



Connecticut State University System

Developing a State of Minds

BR#04-55



RESOLUTION

establishing

A NEW STUDENT CODE OF CONDUCT AND STATEMENT OF JUDICIAL PROCEDURES

October 7, 2004

WHEREAS, Like all academic institutions, the universities that comprise the Connecticut State University System exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well being of society, and

WHEREAS, Such educational goals must be protected through governance of social and academic interactions with tolerance and mutual respect, and

WHEREAS, The disciplinary process is intended to be part of the educational mission of the Connecticut State University System, and

WHEREAS, A clear statement of student rights and responsibilities and a codified set of judicial procedures should be established to protect those rights and address the abdication of those responsibilities, therefore be it

RESOLVED, That Board resolution 2000-17 be rescinded, and be it further

RESOLVED, That the attached student code of conduct and statement of judicial procedures be adopted effective October 7, 2004.

A Certified True Copy:

William J. Cibes, Jr.
Chancellor

STUDENT CODE OF CONDUCT AND
STATEMENT OF JUDICIAL PROCEDURES

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PREAMBLE

Academic institutions exist for the transmission of knowledge, the pursuit of truth, the development of students and the general well being of society. In line with this purpose, the University has the duty to protect the freedoms of inquiry and expression and furthermore has the responsibility to encourage all of its members to develop the capacity for critical judgment in their sustained and independent search for truth.

The Connecticut State University System has certain self-defined institutional values. Principal among these values is respect for the dignity, rights, and individuality of each member of the university community. The opportunity to live, study, and work in an institution which values diverse intellectual and cultural perspectives and encourages discussion and debate about competing ideas in an atmosphere of civility is a basic component of quality higher education. All members of the university community must at all times govern their social and academic interactions with tolerance and mutual respect so that the men and women who pass through the university's doors are enriched by these experiences and are prepared for full and enlightened participation in

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a multi-cultural society. Because of the University's commitment to principles of pluralism, mutual respect, and civility, certain activities are not acceptable on the university campus. Acts of intolerance, of hatred or violence based on race, religion, sexual orientation, disability, gender, age, or ethnic background are antithetical to the University's fundamental principles and values. It is the University's responsibility to secure the students' right to learn by establishing an environment of civility.

The disciplinary process is intended to be part of the educational mission of the CSU System. Student disciplinary proceedings are not criminal proceedings and are not subject to court rules of procedure and evidence.

INTRODUCTION

This Student Code of Conduct and Statement of Judicial Procedures is intended to present a clear statement of student rights and responsibilities and to set forth the judicial procedures established by the Connecticut State University System ("CSU") to protect those rights and address the abdication of those responsibilities. The Code describes the types of acts that are not acceptable in an academic community, as well as the general processes by which the commission of those acts will be addressed.

Students must be aware that, as citizens, they are subject to all federal and state laws in addition to all University regulations governing student conduct and responsibilities. Students do not relinquish their rights or shed their responsibilities as citizens by becoming members of the Connecticut State University community.

Part I: Definitions

The following list of defined terms utilized throughout this Code is provided in an effort to facilitate a more thorough understanding of the Code. This list is not intended to be a complete list of all the terms referenced in the Code that might require interpretation or clarification. The Vice President for Student Affairs or his or her designee shall make the final determination of the definition of any term found in the Code. For purposes of interpretation and application of this Code only, the following terms shall have the following meanings:

1. "Appellate body " means any person or persons authorized by the Vice President for Student Affairs or his or her designee to consider an appeal from a determination by a hearing body that a student has violated the Code or from the sanctions imposed by the hearing body.
2. "Code" means this Student Code of Conduct and Statement of Judicial Procedures.
3. "Hearing body" means any person or persons authorized by the Vice President for Student Affairs to determine whether a student has violated the Code and to impose sanctions as warranted, including a hearing officer, hearing board, or hearing panel. Each university may determine the type(s) of hearing body to be utilized on its campus.

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4. "Instructor" means any faculty member, teaching assistant, or any other person authorized by the University to provide educational services, including, but not limited to, teaching, research and academic advising.
5. "Judicial officer" means a University official who is authorized to determine the appropriate resolution of an alleged violation of the Code, and/or to impose sanctions or affect other remedies as appropriate. Subject to the provisions of this Code, a judicial officer is vested with the authority to, among other duties: investigate a complaint of an alleged violation of the Code; decline to pursue a complaint; refer identified disputants to mediation or other appropriate avenues of resolution; establish charges against a student; enter into an administrative agreement developed with an accused student in accordance with Section IV.C. of this Code; and present the case against the accused student as the complainant before the hearing body.
6. "Member of the University community" means any person who is a student, a University official, or any other person who works for the University, either directly or indirectly (e.g., for a private enterprise doing business on the University's campus).
7. "Policy" means the written regulations, standards and student conduct expectations adopted by the University and found in, but not limited to, the Student Handbook, the Residence Life Handbook, the housing contract, the graduate and undergraduate catalogs, and other publicized University notices.
8. "Prohibited conduct" means the conduct prohibited by this Code, as more particularly described in Part III of this Code.
9. "Student" means any person admitted, registered, enrolled or attending any University course or University-conducted program, whether full-time or part-time, and whether pursuing undergraduate, graduate or professional studies. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered "students" for purposes of application of this Code.
10. "Student organization" means an association or group of persons that have complied with the formal requirements for University recognition.
11. "Support person" means any person, including a parent or an attorney, who accompanies an accused student, a complainant, or a victim to a hearing for the limited purpose of providing individual consultation. A support person may not directly address the hearing body, question witnesses, or otherwise actively participate in the hearing process.
12. "University" means the CSU System University where the alleged violation of the Code occurred.

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13. "University affiliates" means individuals and/or entities with whom or with which the University has a contractual relationship.
14. "University calendar days" means the weekdays (Mondays through Fridays) when the University is open.
15. "University official" means any person employed by the University to perform assigned administrative, instructional, or professional responsibilities.
16. "University premises" means all land, buildings, facilities, and other property in the possession of, or owned, used, and/or controlled by, the University, either solely or in conjunction with another entity.
17. "Shall" and "will" are used in the imperative sense.
18. "May" is used in the permissive sense.

Part II: Application, Distribution and Administration of the Student Code of Conduct and Statement of Judicial Procedures

- A. Application of the Student Code of Conduct and Statement of Judicial Procedures: The Code shall apply to the four Connecticut State Universities: Central Connecticut State University, Eastern Connecticut State University, Southern Connecticut State University and Western Connecticut State University.

This Code applies to students and to student organizations. Throughout this document the term "student" shall generally apply to the student as an individual and to a student organization as a single entity. The officers or leaders of a particular student organization usually will be expected to represent the organization during the judicial process. Nothing in this Code shall preclude holding certain members of a student organization accountable for their individual acts committed in the context of or in association with the organization's alleged violation of this Code.

- B. Distribution of the Student Code of Conduct and Statement of Judicial Procedures: The Code shall be made available on-line and in a printed publication. The Office of Student Affairs will distribute and make available to students, faculty and staff, both on-line and in a printed publication, any revisions to the Code.
- C. Administration of the Code: The Vice President for Student Affairs shall be the person designated by the University President to be responsible for the administration of the Code.

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Part III: Prohibited Conduct

A student who is found responsible for engaging in conduct that violates this Code on any Connecticut State University campus or on property controlled by the University or by any University affiliate shall be subject to the sanctions described in this Code. Students who attempt to engage in conduct that violates this Code, who knowingly encourage, aid or assist another person in engaging in such conduct, or who agree with another person, explicitly or otherwise, to engage in such conduct, may also be subject to disciplinary action. Off-campus misconduct may be subject to the jurisdiction of the University and addressed through its judicial procedures if one of the following conditions is met: (i) a student engages in prohibited conduct at an official University event, at a University-sanctioned event, or at an event sponsored by a recognized student organization; or (ii) a student engages in prohibited conduct under such circumstances that reasonable grounds exist for believing that the accused student poses a threat to the life, health or safety of any member of the University community or to the property of the University. The decision to extend the University's jurisdiction to off-campus misconduct shall be made by the Vice President of Student Affairs on a case-by-case basis.

The following list of behaviors is intended to represent the types of acts that constitute violations of this Code. Although the list is extensive, it should not be regarded as all-inclusive.

1. Acts of dishonesty, including but not limited to the following:
 - a. Academic misconduct, including all forms of cheating and plagiarism. Academic misconduct includes but is not limited to, providing or receiving assistance from another, in a manner not authorized by the instructor, in the creation of work to be submitted for academic evaluation (including papers, projects and examinations). Plagiarism is defined as presenting, as one's own, the ideas or words of another person, for academic evaluation, without proper acknowledgment. Plagiarism includes, but is not limited to: (i) copying sentences, phrases, paragraphs, tables, figures, or data directly or in slightly modified form from a book, article, or other academic source without using quotation marks or giving proper acknowledgment to the original author or source; (ii) copying information from Internet Web sites and submitting it as one's own work; (iii) buying papers for the purpose of turning them in as one's own work; and (iv) selling or lending papers to another person for submission by that other person, for academic evaluation, as his or her own work.
 - b. Misuse of University documents, including, but not limited to, forging, transferring, altering or otherwise misusing a student fee card, student payroll card, identification card or other University identification document, course registration document, schedule card, transcript, or any other University-issued document or record.
 - c. Knowingly furnishing false information to any University official.

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2. Disruption or obstruction of teaching, research or other academic or administrative activities.
3. Actual or threatened physical assault or abuse, threatening, intimidation, coercion, and any other conduct which threatens or endangers the health or safety of any person.
4. Sexual assault, sexual misconduct, which is defined as any unwanted or unwelcome physical contact of a sexual nature, or sexual harassment, which is defined as any unsolicited, unwelcome, and unwanted sexual advance, or other conduct of a sexual nature which has the effect of interfering with an individual's performance or creating an intimidating, hostile, or offensive environment. Sexual assault or misconduct may include a sexual act directed against another person where that person is not capable of giving consent.
5. Hazing, which is defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in, a group or organization.
6. Stalking, which is defined as repeatedly contacting another person when:
 - a. The contacting person knows or should know that the contact is unwanted by the other person; and
 - b. The contact causes the other person reasonable apprehension of imminent physical harm or the contacting person knows or should know that the contact causes substantial impairment of the other person's ability to perform the activities of daily life.

As used in this definition, the term "contacting" includes, but is not limited to, communicating with or remaining in the physical presence of the other person.

7. Harassment, which is defined as conduct which is abusive or which interferes with a person's pursuit of his or her customary or usual affairs, including, but not limited to, such conduct when directed toward an individual or group because of race, ethnicity, ancestry, national origin, religion, gender, sexual orientation, age, physical attribute, or physical or mental disability or disorder, including learning disabilities and mental retardation.
8. Violations of privacy, including, but not limited to, voyeurism and the use of electronic or other devices to make an audio or video record of any person without his or her prior knowledge, and without his or her consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures or videos of another person in spaces such as sleeping areas, bathrooms, gymnasiums, locker rooms, and changing areas.

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Publicizing or threatening to publicize such records will also be considered a violation of this Code.

9. Theft of property or services, or damage to, defacement or destruction of, or tampering with, real or personal property owned by the State of Connecticut, the University, or any member of the University community.
10. Intentional interference with entry into or exit from University premises or with the free movement of any person.
11. Failure to comply with the directions of University officials acting in the performance of their duties.
12. Use, possession, purchase, sale or distribution of alcoholic beverages except as expressly permitted by law and University regulations.
13. Use, possession, purchase, sale, distribution or manufacturing of controlled substances and/or drugs, or drug paraphernalia, except as expressly permitted by law.
14. Use, possession or distribution of firearms, ammunition for firearms, other deadly weapons and dangerous instruments as defined in Section 53a-3 of the Connecticut General Statutes (a copy of which appears in the Appendix to this Code), fireworks, explosives, incendiary devices, dangerous chemicals or biological agents, except as expressly permitted by law and University regulations.
15. Forcible and/or unauthorized entry into and/or unauthorized presence in University premises.
16. Starting fires, causing explosions, falsely reporting the presence of fire, bombs, incendiary or explosive devices, or falsely reporting an emergency.
17. Unauthorized or improper possession, use, removal, tampering or disabling of fire and/or safety equipment and warning devices, failure to follow standard fire and/or emergency safety procedures, or interference with firefighting or emergency response equipment or personnel.
18. Gambling, as defined in Section 53-278a of the Connecticut General Statutes (a copy of which appears in the Appendix to this Code), on University premises.
19. Unauthorized use of University property or the property of members of the University community or of University affiliates.
20. Conduct that violates published University policies, rules, and regulations, including, but not limited to, residence hall rules and regulations.

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21. Conduct prohibited by any federal, state, and/or local law, regulation or ordinance.
22. Unauthorized use of University computers and/or peripheral systems and networks, unauthorized access to University computer programs or files, unauthorized alteration, transfer or duplication of University computer programs or files, deliberate disruption of the operation of University computer systems and networks, unauthorized peer-to-peer file sharing of copyrighted material, including, but not limited to, copyrighted music, movies, and software, and violation of the Connecticut State University System Policy Statement on Student Use of University Computer Systems and Networks and/or any applicable University computer use policy.
23. Abuse of the University judicial system, including but not limited to:
 - a. Falsification, distortion, or intentional misrepresentation of information to a judicial officer or before a hearing body;
 - b. Institution of a judicial proceeding knowingly without cause;
 - c. Attempting to discourage an individual's proper participation in, or use of, the judicial system;
 - d. Attempting to influence the impartiality of a member of a judicial officer or hearing body prior to, and/or during the course of, the judicial proceeding;
 - e. Harassment (verbal or physical) and/or intimidation of a judicial officer or member of a hearing body prior to, and/or during the course of, the judicial proceeding;
 - f. Failure to comply with the sanction(s) imposed under the student code; and
 - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.

Part IV: Judicial Procedures

Violations of the Student Code of Conduct will be addressed by the University in accordance the procedures set forth in this Part IV of the Code. Residence hall violations for which the sanctions of expulsion, suspension or residence hall separation may not be imposed will be addressed in accordance with the procedures set forth in the Residence Hall Handbook and not pursuant to the procedures set forth in this Code. Allegations of academic misconduct will be addressed in accordance with section F of this Part IV of the Code.

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A. Filing of a Complaint:

Any member of the University community may file a complaint against a student or a student organization alleging a violation of the Code. A complaint must be made in writing and submitted to the University's Office of Student Affairs. A complaint should be submitted as soon as possible after the occurrence of the alleged violation, but not later than ninety (90) calendar days following the occurrence of the alleged violation, except that in cases of alleged misuse of University documents or making false statements as defined in this Code, and under other appropriate circumstances, a complaint may be made at any time. Any exception to the submission deadline must be authorized by the Vice President for Student Affairs or his or her designee.

B. Disciplinary Proceedings Against a Student Charged with a Violation of Law and a Violation of the Code

University disciplinary proceedings may be instituted against an accused student who has been charged with violation of a law in connection with conduct that also violates the provisions of this Code. Disciplinary proceedings under this Code may be carried out prior to, simultaneously with, or following the institution of civil or criminal court proceedings against the accused student.

C. Pre-Hearing Investigation:

Once a complaint has been filed, the judicial officer will determine whether probable cause exists to believe there has been a violation of the Code. The judicial officer may also present the case for the University at any subsequent hearing, but if he or she does, he or she shall not serve as a member of a hearing body or as a hearing advisor.

If probable cause is determined to exist, the judicial officer will determine if the complaint can be resolved by administrative agreement between the judicial officer and the accused student. If the complaint can be so resolved, such disposition shall be final and there shall be no subsequent proceedings in connection with the complaint and the accused student shall have no right of appeal. If the complaint cannot be so resolved, the student will be informed of the hearing process and of the rights of an accused student, and a hearing will be scheduled.

D. Hearing Procedures:

1. Notice of Hearing: Normally, a hearing will be conducted within ten (10) University calendar days of the accused being notified of the charges. Notice may be provided to the accused by in-hand delivery, by registered mail and/or by certified mail, return receipt requested, or by overnight delivery, with signature of recipient required. Notice shall be sent or delivered to the accused student at his or her campus address, if any, or at his or her home address on file with the University, whichever is appropriate. Should the

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accused refuse to accept in-hand delivery, a written statement of the attempted delivery of the notice signed by the person attempting to make such delivery shall constitute notice. Should the accused student refuse to sign for registered or certified mail, the postal document indicating such refusal shall constitute notice. The notice must advise the accused student of each section of the Code alleged to have been violated and, with respect to each such section, a statement of the acts or omissions which are alleged to constitute a violation of the Code, including the approximate time when and the place where such acts or omissions allegedly occurred.

The accused student shall be afforded a reasonable period of time to prepare for the hearing, which period of time shall not be less than five (5) University calendar days. The accused student, the complaining party and/or any alleged victim may request a delay of the hearing due to extenuating circumstances. Any decision to postpone the hearing shall be made by the judicial officer or the hearing body, or by the designee of the Vice President for Student Affairs.

2. Hearing: An accused student has the right to be heard by a hearing body duly appointed by the University's Vice President for Student Affairs or his or her designee. A student accused of misconduct which may not be sanctioned by expulsion or suspension from the University and/or by residence hall separation will receive a hearing before a hearing officer, unless the offense charged is one that has been designated by the University as appropriate for hearing before a hearing board or panel. In matters pertaining to academic misconduct, any hearing body so convened may include faculty and/or representatives from Academic Affairs.

The accused student, the complaining party, and any alleged victim shall have the right to be present at all stages of the hearing process except during the private deliberations of the hearing body and the presentation of sanctions. In hearings involving more than one accused student, the hearing body may determine that, in the interest of fairness, separate hearings should be convened.

3. Record of Hearing: When expulsion or suspension from the University or residence hall separation is a possibility, the University shall make a tape recording of the hearing. The tape recording shall be the property of the University. No other tape recordings shall be made by any person during the hearing. Upon request, the accused student may review the tape recording in a designated University office in order to prepare for an appeal of the decision rendered by the hearing body. The University shall keep the tapes until such time as any appeal of the decision rendered has been concluded.
4. Opportunity to Present a Defense and Evidence and to Question Witnesses: The accused student shall be notified of the information to be presented against him or her, and to know the identity of witnesses who have been called to speak at the hearing, when such information is known by the

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University prior to the hearing. The accused student shall have the full opportunity to present a defense and evidence, including the testimony of witnesses, in his or her behalf. The complainant and the accused student may question the statements of any person who testifies in a manner deemed appropriate by the hearing body. The complainant and the accused student may make concluding statements regarding the charges made and the information presented during the hearing. The hearing body may question the accused student and the complainant, any witness presented by the accused student or the complainant, and any other witnesses the hearing body may choose to call to testify.

5. Evidence and Personal Data Concerning the Accused Student in University Files to Be Made Available to the Student upon Request Prior to the Hearing: The University shall, upon written request, make available to the accused student, prior to the hearing, the evidence expected to be introduced at the hearing. Any personal data concerning the accused student in the University's disciplinary or other files is subject to the provisions of applicable federal and state law, including but not limited to, Section 4-194 of the Connecticut General Statutes.
6. Accused Shall Receive Hearing before Impartial Hearing Body: The accused student has the right to receive a hearing before a duly constituted impartial hearing body. In matters pertaining to academic misconduct, such impartial hearing body may include faculty and/or representatives from Academic Affairs. Any disputes surrounding the impartiality of the hearing body or any member of a hearing body will be referred to the Vice President for Student Affairs or his or her designee, who will hear the matter and make a determination.
7. Accused Can Choose Whether or Not to Testify in His or Her Own Defense: The accused student who is present at the hearing shall be advised by the hearing body that he or she is not required to testify, to answer questions, or to make any statement regarding the complaint or the allegations set forth in that complaint. Refusal to do so shall not be considered by the hearing body to constitute evidence of responsibility.
8. Non-Appearance of Accused Student at Disciplinary Hearing: If an accused student does not appear at a disciplinary hearing, the hearing body shall enter a plea of "not responsible" on behalf of such student and the hearing shall proceed in the normal manner of hearing evidence, weighing facts, and rendering judgment. The failure of an accused student to appear at the disciplinary hearing shall not be considered by the hearing body to constitute evidence of responsibility.
9. Admission of Persons to Hearing: Hearings shall be closed, but the hearing body may, in its discretion, admit any person into the hearing room. The hearing body shall have the authority to discharge or to remove any person whose presence is deemed unnecessary or obstructive to the proceedings.

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10. Accused Has the Right to Have a Support Person or Legal Counsel Present at the Hearing: The accused student has the right to consult with a support person of his or her choice in the preparation of his or her defense. The accused student also has the right to have a support person sit with him or her at the hearing and to consult privately with that person, but the support person will not be permitted to speak or advocate during the hearing unless the accused student is disabled to the point of being unable to present his or her defense or unless the case against the student is presented by an attorney. The support person may be legal counsel. With respect to hearings in which the offense alleged involves sexual misconduct or sexual assault, both the accused and the accuser are entitled to have a support person present during a disciplinary hearing.
11. Presentation of Evidence: Only evidence introduced at the hearing itself may be considered by the hearing body.
12. Evidence of Prior Convictions or Disciplinary Actions: Evidence of prior criminal convictions or University disciplinary actions may be presented to the hearing body only after a determination of responsibility has been made and only for consideration in connection with determining the sanction. Any part of the written decision that refers to such shall not be public unless the accused student waives the right to privacy in that respect.
13. Written Notice of Decision: The accused student shall receive written notice of the decision of the hearing body that shall set forth the decision rendered, including a finding of "responsible" or "not responsible," and the sanctions imposed, if any. The decision of the hearing body, as well as the sanction imposed, if any, generally will not be released to third parties without the prior written consent of the accused student. However, certain information may be released if and to the extent authorized by state or federal law.
14. Right to Appeal: The decision of the hearing body may be appealed by the accused student to the Vice President for Student Affairs or his or her designee. A request for appellate review must be made in writing to the Vice President for Student Affairs or his or her designee, within three (3) University calendar days of the student's receipt of the written notice of decision. For good cause shown, the Vice President for Student Affairs may extend the three-University calendar day limitation on filing appeals. A student may request only one appellate review of each decision rendered by the hearing body.
15. Grounds for Appeal: The accused student has the right to appeal the decision of the hearing body on the grounds that: (1) the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected; (2) the evidence presented was not substantial enough to justify the decision rendered by the hearing body; and/or (3) the sanctions imposed were not commensurate with the gravity of the offense for which the accused

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student was found responsible. The appeal shall be confined to the record except that in cases of alleged procedural irregularities not shown in the record evidence may be taken by the Vice President for Student Affairs or a designee of such Vice President not involved in the initial hearing. The existence of newly discovered evidence is not grounds for appeal. If new evidence is discovered which may be sufficient to alter the decision of the hearing body, the accused student may request that the original hearing body conduct a rehearing.

16. Appeal Procedures: In order to prepare for the appeal, the accused student may review the audiotape of the original hearing in a designated University office but will not be permitted to remove the tape from that office. The appeal will not be heard by anyone involved in the initial hearing.

If an appeal is upheld on the grounds that the procedures set forth in this Code were not followed and, as a result, the decision was substantially affected, the matter shall be referred to the original hearing body for a reconsideration of its determination or to a newly constituted hearing body for a new hearing, as appropriate.

If an appeal is upheld on the grounds that the sanctions imposed were not commensurate with the gravity of the offense for which the accused student was found responsible, the appellate body may, upon review of the case, reduce or sustain, but may not increase, the sanctions originally imposed by the hearing body.

17. Status of Student Pending Appeal: All sanctions imposed by the hearing body shall be and continue in effect pending the outcome of an appeal. Any request to delay the commencement of sanctions pending an appeal must be made by the accused student, in writing, to the Vice President for Student Affairs or his or her designee.

E. Interim Suspension and/or Residence Hall Separation

1. Basis for Imposition of Interim Suspension or Residence Hall Separation: An interim suspension or residence hall separation may be imposed upon a student prior to a hearing on the student's alleged violation of the Code when, in the opinion of the suspending authority: (i) a student's continued presence constitutes a continuing danger to persons or property or an on-going threat to the academic process; or (ii) the interim suspension or residence hall separation is necessary to ensure the student's own physical or emotional safety and well-being. An interim suspension or residence hall separation is not a sanction and will continue in effect only until such time as a hearing on the alleged violation has been completed.
2. Suspending Authority: The Vice President for Student Affairs or his or her designee shall have authority to impose an interim suspension or residence hall separation.

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3. Procedure: The accused student shall be notified, either orally or in writing, of the pending imposition of an interim suspension or residence hall separation. Whenever possible, prior to the imposition of the interim suspension or separation, the affected student will be afforded an opportunity to meet with the Vice President for Student Affairs, or his or her designee. Otherwise, the meeting will be held on the first University calendar day that the student is available. At that meeting, the student will be advised of the misconduct charges made against him or her and the information upon which the determination that he or she poses a continuing threat or danger to him or herself, other persons or property, or the academic process was based. If the student denies the charges, he or she will be advised of the nature of the evidence supporting the charges and of the identity of the witnesses against him or her. At that meeting, the accused student will be given the opportunity to challenge the reliability of the information concerning the student's conduct, present his or her version of the events giving rise to the charges, and challenge the determination that his or her continued presence poses a continuing threat or danger to him or herself, other persons or property, or the academic process. If an interim suspension or residence hall separation is thereafter imposed, for the duration of that suspension or separation the affected student shall be denied access to the University's campus, including, but not limited to, the residence halls, and/or all other University activities or privileges for which the student might otherwise be eligible, as the Vice President for Student Affairs or his or her designee may determine to be appropriate. Any student placed on an interim suspension or residence hall separation will be given an opportunity to appear at a formal hearing on the misconduct charges lodged against him or her in accordance with Part IV, D of this Code, within ten (10) University calendar days of being placed on such suspension or separation, or as soon as practical after the accused student is prepared to participate in such a hearing.

F. Academic Misconduct:

If an instance of academic misconduct is reported by a member of the University community other than the relevant instructor, the Vice President for Student Affairs, or his or her designee, will inform the Academic Vice President or his or her designee. The Academic Vice President or his or her designee will inform the relevant instructor. Following the conclusion of any hearing held in accordance with the provisions of this Code, the hearing body will inform both the Academic Vice President and the Vice President for Student Affairs or their designee of its findings. The Academic Vice President, in collaboration with the Vice President for Student Affairs or his or her designee, will inform the Dean of the School in which the incident was originally reported that the hearing has been concluded and what sanctions, if any, were imposed. The hearing body may not, and will have no authority to, change any grade following the conclusion of any hearing held in accordance with the provisions of this Code.

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V. **Disciplinary Sanctions**

Disciplinary sanctions that may be imposed by the University include, but are not limited to, any of the following or any combination of the following: expulsion, suspension, disciplinary probation, disciplinary warning, residence hall separation, residence hall probation, and residence hall warning. In cases in which sanctions are imposed for offenses involving damage to, destruction of, or misappropriation of property, agreement by the accused student to make restitution may constitute grounds for mitigation of any sanction imposed.

A. Sanctions Which May Be Imposed for Violations of the Code:

The following sanctions may be imposed, individually or in various combinations, on any student found to have violated the Code, and will be entered into student's disciplinary records. Notation of disciplinary sanctions are on file only in the appropriate office in the Division of Student Affairs and are not released without the written consent of the student except to appropriate University enforcement personnel, University police, staff, and administrators or as required by law.

1. Expulsion: Expulsion is permanent disciplinary separation from all universities within the Connecticut State University System and the denial of all student privileges. Expulsion shall be effective on the date that notice of expulsion is provided to the accused student, or later, if so stated in the notice. A student separated from all universities of the CSU System by expulsion may under the terms of the expulsion be excluded from all University premises when in the judgment of the expelling authority the student's presence would constitute a danger to persons or property or a threat to the academic process.
2. Suspension: Suspension is temporary disciplinary separation from all universities within the system and the denial of all student privileges. Suspension shall be effective on the date that notice of the suspension is provided to the accused student, or later, if so stated in the notice, and shall prescribe the date and conditions upon which the student may petition for readmission to the University. A student separated from all universities within the CSU system by suspension may under the terms of the suspension be excluded from all University premises when in the judgment of the suspending authority the student's continued presence would constitute a danger to persons or property or a threat to the academic process. Notwithstanding the foregoing, the suspending University authority of the suspended student's home university or his or her designee may authorize a suspended student who has been excluded from all University premises to enter the premises of the student's home university for designated purposes.
3. Disciplinary Probation: Disciplinary probation is a designated period of time during which a student is given the opportunity to modify unacceptable

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behavior and/or to complete specific assignments in an effort to regain full student privileges with University community. Disciplinary probation may involve the imposition of certain restrictions and/or conditions upon the accused student including, but are not limited to, financial restitution, community service, fines, referral for professional services such as counseling, participation in educational programs, parental notification under limited circumstances, or ineligibility to participate in University activities or events. Periodic contact with a designated member of the University community or non-college professional may be required.

If the accused student fully complies with the terms and conditions imposed in connection with the disciplinary probation, full student privileges will be restored to the student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A student accused of violation of probation will be given due notice of the alleged violation and the procedures set forth in this Code shall be followed.

4. Disciplinary Warning: A disciplinary warning is a written notice to a student advising him that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.
5. Restitution: Compensation for loss of or damage to University property. This may take the form of appropriate service and/or monetary or material replacement.
6. Residence Hall Separation: Residence hall separation is the removal of a student from the University residence hall in which he or she resides. Such separation shall include a restriction of access to all or designated University residence halls.
7. Residence Hall Probation: Residence hall probation is a designated period during which a student is given the opportunity to modify unacceptable behavior and/or to complete specific assignments in an effort to regain full student privileges within the residence hall in which the student resides. Residence hall probation may include restrictions and/or conditions on the exercise of residence hall activities and privileges. Periodic contact with a designated member of the residence hall staff or professional may be required. If the accused student fully complies with the terms and conditions imposed in connection with the residence hall probation, full residence hall privileges will be restored to the student upon termination of the probationary period. Failure to comply with the terms and conditions of the probation constitutes prohibited conduct that is separate from and in addition to the conduct for which the probation was imposed. A student accused of violation of probation will be given due notice and the procedures set forth in this Code shall be followed.

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8. Residence Hall Warning: Residence hall warning is a written notice to a student advising him or her that specific behavior or activity constitutes a violation of the Code and that the repetition of such behavior will likely result in the commencement of more serious disciplinary action by the University.

B. Sanctions Which May Be Imposed Upon Student Organizations:

1. Those sanctions listed in Part V, A., 2 through 4.
2. Loss of Recognition: Loss of all University privileges for a designated period of time. Loss of recognition for more than two (2) consecutive semesters requires an organization to reapply for University recognition. Conditions for future recognition may be imposed by the hearing body.

VI. Judicial Records

A student's judicial record shall be maintained separately from any other academic or official file maintained by the University. Generally, information contained in the judicial record will not be released without the prior written consent of the student. However, certain information may be released to individuals within or outside of the University who have a legitimate legal or educational interest in obtaining it. (Please refer to the Family Educational Rights and Privacy Act of 1974 ("FERPA"), as amended.)

All final judicial dispositions shall be forwarded to the judicial officer who will maintain a judicial record on each student or student organization found to have violated the Code. A student's judicial record, including related documents, will be retained by the University

VII. Interpretation

Questions regarding the interpretation of this Code shall be referred to the Vice President for Student Affairs or his or her designee for final determination. The interpretation accorded by the Vice President for Student Affairs or his or her designee shall be binding.

ITEM

Policy on the Student Code of Conduct and Statement of Judicial Procedures.

BACKGROUND

Student discipline with respect to unacceptable behavior within the context of an open academic community, has traditionally been one of the major responsibilities of administrators charged with the management of Student Affairs. Such Student Affairs administrators – Vice Presidents, Deans, Judicial Officers and others – are responsible for seeing to it that the university campus is both safe and healthy in order to assure an optimal environment for learning and scholarship. Part of this optimal environment is a profound respect for all individuals and the practice of fundamental civility. To the extent that disruptive and uncivil behavior occurs, is the extent that a true learning environment is diminished. Thus, disciplinary action on the part of colleges and universities against those who would violate the tenets of the learning environment, has been found to be a necessary if unfortunate reality in the modern university.

Over the years, with the demise of the legal principle of *in loco parentis* (higher education administrators assuming responsibility in place of the parents), the lowering of the age of majority, and the emergence of legal attention to constitutional and civil rights, the courts have intervened where students have not been accorded *due process* protections. Accordingly, disciplinary policies and practices have had to become codified to both assure a healthy academic environment as well as respect for the students' due process guarantees.

At the Connecticut State University System such policies have existed under the rubric of "Student Rights and Responsibilities and Judicial Procedures" (BR #2000-17). With the growing complexity of legal requirements, and the need for greater clarity, the CSU judicial officers through their Vice Presidents for Student Affairs, embarked on a campaign to modernize the existing code and make it more workable. The attached "Student Code of Conduct and Statement of Judicial Procedures" is the culmination of this campaign. It was developed with the input of the University Presidents, Student Affairs and Academic Vice Presidents, Judicial Officers, Police Chiefs, the CSU Assistant Attorney General, and other policy leaders in the System Office.

ANALYSIS

The proposed policy document is a very workable and understandable tool. It provides for the necessary due process requirements while remaining relatively free of legal jargon that may prove to be confusing to students and risky to the Universities. Its language is more direct and understandable, especially for its target audience – college students – and has eliminated ambiguous euphemisms. The Student Code of Conduct is tied to the CSU educational mission and recognizes potential student infractions that

may emerge in this modern technological age. It is substantive yet flexible, allowing for the unique approaches that may exist at each of the Universities which have their own histories and cultures. The Code incorporates the recommendations that emerged throughout its development.

In this document, the Code is called, exactly what it is – the “Student Code of Conduct,” not the ambiguous “Rights and Responsibilities.” Its relationship to the University mission and absence of legal jargon protects the Universities from being held to standards that could not realistically be adhered to: those pertaining to the rules of court and evidence. Similarly, when the process results in a decision against an accused student, that student is not found to be “guilty,” but rather “responsible.” The tone is set early in the Preamble, which states that “The disciplinary process is intended to be part of the educational mission of the CSU System ... not criminal proceedings” and therefore is “not subject to court rules of procedure and evidence.” Thus, a major potential source of liability to our Universities is removed.

The document, once adopted by the Board, will be made available to all students, whether by “bi-fold” summaries or printed in their entirety, and through the University web-sites. The Code will be printed in future student handbooks as well.

CHANCELLOR’S RECOMMENDATION

Adopt the new Student Code of Conduct and Statement of Judicial Procedures.