Section I: Introduction

This document outlines the standard procedures and practices of the University discipline process. To be fully aware of their individual rights and responsibilities in this process, students are encouraged to review all of the materials on the Office of Student Conduct website (http://studentaffairs.psu.edu/conduct).

The Office of Student Conduct strives to deliver a student discipline process that is equitable, just, educational, effective and expeditious; and to provide a system that promotes student growth through individual responsibility and in which the success of its educational endeavors is characterized by increased civility.

The Office of Student Conduct supports the University’s educational mission by promoting a safe, orderly and positive University climate through enforcing behavioral standards, enacting and facilitating intervention efforts, managing disciplinary proceedings, mentoring students, developing leadership, delivering informational programming and fostering peer education. We hope to create a University culture that is self-disciplined, where civility is embraced, and the norms and foundational beliefs validate the essential values of Penn State University, namely

- personal and academic integrity;
- respect for the dignity of all persons and a willingness to learn from the differences in people, ideas, and opinions;
- respect for the rights, property and safety of others; and
- concern for others and their feelings and their need for conditions that support an environment where they can work, grow and succeed at Penn State.

Section II: Definitions

A. The term “University” means The Pennsylvania State University (including its campuses).
B. “Student” includes all individuals taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, both degree and non-degree seeking, as well as individuals enrolled in non-credit courses and programs. In addition, for purposes of the Student Code of Conduct, Code jurisdiction also includes individuals who have accepted an offer of admission to the University; and students who withdraw after allegedly violating the Student Code of Conduct, who are on leave of absence from the University, or who are not officially registered and/or enrolled for a particular term but have a continuing relationship with the University.
C. “Student organization” includes any organization that has received recognition by the University as a student organization.
D. The term “faculty member” refers to members of the University with academic appointments as well as those with emeritus status.
E. The term “staff member” is defined as anyone hired by the University, apart from faculty members, with administrative or professional responsibilities.
F. The term “University premises” is defined as any building, facility, land, or other property owned, used or controlled by the University, including adjacent streets and sidewalks.
G. The term “Title IX” refers to Title IX of the Education Amendment of 1972 and the related regulations and guidance, specifically as they relate to sexual harassment, gender discrimination and harassment, sexual assault and sexual violence, including dating violence, domestic violence, and stalking. Special procedures exist (Section V, D) for cases involving potential Title IX violations.
H. The term “Crimes of Violence” is defined as any behavior that may involve a crime of violence as defined in the Code of Federal Regulations, Title 34, Appendix A.

I. The term “complainant” is defined as any person alleging that they were adversely affected by a student who participated in a crime of violence and/or Title IX incident (Special procedures exist in Section V, C).

J. The term “respondent” is defined as a student or student organization who allegedly violated the Code of Conduct. If a student organization, then one student representative (typically, the president) will be allowed to represent the organization in the conduct process.

K. The “Senior Director” is defined as the Senior Director of the Office of Student Conduct who is designated by the University President to be responsible for the administration of the Code of Conduct and the student conduct process.

L. The term “Case Manager” is defined as any University official who is authorized by the Senior Director of the Office of Student Conduct to meet with students regarding alleged violations of the Code of Conduct, to recommend charges and sanctions, to serve as University presenters in hearings, and to monitor and mandate the completion of assigned sanctions. This includes staff in the Offices of Student Conduct and Residence Life, and others designated by Senior Director.

M. The term “Investigator” is defined as any University official who is assigned by the Senior Director or Title IX Coordinator to conduct investigations in cases involving allegations of student misconduct.

N. The term “University Conduct Board” is defined as a specific group of faculty, staff and students authorized by the Senior Director to determine, through a hearing, whether a student has violated the Code of Conduct and to assign sanctions in response to violation(s).

O. The term “University Conduct Board Chair” is defined as the faculty or staff members authorized by the Senior Director to serve as chairpersons of the University Conduct Boards during University Conduct Board Hearings.

P. The term “Administrative Hearing Officer” is defined as the faculty or staff members authorized by the Senior Director to conduct Administrative Hearings.

Q. The terms “Title IX Decision Panel” and “Title IX Administrative Hearing Officer” or, collectively, “Title IX Hearing Authority” are defined as a specific group of faculty and staff authorized by the Senior Director to review cases alleging Title IX violations that have been assigned to them, to determine whether a student has violated the Student Code of Conduct, and to assign sanctions in response to violation(s).

R. The term “Sanction Review Officer” is defined as the faculty or staff who conduct Sanction Reviews, when requested, for sanctions of Probation with Transcript Notation or higher. The Sanction Review Officer is the Associate Vice President for Student Affairs at University Park, or designee, or the Campus Chancellor at other Penn State campuses, or designee.

S. The term “Student Conduct Appeals Officer” is defined as the University community member authorized to conduct Student Conduct appeals. The Student Conduct Appeals Officer at University Park is the Vice President for Undergraduate Education for Undergraduate students, the Senior Vice President for Research and Dean of the Graduate School for Graduate students, or the campus Chancellor for students at Commonwealth Campuses, or designees.

T. The term “witness” is defined as an individual who has had direct involvement in an incident and/or who was provided with information regarding the incident directly from the respondent, alleged victim, or both. This also includes individuals who in their professional capacity have contributed information which led to University charges. Private investigators will not typically be permitted in the University’s conduct process. The Senior Director (or designee), AHO, UCB Chair, Investigator, or Title IX Hearing Authority may exclude witnesses if they are deemed duplicative, irrelevant, or inappropriate.
U. The term “advisor” is defined as any person selected by the respondent or complainant to assist and accompany them through the University conduct process (including Conduct Conferences, Administrative/University Conduct Board Hearings, Title IX Decision Panels, Sanction Reviews, and formal Appeals). Parties may choose from a list of trained advisors available at the Office of Student Conduct website, choose a non-trained advisor, or may choose to proceed without an advisor. A party shall not select an advisor with the actual or effective purpose of disrupting the proceedings, causing emotional distress to the other party, or otherwise attempting to disrupt the process. The advisor, upon request of either party, may (1) accompany the party in any conduct proceeding, (2) advise the party in the preparation and presentation of sharing of information, and (3) advise the party in the preparation of any appeals or sanction reviews. The advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party. The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with their advisee quietly or in writing, or outside during breaks, but may not speak on behalf of the advisee. Delays in the conduct process will not normally be allowed due to scheduling conflicts with advisors.

V. The term “preponderance of the evidence” describes the standard of evidence that is used to make a determination of responsibility in an Administrative or University Conduct Board Hearing and is defined as a “more likely than not” standard.

W. The term “administrative directive” is a mandate that a student have no contact with another person or that restricts a student’s access from a particular location, activity, or program. Administrative directives are utilized in situations where there is concern that ongoing contact between two individuals may result in physical harm or significant emotional distress. A directive may be issued for a period of time (e.g., during an ongoing conduct process) or may be issued indefinitely during enrollment. The violation of a directive will be evaluated through a conduct process and can result in additional conduct action from the University.

Section III: Authority

A. Senior Director of the Office of Student Conduct

1. The Senior Director and his/her designees are specifically authorized by the President of the University to have the responsibility and authority to carry out, interpret and direct the processes of the student conduct system. The Senior Director shall develop policies for the administration of the student conduct system and procedures for the University Conduct Board, Title IX Decision Panel, and Administrative Hearings that are consistent with the provisions of the Code of Conduct.

2. The Senior Director may review, modify, and/or reverse any resolution of a Disciplinary Conference or Administrative Hearing.

3. The Senior Director may make minor modifications to sanctions assigned by the University Conduct Board or Title IX Decision Panel.

4. The Senior Director or designee reserves the right to issue, in writing, an administrative directive or condition that requires adherence to specific behavioral actions.

5. The Senior Director or designee may restrict an individual from participating as an advisor when he determines that an advisor’s presence, based on the advisor’s prior relationship or interactions with either the respondent or complainant, is reasonably likely to cause significant emotional distress or to create significant disruption.

6. The Senior Director has the authority to delay a student’s graduation and/or hold or revoke
degrees until, or after, a pending conduct matter has been resolved.

7. The Senior Director or designee reserves the right to convene a conference and/or hearing, prior to re-enrollment, for a student facing pending University charges. This will normally take place at the conclusion of criminal proceedings.

8. On behalf of the University, in limited circumstances, the Senior Director or designee may request a review of the decision(s) of the University Conduct Board or Title IX Decision Panel within five (5) University business days following the date that the student receives official notification of the results of the hearing.
   a. The student will be informed that a review is being considered or requested.
   b. The review may be requested on one or more of the following grounds: (1) the decision of the Board does not adequately account for all available evidence; (2) the decision of the Board does not provide for adequate sanction or intervention for the violation; and/or (3) University disciplinary procedures were not followed.

B. Hearing Decisions

1. Decisions made by a University Conduct Board or Administrative Hearing Officer are final pending the normal review and appeal process.

Section IV: The Code of Conduct

The Code of Conduct describes behaviors that are inconsistent with the essential values of the University community. Any student or student organization found to have committed, to have attempted to commit, or to have assisted in the misconduct listed in the Code of Conduct may be subject to the conduct sanctions outlined in Section V, E. A person or organization engages in an attempt when, with intent to commit a specific violation of the Code of Conduct, they performs any act that constitutes a substantial step toward the commission of that violation.

A. Jurisdiction

1. The Code of Conduct shall apply to conduct that occurs on University premises, at University sponsored activities, at functions hosted by recognized student organizations, and to off-campus conduct that affects a Substantial University Interest.

2. Residence Life

   At the direction of the Senior Director of the Office of Student Conduct and in coordination with the Senior Director of Residence Life, minor to moderate level incidents that occur in or around the residence halls that involve students living in on-campus housing will typically be managed by Residence Life staff. Incidents involving repeated behaviors or more severe violations and all incidents involving major violations will typically be managed by the Office of Student Conduct.

3. Off-Campus Misconduct

   While the University has a primary duty regarding behavior on its premises, there are many circumstances where the off-campus behavior of students is of Substantial University Interest and warrants disciplinary action.
The Pennsylvania State University expects students to conduct themselves in accordance with the law. Student behavior off the premises of the campus that may have violated any local, state, or federal law, or yields a complaint from others alleging violations of the law or the Student Code of Conduct will be reviewed by the University. Upon receipt of a complaint alleging off-campus student misconduct, the Senior Director or their designee will review the allegations to determine the appropriate course of action by the University.

Student conduct committed off the campus which affects a Substantial University Interest is behavior that

a. constitutes a violation of local, state or federal law;
b. indicates that the student may present a danger or threat to the health or safety of them or others;
c. significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; or
d. is detrimental to the educational interests of the University.

Any off-campus student behavior that affects a Substantial University Interest and violates the Code of Conduct is subject to disciplinary action following standard University procedures.

B. The Code of Conduct

1. ABUSE/ENDANGERMENT/HAZING OF A PERSON: Physically harming or threatening to harm any person, intentionally or recklessly causing harm to any person or reasonable apprehension of such harm or creating a condition that endangers the health and safety of self or others, including through the facilitation of or participation in any mental or physical hazing activity. (Also see Student Guide to University Policies and Rules.)

2. SEXUAL HARASSMENT AND MISCONDUCT: Engaging in unwelcome conduct of a sexual nature that is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education, or access to University programs, activities and opportunities, and such conduct would detrimentally affect a reasonable person under the same circumstances. Sexual harassment may include, but is not limited to, sexual advances, requests for sexual favors, sexual exploitation, stalking, dating violence, and domestic violence (as described in policy AD-85).

Sexual misconduct is a form of sexual harassment and refers to attempted or completed unwanted or non-consensual sexual activity, including, but not limited to the following: rape, sexual assault, sexual battery, forcible sodomy, sexual penetration with an inanimate object, intercourse without consent, sexual touching and fondling, the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering those intimate parts), forcing an unwilling person to touch another's intimate parts, sexual exploitation, and sexual coercion.

3. HARASSMENT: Engaging in behavior that is sufficiently severe or pervasive so as to threaten an individual or substantially interfere with the individual's employment, education or access to University programs, activities or opportunities, and such behavior would detrimentally affect a reasonable person under the same circumstances. (Also see policy AD-85.)

Behaviors that meet the above definition may include, but are not limited to, the following:
• directing physical or verbal conduct at an individual because of the individual’s age, race, color, ancestry, national origin, religion, creed, service in the uniformed services, veteran status, sex, sexual orientation, marital or family status, pregnancy, physical or mental disability, gender identity, genetic information or political ideas;

• subjecting a person or group of persons to unwanted physical contact or threat of such; or

• engaging in a course of conduct, including following the person without proper authority (e.g., stalking), under circumstances which would cause a reasonable person to fear for his or her safety or the safety of others or to suffer emotional distress.

4. WEAPONS, EXPLOSIVES AND OTHER DANGEROUS ITEMS: The possession, storing, carrying, or use of any weapon, ammunition, explosive, or dangerous chemical or gas by any person is prohibited on all University property except by authorized law enforcement officers and other persons specifically authorized by the University. No person shall possess, carry, or use any fireworks on University property, except for those persons authorized by University and local governments to discharge such fireworks as part of a public display. Paintball guns and paintball markers may only be used on the property of the University in connection with authorized University activities and only at approved locations. (Also see policies SY-08 and SY-12.)

5. FIRE SAFETY VIOLATIONS: Tampering with fire or other safety equipment or setting unauthorized fires. Exhibiting behaviors that risk health and safety of self or others during a fire related incident. Burning candles, incense or other items in the Residence Halls or other University facilities, whether attended or unattended. (Also see policies SY10, SY28, and SY30.)

6. ALCOHOL AND/OR DRUGS: Illegally possessing, using, distributing, manufacturing, selling, or being under the influence of alcohol or other drugs. Anyone, including those under 21, serving alcohol to persons under 21 is in violation of both University regulations and state law. Excessive consumption of alcohol is also prohibited and occurs when a person is intoxicated to the degree that the person may endanger self, other persons, or property, or annoy persons in the vicinity. Use, possession or distribution of beverages containing alcohol on University property shall comply with the laws of the Commonwealth of Pennsylvania and University Policies and Rules. (Also see policies AD-18, AD-33 and the Student Guide to University Policies and Rules).

It is also a violation for a student, of any age, to be in the presence of alcohol and/or illegal drugs in any undergraduate residential space.

7. FALSE INFORMATION: Intentionally providing false or inaccurate information or records to University or local authorities. Providing a false report of an emergency, University policy and/or Code violation. Knowingly providing false statements or testimony during an investigation or University proceeding.

8. THEFT AND POSSESSION OF STOLEN PROPERTY: The taking, or possession of, items belonging to another individual or entity. The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

9. DISRUPTION OF OPERATIONS: Obstruction or disruption of classes, research projects, conduct processes and/or investigations, or other activities or programs of the University; or obstructing access
to University facilities, property, or programs. An action or combination of actions by one or more individuals that unreasonably interferes with, hinders, obstructs, or prevents the operation of the University or infringes on the rights of others to freely participate in its programs and services. (Also see Student Guide to University Policies and Rules and policy AD-57.)

10. VIOLATIONS OF ACADEMIC INTEGRITY: Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at The Pennsylvania State University, and all members of the University community are expected to act in accordance with this principle. Consistent with this expectation, students should act with personal integrity, respect other students’ dignity, rights and property, and help create and maintain an environment in which all can succeed through the fruits of their efforts. Academic integrity includes a commitment not to engage in or tolerate acts of falsification, misrepresentation or deception. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of work completed by others.

Violations of Academic Integrity include, but are not limited to, copying, plagiarism, fabrication of information or citations, facilitation of acts of academic dishonesty by others, unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, and tampering with the academic work of other students. (Also see Faculty Senate Policy 49-20 and G-9 Procedures.)

Special Procedures are used to address violations of academic integrity. (See Section V: Protocol for Violations of Academic Integrity.)

11. FAILURE TO COMPLY: Failing to comply with reasonable directives from University or other officials when directed to do so. Failure to provide identification, to report to an administrative office, or, when reasonable cause exists, failure to leave University-controlled premises or dangerous situations when directed to do so by properly authorized persons, including police and/or University staff. Failing to complete sanctions assigned as part of the conduct process.

12. FORGERY/ALTERATION: Making, using or possessing any falsified official record or University document; altering or forging any University or official document or record, including identification, meal or access cards. This includes but is not limited to forging documents (signing another’s name and/or ID number), manufacturing IDs or tickets, altering parking permits, and misuse of forms (e.g., letterhead stationery, University forms).

13. UNAUTHORIZED ENTRY OR USE: Unauthorized entry into or use of property or University facilities, including private residences, offices, residence halls, classrooms, computers, computer networks, and other restricted facilities. Unauthorized entry or use of facilities is described in more detail in University policies regarding the rights of individuals and the rights of the institution. Specifically, policy refers to an “obligation not to infringe upon the rights of all members of the campus to privacy in offices, laboratories and residence hall rooms, and in the keeping of personal papers, confidential records and effects, subject only to the general law and University regulations.” The University also has the right to control use and entry into facilities for reasons of security, safety, or protection of property. This includes closing facilities at specified times. It should also be recognized that an open or unlocked door is not an invitation to enter and use facilities. The same concept applies to computer entry or misuse, including violation of any University computer policy. (Also see policy AD-20 and Student Guide to General University Policies and Rules.)
14. DISORDERLY CONDUCT: Engaging in disorderly, disruptive, lewd, or indecent conduct, including, but not limited to, creating unreasonable noise; pushing and shoving; creating a physically hazardous or physically offensive condition; inciting or participating in a riot or group disruption; failing to leave the scene of a riot or group disruption when instructed by officials; or disruption of programs, classroom activities or functions, and processes of the University.

15. VIOLATIONS OF UNIVERSITY REGULATIONS: Violating written University policy or regulations contained in any official publications, administrative announcements, contracts (e.g., residence hall contracts or leases) and/or postings.

16. VIOLATION OF LAW: When it is established that a student has violated federal, state, or local law and the violation of law affects a Substantial University Interest.

17. RETALIATION: Taking adverse action against any individual on the basis of a good faith report made by such individual, or on the basis of such individual’s participation in an investigation, hearing, or inquiry by the University or an appropriate authority, or the individual’s participation in a court proceeding relating to suspected wrongful conduct. (Also see policy AD-67.)

C. Code of Conduct and Violations of Law

1. University student conduct proceedings may be instituted against a student or student organization charged with conduct that potentially violates both criminal law and this Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pending civil or criminal litigation in court or criminal arrest or prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Senior Director or designee. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts were dismissed, reduced or resolved in favor of or against the criminal law defendant.
   a. Request for a Delay
      i. For an incident in which there is a report of a violation of the Code of Conduct as well as a violation of law, the respondent may request a short delay in the University discipline process.
      ii. The decision to delay the process will be at the sole discretion of the Senior Director or designee. These delays will typically not be granted in cases which may involve a Title IX violation.
      iii. If the request is granted, the process may be delayed for a short period of time until some part or all of the criminal or civil process has been completed.
   b. Disciplinary Withdrawal
      i. At the written request of a student, the Senior Director or designee may approve a disciplinary withdrawal in cases where a student is or may be charged both by the University and criminally for the same incident. Requests will be reviewed on a case by case basis. Reasons for denial include, but are not limited to, the nature and circumstances of the case, the status of the University investigation, or the reported impact of the behavior on other parties. The conduct process may be reinitiated at the discretion of the Senior Director.
      ii. If a disciplinary withdrawal is approved, a notation will be placed on the student’s transcript indicating that the student withdrew while conduct charges were pending, and the student will be banned from Penn State premises as well as from participating in any
activity, class or program of the University. Depending upon the nature of the allegations, additional restrictions may be added.

Section V: Student Conduct Disciplinary Procedures (For cases involving allegations of crimes of violence, also see Section V, C; for cases involving allegations of Title IX violations, also see Section V, D; for Academic Integrity, see Section VI.)

A. Reports, Disciplinary Conferences, Advisors and Charges

1. Anyone may file a report alleging that a student or student organization violated the Code of Conduct. Any report should be submitted as soon as possible after the event takes place. After a report is filed, additional investigation may be conducted.

2. The Case Manager will meet with the respondent in a Conference. The Conference is an informal, non-adversarial meeting intended to allow the Case Manager to explain the conduct process, examine the complaint, listen to the respondent, discuss circumstances regarding the incident, and address the respondent’s questions.

3. Respondents have the right to be accompanied by an advisor.

4. The Case Manager or investigator may conduct an investigation to determine if charges are appropriate. If the acquired information reasonably supports a Code of Conduct violation, the Case Manager may recommend charges and sanctions to the respondent. If the acquired information does not reasonably support that a violation of the Code of Conduct occurred, then the case will be closed without charges. All charges shall be presented to the respondent in written form.

5. The respondent will then decide whether to accept responsibility for the charges and/or sanctions assigned. The respondent may take 3 business days to make a decision whether to accept the charges and sanctions or contest. Failure to respond, in writing, in the 3 days allotted will result in the charges and sanctions being implemented, unless the Case Manager has approved an alternative timeframe.

6. If the respondent contests the charges (i.e., denies responsibility for the violations), the matter will be referred to an Administrative or University Conduct Board hearing. The hearing will take place as soon as reasonably possible but not less than five business days after the respondent has been notified of the charges, unless the respondent waives the five day notice.

7. If the respondent accepts the charges but contests the sanctions (for sanctions of Probation with a Transcript Notation, Suspension, Indefinite Expulsion or Expulsion for students, or Suspension or Permanent Loss of Recognition for student organizations), the matter will be referred to a sanction review. The sanction review will take place within 5 business days of forwarding the review to the Sanction Review Officer. (Also see Section V, D for incidents that may involve Title IX allegations.)

B. Hearings
1. Administrative and University Conduct Board Hearings
   a. The Administrative Hearing is an informal hearing and will be conducted by an Administrative Hearing Officer (AHO) appointed by the Senior Director. An Administrative Hearing will typically be utilized in cases that will not result in sanctions ranging from Suspension to Expulsion unless specifically requested by the respondent(s) and/or complainant and agreed to by the Senior Director.
   b. The University Conduct Board (UCB) hearing will be utilized in cases in which there is a potential that the respondent may be suspended or expelled from the University for students, or that the student organization may be suspended or permanently lose recognition.
   c. Hearings normally shall be conducted in private, unless the respondent requests an open hearing. Even if an open hearing is requested, the Senior Director or designee may rule that a hearing be closed if, in his/her opinion, an open hearing would have an adverse impact on any witness and/or victim; would disclose personal, psychological or medical information of a sensitive nature; or would otherwise jeopardize the privacy or welfare of any witness, victim or respondent. An open hearing means that only current faculty, staff, or students who are able to show a current PSU identification card would be admitted. The AHO or UCB chair shall determine the number of persons to be admitted, and under no circumstances shall the hearing be open to more than the normal capacity of the typical hearing room.
   d. The respondent will be allowed to submit a statement of facts prior to the hearing that will be added to the hearing packet.
   e. The respondent may be assisted by an advisor.
   f. The respondent and his/her advisor will be allowed to attend the entire portion of the hearing at which information is presented to the AHO or UCB (excluding deliberations).
   g. If the matter involves more than one respondent, the Senior Director, in their discretion, may permit the hearing concerning each respondent to be conducted either jointly or separately.
   h. The respondent will be allowed to ask questions of all witnesses.
      i. All witnesses requested to attend the hearing will be considered University witnesses. The witness list will include names provided by the respondent, complainant (if applicable) and others who may have been involved with the case. Prior to the hearing, it is important that the case manager have an understanding of the role of each witness in the case. To assist this process, those who have not met with the case manager will be requested to provide a brief statement outlining the relevant information they will share at least 2 business days in advance of the hearing.
      ii. All witnesses will be available for questioning by the respondent, the AHO, or members of the UCB, and the University Presenter.
      iii. The testimony of unknown or unidentified witnesses shall not be admissible.
      iv. The Senior Director (or designee), AHO, or UCB Chair may exclude witnesses if they are deemed duplicative, irrelevant or inappropriate.
   i. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the AHO or UCB at the discretion of the Chair.
   j. Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in criminal or civil court, are not used in the AHO or UCB proceedings.
   k. After the portion of the hearing concludes in which all pertinent information has been received, the AHO or UCB shall determine whether the respondent has violated each section of the Code of Conduct with which the student is charged. The determination shall be made using a preponderance of the evidence standard.
   l. The respondent may submit an impact statement that the AHO or UCB will review should the
respondent be found responsible of violating the Code. Other documentation relative to sanctioning may also be submitted at that time.

m. There shall be a single recording of all University Conduct Board hearings (not including deliberations), unless the respondent requests the hearing not be recorded and the Senior Director approves. The recording shall be the property of the University and will be maintained as outlined in Section VII, Disciplinary Records. Administrative hearings are typically not recorded.

2. If a respondent, with notice, does not appear before an Administrative or University Conduct Board hearing, the hearing will take place in their absence, and all available evidence will be presented to and reviewed by the AHO or UCB.

3. The AHO or UCB may accommodate concerns for the personal safety, well-being, and or fears of confrontation of the respondent, complainant, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, as determined in the sole judgment of the Senior Director (or designee) to be appropriate.

4. The AHO or the UCB Chair will submit the outcome to the Case Manager within five (5) business days of the hearing. The Case Manager will notify the student, in writing, of the outcome.

C. Special Protocol for Crimes of Violence (as defined in the Code of Federal Regulations, Title 34, Appendix A), excepting potential Title IX violations (see Section 5, D)

In cases involving a potential crime of violence, the following additional procedures will be followed.

1. When a formal disciplinary process is enacted regarding a potential crime of violence, the first step will typically be a meeting between the complainant and a Case Manager.
2. A Disciplinary Conference will take place with the respondent.
3. If the Senior Director determines that it is appropriate and necessary, additional investigation prior to the determination of charges and sanctions will occur.
4. If the acquired information reasonably supports a Code of Conduct violation, the Case Manager may recommend charges and sanctions to the respondent. If the acquired information does not reasonably support charges, then the case will be closed without charges.
5. If the respondent accepts the charges and sanctions, the matter will be closed and the sanctions implemented. Both parties will be notified.
6. If the respondent accepts the charges but contests the sanctions (for sanctions of Probation with a Transcript Notation, Suspension, Indefinite Expulsion or Expulsion for students, and Suspension or Permanent Loss of Recognition for student organizations), the respondent may request a sanction review. (See Section G, 1)
7. If the respondent contests the charges, the matter will be forwarded to a hearing, and the respondent and complainant will be permitted to attend and participate fully in the hearing procedures.
   a. The respondent and complainant will be allowed to attend the entire portion of the hearing at which information is presented (excluding deliberations).
   b. The respondent and complainant may question all witnesses.
c. Questions by both the respondent and the complainant may be posed to the other; however, questioning of the other party will be permitted only through the AHO or UCB Hearing Chair.
d. The respondent and complainant may be assisted by an advisor. Delays in the conduct process will not normally be allowed due to scheduling conflicts with advisors.
e. There shall be a single recording of all University Conduct Board hearings (not including deliberations), unless the respondent requests that the hearing not be recorded. If the respondent requests the hearing not be recorded, the Senior Director will consult with the complainant, and the Senior Director will make a decision. The recordings shall be the property of the University and will be maintained as outlined in Section VII, Disciplinary Records. Administrative hearings are typically not recorded.
f. The respondent and complainant may submit a statement of facts prior to the hearing that will be added to the hearing packet.
g. The respondent and complainant will be allowed to submit an impact statement that will be reviewed by the AHO or UCB to help inform sanctioning, should the respondent be found responsible for violating the Code.
h. Both the respondent and the complainant will be notified, in writing, of the hearing outcome once the outcome has been submitted to the Case Manager by the AHO or UCB Chair.
i. If the charges against the respondent could have resulted or do result in suspension, indefinite expulsion or expulsion for students or suspension or permanent loss of recognition for student organizations, both the complainant and the respondent will have the opportunity to file an appeal. (See Section G, 2)
j. At the conclusion of any appeal process, both the complainant and the respondent will be notified, in writing, of the outcome of the process.

D. Special Protocols for Title IX Allegations (see also AD-85):

1. The University’s Office of Sexual Misconduct Prevention and Response (OSMPR) has responsibility for investigating allegations of Title IX violations. The OSMPR will typically investigate such allegations utilizing the process articulated at http://titleix.psu.edu. When information regarding a Title IX allegation is referred to the Office of Student Conduct and a conduct process is initiated, the following process will occur.
   a. The case will be assigned to a Case Manager.
   b. The Case Manager will typically meet with the complainant first.
   c. A Disciplinary Conference will then take place with the respondent.
   d. Both the respondent and the complainant may be accompanied by an advisor.
   e. If the Senior Director or designee, in consultation with the Title IX Coordinator, determines that it is appropriate and necessary, additional investigation prior to the determination of charges and sanctions will occur.
   f. If the acquired information does not reasonably support charges, then the case will be closed without charges, and both parties will be notified.
   g. If the acquired information reasonably supports a Code of Conduct violation, the Case Manager will recommend charges and sanctions, and the Complainant and Respondent will be given the opportunity to provide a written response within 5 business days. No new information may be included in this response.
   h. If the respondent accepts the charges and sanctions, the matter will be closed and the sanctions implemented. Both parties will be notified.
i. If the charges against the respondent could have resulted or do result in a sanction of Probation with a Transcript Notation, Suspension, Indefinite Expulsion or Expulsion for students, or Suspension or Permanent Loss of Recognition for student organizations, both the respondent and complainant will have the opportunity to request a sanction review. (See Section G, 1)

h. If the respondent contests the charges, the matter will be forwarded to a Title IX Administrative Hearing or a hearing before a Title IX Decision Panel.

i. The Title IX Administrative Hearing is an informal hearing and will be conducted by an Administrative Hearing Officer (AHO) appointed by the Senior Director. An Administrative Hearing will typically be utilized in cases that will not result in sanctions ranging from Suspension to Expulsion or Loss of Recognition and where there are no allegations of physical or sexual violence or nonconsensual penetration.

ii. The Title IX Decision Panel (Panel) hearing will be utilized in cases in which there is a potential that the respondent may be suspended or expelled from the University for students, that the student organization may be suspended or permanently lose recognition, and/or where there are allegations of physical or sexual violence or nonconsensual penetration.

i. The respondent and complainant will be permitted to attend and participate fully in the Title IX hearing procedures.

j. The Investigative Packet (which will include the relevant information collected and any relevant written responses to the charges) will be forwarded to the hearing authority (i.e., AHO or Panel).

i. In addition, both the Complainant and Respondent may provide an Impact Statement that will only be shared with the hearing authority should it find that the Respondent is responsible for violating the Code of Conduct.

ii. The hearing authority will be permitted at least five business days to individually review the Investigative Packet. During this time, they may submit additional questions to the Investigator or request additional follow-up by the Investigator. If new information is acquired by the Investigator, both parties will be permitted to review this new information and respond within an appropriate amount of time, to be determined within the discretion of the Investigator.

iii. Following the hearing authority’s individual review of the Investigative Packet and any required follow up investigation and responses, the hearing authority will convene a Title IX hearing.

iv. At the Title IX hearing, the Investigator will be present and will provide an overview of the investigation. The Complainant and Respondent may observe the Investigator’s interaction with the hearing authority through remote video or audio access, if reasonably practicable.

v. The respondent and the complainant will each have the option to personally address the hearing authority in person, so that they may highlight the information that they feel is most relevant to the hearing authority’s deliberation and so that they may respond to questions that may be posed by the hearing authority and the Investigator, if any.

vi. Each party will have the option to observe the other’s interaction with the hearing authority through remote video or audio access, if reasonably practicable. The complainant and respondent may suggest questions to be posed to the other party by and through the Panel. Proposed questions will be submitted to the hearing authority, which will
review the proposed question(s) for relevance and appropriateness before they are posed to the other party.

vii. When the hearing convenes, no new information may be provided to the hearing authority, unless the person offering the information can show that the evidence was (1) not available during the investigation, and (2) is relevant to establishing whether or not the Respondent is responsible for misconduct.

viii. If the introduction of new information to the hearing authority is allowed, the other party will have the opportunity to respond. If the party who did not present the new information declines to respond during the appearance before the hearing authority, or if that party has chosen not to appear before the hearing authority, the hearing authority’s deliberation may be stayed, in the discretion of the hearing authority, to give the party that did not present the new information appropriate time to provide a response to the Investigator and/or hearing authority. If the deliberation is stayed, the hearing authority will reconvene at a later date.

ix. For cases that go before the Title IX Decision Panel, there shall be a single recording of the hearing authority’s interaction with the Investigator and the parties (not including deliberations). The recording shall be the property of the University and will be maintained as outlined in Section VII, Disciplinary Records.

x. Once all permitted evidence has been placed before it, the hearing authority will deliberate and make a decision of responsibility or non-responsibility based on a preponderance of evidence standard. If the respondent is found responsible for violating the Code of Conduct, the hearing authority will also determine appropriate sanctions.

xi. Within five business days of the hearing, the hearing authority will submit its finding of responsibility or non-responsibility, sanctions (if any), and rationale, in writing, to the Case Manager.

xii. Both parties will be informed, in writing, of the hearing authority’s decision and their rights to appeal as permitted in Section G of the Student Code of Conduct.

xiii. At the conclusion of any appeal process, both the respondent and complainant will be notified, in writing, of the outcome of the process.

xiv. The University’s Title IX Coordinator will also be notified and may continue to work with the parties as appropriate.

E. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Code of Conduct. More than one of the sanctions listed below may be imposed for any single violation.

   Primary Administrative Sanctions:

   CONDUCT CONVERSATION: A conduct conversation is used in limited circumstances in very minor level cases. It is formal documentation that the student’s misconduct has been discussed and future violations may result in further discipline action.

   CONDUCT WARNING: A conduct warning is an indication to a student that his/her conduct violated the Code of Conduct and that further misconduct will result in more severe disciplinary action.

   CONDUCT PROBATION: Conduct probation is assigned for a specified period of time and is intended to foster reflection, responsibility, and improved decision-making. Additional conditions
and/or educational programs may be assigned as a component of the probation. Future established misconduct, failure to comply with any conditions or to complete any assignments may lead to a more severe disciplinary action, including suspension or expulsion.

Conduct probation may be recorded on a student's official University transcript when, either due to the serious nature of the offense or when a student’s disciplinary history is significant, the Office of Student Conduct determines a notation is merited.

CONDUCT SUSPENSION: Disciplinary suspension from the University is assigned for a specified period of time. A suspended student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. During the period of the suspension, a notation will appear on the student's official University transcript.

What does suspension mean for orgs?

INDEFINITE EXPULSION: Indefinite expulsion from the University is for a period of not less than one calendar year, and re-enrollment must be approved by the Vice President for Student Affairs or designee at University Park or by the Chancellor or designee at other campus locations. During a period of indefinite expulsion, a student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. If a student wishes to return to the University after the period of his or her indefinite expulsion, he/she must request re-enrollment (in writing) from the Senior Director or designee. During the period of the expulsion, a notation will appear on the student's official University transcript.

EXPULSION: Expulsion of a student from the University is permanent. A student is precluded from registration, participation in any class, activity or program of the University, and residence on campus. In addition, the student is prohibited from using or visiting University facilities unless special permission is obtained from the Senior Director or designee. Expulsion requires administrative review and approval by the President. The sanction of expulsion is permanently noted on a student’s official University transcript.

PERMANENT LOSS OF RECOGNITION: Need to define

XF GRADE: See Violations of Academic Integrity

Secondary Administrative Sanctions:

HOUSING REVIEW: Housing Review is implemented when an on-campus student has either breached the terms and conditions of his/her housing contract/lease agreement or has engaged in inappropriate behavior in or near the residence halls. This review is for a specified period of time with the understanding that any further breach of the conditions of their housing contract/lease agreement, during the time specified, may result in an extension of review of housing contract or a termination of a student’s housing contract, or a notice of non-renewal of a lease agreement. A housing review will typically be assigned in conjunction with other administrative sanctions.
ROOM REASSIGNMENT: A student is relocated from one housing assignment to another residence hall assignment. This may be a temporary or permanent change of assignment. This sanction should be made after consultation with the residence life staff member. This sanction can be assigned independently or in conjunction with other administrative and active sanctions.

LOSS OF HOUSING: Loss of housing permanently separates a student from the University housing program. This separation is typically immediate.

LOSS OF PRIVILEGE: Loss of Privilege involves the withdrawal of the use of service, participation in an activity, or withdrawal of privileges consistent with offense(s). Loss of privilege may be imposed separately or in addition to other sanctions.

Any org specific ones?

Active Sanctions:

Active sanctions are sanctions that the University reserves the right to assign to students in addition to administrative sanctions. These include, but are not limited to the following: administrative directives, alcohol or drug education, counseling, reflection papers, projects, decision-making workshops/modules, meetings with staff or others, restitution, and sanctioned service.

Other Sanctions:

The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a case.

2. The Case Manager is responsible for the implementation of sanctions. For Administrative Hearings and University Conduct Hearings, the Administrative Hearing Officer or the UCB may propose recommended sanctions. However, it is the responsibility of the Case Manager to ensure that the sanctions are imposed and communicated to the respondent.

F. Interim Actions

1. In situations where there is a need for immediate action to alleviate concerns for safety, to help ensure the well-being of members of the University community, or to prevent the disruption of normal campus operations, the University community, or management of a residential facility, case managers may assign appropriate interim actions. Interim actions assigned should be reviewed by the Senior Director of Student Conduct or designee. Interim actions assigned by Residence Life case managers that impact a student’s ability to live in the residence hall or room assignment should be reviewed by the Senior Director for Residence Life or designee. Interim actions may include, but are not limited to, administrative directives, residence hall room reassignment, contract termination, mandated assessment, or restriction from parts of campus.

2. Interim Suspension

On rare occasion, the Office of Student Conduct may become aware of a student or student organization whose continued participation within the University community or continued operation as an organization may pose an immediate threat to the student or others or may pose an
imminent threat of disruption to normal campus operations. If the Senior Director or designee reasonably believes that such a threat is posed, an interim suspension may be assigned.

a. Notification of an interim suspension will be sent to the respondent’s University e-mail account and/or to the mailing address listed as his/her local and/or permanent address in the University records. If a student organization, the organization’s advisor of record will also be copied. The notification will include information regarding the alleged behavior that provided the rationale for the interim action. Respondents who are interimly suspended will have the opportunity to contest the action (see Section F, 2, c).

b. An interim suspension can include some or all of the following actions:
   - Restriction from all University premises, including On-Campus Housing
   - Loss of privilege to participate in classes – either in person or electronically/virtually (including World Campus)
   - Loss of privilege to participate in all University-related activities
   - Registration hold
   - Notation on the student’s transcript
   - Graduation hold if student is on the graduation list or scheduled to graduate within the semester of the suspension
   - Potential notification to academic program
   - Others for orgs (Cessation of new member processes, prohibition from meeting as an organization, etc.)

c. Respondents wishing to contest an interim suspension action may do so through the Office of the Assistant Vice President for Student Affairs at University Park. At other Penn State locations, respondents may contest through the Director of Student Affairs (or equivalent) or Chancellor. The respondent’s appeal must be in writing and include the following information:
   - Name
   - Student ID
   - Rationale for the request
   - Any documentation that supports that the respondent would not pose a risk

d. The respondent will be notified of the decision within 5 business days of receipt of the request. The Interim Suspension will remain in effect while any review is pending. There will be no further appeals to this decision. If the Interim Suspension is lifted, other interim restrictions (e.g., removal from university housing, limited access to campus, cessation of new member processes) may be assigned until the outcome of any related conduct case.

e. The interim suspension does not replace the regular conduct process, which shall proceed on the normal schedule.

G. Sanction Reviews and Appeals

1. Sanction Reviews
   a. Sanction reviews may be conducted when a respondent accepts responsibility for the Code of Conduct violation(s) through a Disciplinary Conference, receives a sanction that includes
Probation with a Notation or higher, and would like to contest that sanction. Requests for a sanction review shall be in writing and shall be delivered to the Senior Director or his designee.

b. For cases that involve Title IX violations, the respondent and/or complainant may request a sanction review if a sanction of Probation with a Notation or higher was assigned or was possible given the charges assigned against the respondent. (See Section V, D and E).

c. When a respondent requests a sanction review and submits an accompanying rationale, the matter shall be forwarded to the Sanction Review Officer for review and consideration. The scope of the sanction review will ordinarily be a review of the written record of the case, unless otherwise determined by Sanction Review Officer.

d. The Sanction Review Officer may sustain the sanction(s) assigned by the Case Manager; or the Sanction Review Officer may modify the sanction(s) assigned by the Case Manager when he/she determines that the sanction(s) recommended was outside the University's sanction range for such violations and/or not justified by the nature of the offense.

e. The Sanction Review Officer will typically forward a decision and rationale to the Senior Director or designee within five (5) business days of receiving the sanction review request. There are no other opportunities for appeal.

f. The Case Manager will then share the final outcome, in writing, with the respondent and the complainant, if applicable.

2. Appeals
    a. Cases resulting in sanctions of Suspension to Expulsion for students or Suspension to Permanent Loss of Recognition for student organizations after a hearing or Title IX Decision Panel may be appealed to the Student Conduct Appeals Officer by the respondent within five (5) business days of receiving official notification of the results of the hearing. Such appeals shall be in writing and shall be delivered to the Senior Director or his designee.
    b. In cases involving a Title IX violation and those involving a crime of violence, the respondent and/or complainant may request an appeal when suspension, indefinite expulsion or expulsion for students, or suspension or permanent loss of recognition for student organizations is either assigned or was possible in light of the charges assigned.
    c. An appeal may be requested on one or more of the following grounds:
       i. the respondent or complainant have been deprived of their rights and/or stated procedures were not followed that affected the outcome;
       ii. new evidence is presented, that was not available during the time of the original outcome, relevant to establishing whether it is more likely than not that the respondent is responsible for misconduct; and/or
       iii. the sanction(s) imposed was (were) outside the University's sanction range for such violations and/or not justified by the nature of the offense.
    d. In cases involving a Title IX or Crime of Violence matter, if either party requests an appeal, the other party will be notified and may choose to submit a response to the other's appeal. A short extension to the five day limitation may be granted by the Senior Director.
    e. The Student Conduct Appeals Officer will review the case records and any additional information that is submitted as may be requested by the Student Conduct Appeals Officer.
    f. The original decisions regarding responsibility and sanctions may be sustained, modified or reversed. No decision should be overturned or modified without consultation with the VP for Student Affairs, Senior Director, or Chancellor.
    g. If an appeal is granted, the following process will take place:
       i. If an appeal is granted on the grounds that the student has been deprived of their rights and/or stated procedures were not followed that affected the outcome for the student(s), the matter will be referred to a new hearing board or Title IX Decision Panel to be
reheard. If the error occurred as part of the investigative process, the matter will be referred back to the investigative process to address the error.

ii. When an appeal is granted on the grounds that new evidence is presented that was not available during the time of the original hearing or review and that is relevant to establishing whether it is more likely than not that the respondent is responsible for misconduct, the Student Conduct Appeals Officer shall return the case to the investigative process, or the original hearing board or Title IX Decision Panel to be reheard with the new evidence.

iii. When an appeal is granted on the grounds that the sanction(s) imposed was (were) outside the University’s sanction ranges for such violations and/or not justified by the nature of the offense, the Student Conduct Appeals Officer shall modify the sanction as they deem appropriate.

h. The Appeals Officer will forward their decision and rationale to the Senior Director or designee within five (5) business days of receiving the appeal request.

i. The respondent and complainant, if applicable, will be notified in writing.

j. If an appeal is denied, no further review will occur.

Section VI: Protocol for Violations of Academic Integrity

A. Initial Process:

Although Violations of Academic Integrity are included in the Code, the management of these cases is handled by faculty and the college or campus academic integrity committee. All procedures must conform to the G-9 Procedures established by the Faculty Senate. The procedures may be found at http://www.psu.edu/oue/aappm/G-9.html.

B. Role of the Office of Student Conduct

When an academic integrity committee recommends that a student receive a discipline sanction in addition to the academic sanction assigned by the faculty or academic integrity committee, then a Student Conduct Case Manager will manage that aspect of the case. Consideration will be given to the sanction recommended by the committee. The Case Manager will meet with the student in a disciplinary conference to discuss the additional discipline sanction. The student may request a sanction review for the discipline sanction per the procedures in which will be implemented as outlined in Section G, 1.

C. Record Keeping

All records related to cases involving Violations or Academic Integrity are maintained by the Office of Student Conduct according to the procedures outlined in Section VII, Disciplinary Records.

Section VII: Disciplinary Records

A. Maintenance of Student Records:

1. Typically, a Student Disciplinary Record is established when information on a student is received and maintained by the Office of Student Conduct or the Office of Residence Life. An electronic database maintains all pertinent information required for government reporting indefinitely.

2. The case file, including any electronic recordings of hearings, will be maintained by the Office of Student Conduct for seven years after the graduation date of the student and will normally be destroyed at that time. If a student is assigned the sanction of Expulsion, the case file will remain on file permanently in University Archives.
3. Case files for students who have left the University prior to graduation will be maintained for seven years following the completion of their last semester of enrollment. For those students who have not completed their assigned sanctions but have not been enrolled at the University for over seven years or have not been approved for return after an indefinite expulsion, or who voluntarily withdraw while a disciplinary process was pending, a decision regarding retention of the record may be made by the Senior Director or designee on a case by case basis. If a student is assigned the sanction of Expulsion, the case file will remain on file permanently in University Archives.

4. If a student is involved in litigation with the University, the case file may be kept indefinitely.

5. If the student has not met the conditions for re-enrollment after a separation from the University, the case file may be kept on file indefinitely, but will not be destroyed prior to the seven year time frame elapsing.

6. Accessibility to Student Disciplinary Records follows the University Policy on Confidentiality of Student Records (http://www.registrar.psu.edu/confidentiality/confidentiality.cfm).

B. Student Access to Records

1. In accordance with FERPA, a student may have access to his/her Student Disciplinary Record provided that he/she can be properly identified and provided that the original Student Disciplinary Record is not removed from the office. The Office of Student Conduct may take up to two business days to provide the Student Disciplinary Record to the student. There may be a fee assessed to the student.

Section VIII: Interpretation and Review

A. Interpretation

1. Any question of interpretation or application of the Code of Conduct shall be referred to the Senior Director for final determination.

B. Review

1. Feedback related to the Code of Conduct or any student conduct procedure should be directed to the Senior Director.

2. A formal review of the Code of Conduct and the student discipline process and procedures will occur every three years under the direction of the Senior Director.