter, defer or withhold the Sanction.

XIV. DISCIPLINARY RECORDS

- A. Students, Student Groups, and Student Organizations found responsible for violations of this *Code* will have a disciplinary record. Disciplinary records are maintained by the Office of Student Conduct for a period of three (3) years from the date of the letter providing notice of the final outcome and disciplinary action. Disciplinary records may be retained for longer periods of time or permanently, if specified in the Sanction. Disciplinary records of Students, Student Groups, and Student Organizations with a sanction of Suspension or Expulsion will be retained permanently unless otherwise specified.
- B. Students may petition the Office of Student Conduct to void their disciplinary record early, for good cause. Students are eligible to petition to void their disciplinary record six (6) months from the date of the letter providing notice of final disciplinary action if the following criteria are met:
 - 1. all Sanctions have been satisfactorily completed; and
 - 2. the Student must not have any new or pending disciplinary issues.
- C. Factors to be considered in review of such petitions include but are not limited to:
 - 1. Review and assessment of a completed submission of a “Petition to Void Disciplinary Record,” which should include the Student’s learning and growth since the time of the incident;
 - 2. the conduct of the Student subsequent to the Prohibited Conduct; and
 - 3. the nature of the Prohibited Conduct and the severity of any resulting damage, injury, or harm.
- D. Disciplinary records retained for less than ninety (90) calendar days or designated as “permanent” shall not be voided without unusual and compelling justification.
- E. Denials of petitions to void disciplinary records can be appealed to the Senate Student Conduct Committee Appellate Body, which will consider the appeal using the Grounds for an Appeal outlined in the Appeals section of this *Code*. Such an appeal must be submitted in writing within five (5) Days from the date of the letter providing notice of the original denial of the petition.
- F. In situations with unusual and compelling justification, the Director of Student Conduct has discretionary authority to alter, defer, or withhold a Sanction that has been previously imposed pursuant to the provisions of this *Code*, except the Director may not impose a stricter Sanction than was previously imposed pursuant to this authority. The Director of Student Conduct shall consult with the Dean of Students in cases of Suspension or Expulsion and may consult with other University administrators as appropriate in all cases. There shall be no right to appeal a denial of a request to alter, defer, or withhold a Sanction under this provision.