Student Conduct Code and Non-Academic Conduct Procedures

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All University of St. Thomas students are expected to be familiar with and comply with the University's mission, convictions, policies, and applicable law. We call these our "community standards."

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SECTION I. STUDENT CONDUCT PHILOSOPHY

The mission of the University conduct process is the same as the University – it is dedicated to the moral and intellectual development of our students. The University conduct process is designed to give students individual attention and treat them with care, concern, honor, fairness, and dignity. It is an educational process that provides students notice of the conduct rules they are charged with violating and the opportunity to respond to those charges.

The conduct process is not the civil or criminal justice system – it is a function of an educational institution. It balances the interests of individual students with the interests of the St. Thomas community. Our conduct philosophy includes principles of restorative justice – we seek a resolution that will be just and productive for the parties involved and for the community as a whole. It is designed to be flexible and efficient to achieve a timely resolution of reports of student misconduct in accordance with the University's mission. The structures, policies, and procedures below are intended to achieve these goals. The Dean of Students reserves the right to establish and make adjustments to any rule, guideline, or procedure.

SECTION II. JURISDICTION

A. Applies to Student Behaviors Both On and Off Campus

The Student Conduct Code applies to conduct that occurs on University property or at University-sponsored activities. It also applies to off-campus conduct that adversely affects the St. Thomas community or is detrimental to the educational mission and/or interests of the University. Each student is responsible for their conduct from the time of application for admission through the awarding of a degree, even though conduct may occur before classes begin or after classes end. Students are responsible for their conduct during the academic year and during periods between enrollment terms. The University retains jurisdiction if conduct occurring before graduation is discovered after a degree is awarded. If serious misconduct was committed while a student was enrolled but is discovered after graduation, the University may invoke these procedures and may, in some cases, revoke the student's degree if found responsible. If the student withdraws from school while a conduct matter is pending, the Student Conduct Code remains applicable to the student's conduct prior to withdrawal. At its discretion, the University reserves the right to proceed with the conduct process in a student's absence or to delay the conduct process until the student seeks re-enrollment.

B. Graduate Students

The Student Conduct Code applies to all St. Thomas students – both undergraduate and graduate students. Graduate students may be subject to additional, separate conduct code(s) specific to their program(s). The graduate program governs the conduct and behavior of their students where a graduate school conduct code exists and applies. This Student Conduct Code will govern if a graduate program does not have a specific conduct code, if there are omissions or gaps in the conduct code for a specific graduate school program, or if graduate conduct codes are otherwise inapplicable.

C. Online Jurisdiction

The Student Conduct Code may be applied to behavior conducted online, via email, or other electronic mediums. Online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. Online postings can subject a student to allegations of student misconduct if evidence of policy violations exist. The University does not regularly search for online violations but may take action if such information is brought to the attention of University officials.

D. Report Time Limit

Violations of the Student Conduct Code must generally be reported within one year of the incident. If an incident is reported after more than one year, the University's ability to respond may be limited. As time passes, evidence and witnesses may become unavailable or involved parties may leave St. Thomas, making it difficult to respond in an effective and equitable manner. Incidents reported after one year will be addressed at the discretion of the University.

E. E-mail Communication

University of St. Thomas email is the University's primary means of communication with students. Students are responsible for checking their St. Thomas email and for all communication delivered to their St. Thomas email address.

F. Violations of the Law

Conduct that may violate federal, state, and local laws may also be investigated and addressed under the Student Conduct Code. The University conduct process is separate from the criminal justice process. Students will usually experience both processes if the conduct is reported to law enforcement and the University. The University will be guided by the following policies in such incidents:

- The student conduct process may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Findings and/or sanctions imposed through the University conduct process are not subject to change if/when criminal charges resulting from the same facts are dismissed, reduced, or resolved in favor of or against the student.
- St. Thomas is not obligated to request or agree to special consideration when a student is charged with violating federal, state, or local law because of their student status. The University may advise off-campus authorities of the Student Conduct Code, the University conduct process, and how violations are typically addressed within the St. Thomas community. Consistent with data privacy laws, the University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus.

SECTION III. STUDENT CONDUCT CODE

The University of St. Thomas considers the behavior described below as inappropriate for the University community and contrary to its mission, vision, and convictions. St. Thomas encourages community members to report all incidents involving the following actions to University officials.

1. **Irresponsible Social Conduct.** Students are required to engage in responsible social conduct on and off campus that models good citizenship and reflects credit upon the University of St. Thomas and the St. Thomas community. Students are expected to act in accordance with the University's Community Standards, including all applicable policies.

2. **Acts of Dishonesty.** Acts of dishonesty include, but are not limited to, the following:

    a. Providing false information to any University official, faculty member, or office.

    b. Forgery, alteration, or misuse of any University document, record, or form of identification.

    c. Acts of omission, including the failure to provide required or requested information to the University.

    d. Acts involving academic dishonesty, such as cheating or plagiarism, shall be addressed through the office of the Dean for the appropriate college. (Acts involving academic dishonesty are generally outside the scope of this Student Conduct Code but may be referred by the appropriate Dean or Dean's designee to the Dean of Students for review through the conduct process. This also may apply where acts of academic dishonesty implicate other proscribed conduct found in this Student Conduct Code).

    e. Possession of false identification or a fake ID.

    f. Acts of dishonesty not specifically listed here, including acts constituting fraud and/or violations of state or federal law.

3. **Detrimental Conduct.** Conduct on or off campus that is detrimental to the University or which discredits the University.

4. **Disruptive Behavior**

    a. **Disorderly Conduct:** Conduct on or off campus that is disorderly, lewd, or indecent. Breaching the peace or aiding and/or abetting another person to breach the peace on University premises or at University-sponsored events. Behavior which causes a significant disturbance of the University community or infringes upon the rights and well-being of others. Behavior that is disruptive to the well-being, educational climate, health, and/or safety of the campus and surrounding community.

    b. **Academic:** Obstruction of teaching, research, or University administration.

    c. **Campus activities:** Disrupting University and authorized non-University activities that occur on campus.

    d. **Hosting:** Hosting a gathering that is disruptive to the community. Disruptions may be attributable to the hosts of the gathering whether the disruptions occur off-campus, within the residence halls, or outside of the residence halls.

    e. **Demonstrations:** Participating in an on or off-campus demonstration or activity that disrupts the community or normal operations of the University, infringes on the rights of other members of the St. Thomas community, or leads or incites others to disrupt scheduled or normal activities within any campus building or area. See the University Demonstration Policy for more details.

5. **Harm to Persons.** Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including one's self.

6. **Discrimination.** Any act or failure to act that is based upon an individual or group's actual or perceived status (sex, gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion, sexual orientation, or other protected status) that unreasonably interferes with or denies the ability to participate in or benefit from the University's educational program or activities.

7. **Threatening Behaviors.**

    a. Threat: Written or verbal conduct that causes a reasonable expectation of injury to the health or safety of any person or damage to any property.

    b. Intimidation: Implied threats or acts toward any person that cause a reasonable fear of harm in another.

8. **Disrespectful Behavior.** Language or behaviors that are disrespectful, degrading, and/or verbally abusive of any person, including swearing, harassment, slurs, abusive language, insults, and/or unwelcome communication.

9. **Bullying and Cyberbullying.** Repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally.

10. **Alcohol.** Use, possession, sale or distribution of alcoholic beverages or paraphernalia except as permitted by law and the University's Alcohol and Drug Policies.

    a. Under 21 – use or possession: The underage use and/or possession of alcoholic beverages. Public intoxication or excessive consumption of alcohol; disorderly and/or irresponsible conduct as a result of consumption of alcohol.

b. Over 21: Use or possession of alcohol in public areas where alcohol is not permitted. Public intoxication or excessive consumption of alcohol; disorderly and/or irresponsible conduct as a result of consumption of alcohol.

c. Sale and/or distribution: Selling, distributing, furnishing, or manufacturing alcohol to persons under 21 years of age.

11. **Drugs.**

a. Use or possession: Use or possession of illegal drugs and other controlled substances, including marijuana, or drug paraphernalia except as permitted by law. For clarification, use or possession of food or beverage containing THC is prohibited, unless such use or possession involves hemp-derived THC in low concentrations permitted by law by an individual age 21 years or older. Students who use or possess food or beverage contatining THC will have the burden of proving that the product is lawful.

b. Distribution or manufacturing: Distributing or manufacturing illegal drugs and/or other controlled substances, including marijuana.

12. **Prescription Medications.** The abuse, misuse, sale, or distribution of prescription or over-the-counter medications.

13. **Sexual Misconduct.** Includes, but is not limited to, sexual harassment, non-consensual sexual contact, non-consensual sexual penetration, sexual exploitation, and/or sexual violence. Incidents of reported sexual misconduct are referred to the Sexual Misconduct Policy.

14. **Unauthorized Entry.** Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespassing, propping, or unauthorized use of alarmed doors for entry into or exit from a University building.

15. **Unauthorized Access.** Unauthorized access to any University building (i.e. keys, cards, etc.) or unauthorized possession, duplication, or use of keys or identification cards to access any University premises. Furnishing access or keys/ID to another person to gain unauthorized access. Failure to timely report a lost University identification card or key also violates this code.

16. **Taking of Property.** Intentional, attempted, or actual taking of University property or services, or the property or services of others, on or off campus, including theft, temporary possession, depriving of possession, or unauthorized use of intellectual property, such as copyrighted material.

17. **Damage and Destruction.** Intentional, reckless, and/or unauthorized damage to or destruction of University property or the property of another, including acts of vandalism.

18. **Fire Safety.** Violation of federal, state, local, or campus fire policies including, but not limited to:

a. Intentionally or recklessly causing a fire that damages University or personal property or causes injury and/or death;

b. Failure to evacuate a University-controlled building during a fire alarm;

c. Improper use of University fire safety equipment; or

d. Tampering with or improperly engaging a fire alarm or fire detection/control equipment while on University property.

19. **Hazing.** An act which endangers the mental or physical health or safety of a student, or that destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. Participation or cooperation by the person(s) being hazed does not excuse the violation. Failing to intervene, prevent, or report acts of hazing also violate this code. Hazing conduct is referred to in the University Hazing Policy.

20. **Failure to Comply.** Failure to comply with, obstructing the reasonable directives of, or interfering with University officials or law enforcement officers. Failure to comply includes failure to identify oneself or to produce identification to these persons when requested. A University official includes, but is not limited to, members of Public Safety, the Department of Residence Life, and the Dean of Students Office.

21. **University Policies.** Violating other University policies, rules, or regulations published in hard copy or online on the University Web site. A listing Policies by Applicability are online.

22. **Violation of Law.** Violation of any federal, state, or local law or city ordinance substantiated through the University's conduct process.

23. **Weapons.** Unlawful possession, use, or distribution of explosives (including fireworks and ammunition), guns (including air, BB, paintball, facsimile weapons, and pellet guns), or other weapons or dangerous objects such as arrows, axes, machetes, nun chucks, throwing stars, or knives. The use of any item, even if legally possessed, in a manner that harms, threatens, or causes fear to others. St. Thomas prohibits the possession and use of all weapons on and in St. Thomas property. See the University Weapons Policy for more details.

24. **Rioting.** Causing, inciting, or participating in any disturbance that presents a clear and present danger to self of others, causes physical harm to others, or damage and/or destruction of property.

25. **Obstruction.** Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.

26. **Unauthorized Recording.** Unauthorized audio, visual, or video recording of any person when such a recording is likely to cause harm, injury or distress. This includes, but is not limited to:

    a. taking pictures or video or audio recording another person in a locker room, changing room or restroom;

    b. taking pictures or video or audio recording another person, without the person's explicit consent, under circumstances in which the person has a reasonable expectation of privacy;

    c. unauthorized photography, video, or audio recording of class sessions or lectures or performances without the faculty member's consent;

    d. Recording that violates the Intellectual Property Policy or the intellectual property rights of another;

    e. unauthorized sharing of a recording, including posting recordings online that cause harm and/or violate intellectual property rights;

f. secretly recording a telephone or video conversation with another member of the St. Thomas community. Students who wish to record a telephone or video conversation generally are expected to tell all parties to the conversation that the conversation is being recorded;

g. secretly recording a private, in-person conversation on campus. To record a private, in-person conversation, students are expected to obtain consent of all parties to the conversation or to make the fact that the conversation is being recorded apparent from the circumstances.

27. **Use of Technology.** Irresponsible technology use includes, but is not limited to, making illegal copies of copyrighted software or media, using university resources for personal gain, excessive use of technology resources to the exclusion of others, or using technology resources to harass or intimidate others. See the Responsible Use of Computing Resources Policy for more details.

28. **Abuse of Conduct Process.** Abuse or interference with, or failure to comply in University processes including conduct meetings.

a. Failure to appear. Failure to comply with a notice from a conduct officer or University Conduct Board to appear for a conduct meeting or University Conduct Board meeting.

b. Falsification, distortion, or misrepresentation of information during a conduct meeting or before a University Conduct Board.

c. Failure to provide, destroying, or concealing information during an investigation of reported student misconduct.

d. Failure to participate as a witness in a University investigation including a Public Safety investigation, a conduct investigation, or a sexual misconduct investigation.

e. Attempting to discourage an individual's proper participation in, or use of, the University conduct process.

f. Harassment (verbal or physical) and/or intimidation of a University conduct official or University Conduct Board member prior to, during, and/or following a conduct meeting.

g. Attempting to influence the impartiality of a University Conduct Board member prior to and/or during a University Conduct Board meeting.

h. Failure to comply with or complete sanctions assigned by a conduct officer.

i. Influencing or attempting to influence another person to violate the Student Conduct Code.

j. Disrupting a conduct meeting, a University Conduct Board, an Appeal Board, or a meeting of the Grievance & Discipline Committee.

k. Reporting a violation of this Student Conduct Code in bad faith or under false pretenses.

29. **Bystanding.** Complicity with or failure of any student to appropriately address known or obvious violations of the Student Conduct Code or law.

30. **Responsible for Guests.** Students are responsible for the actions of their guests and their activity on or off campus.

31. **Private Business.** Unauthorized use of University property or resources to conduct a private business or activity.

32. **Retaliation.** Retaliation against another student or member of the St. Thomas community for their participation in any part of the conduct process. This includes, but is not limited to, serving as a witness before the University Conduct Board, providing information to Public Safety, or cooperating with a conduct officer.

33. **Financial Responsibility.** Engaging in dishonesty or irresponsibility with respect to financial obligations to the University, including, but not limited to, knowingly passing a worthless check or money order in payment to the institution or to an official of the institution acting in an official capacity.

34. **Violation of Campus COVID-19 Related Policies or Public Health Orders.** Failing to follow University policies, procedures, and any other requirements implemented to reduce the risk of contracting or spreading infectious diseases. This includes failing to follow any applicable federal, state, and/or local public health orders, both on and off campus. It also includes failing to follow any additional or specific policies required by campus departments or units while participating in a program or activity, utilizing a service or benefit, or using University facilities.

SECTION IV. CONDUCT PROCEDURES

A. Overview

The following is a general overview of the University's conduct procedures. It should be noted not all situations are of the same severity or complexity. Therefore, these procedures are flexible and will not be exactly the same in every situation. However, the University strives for consistency in similar situations.

1. Written Report of Student Misconduct

Any member of the University community may report violations of the Student Conduct Code. A report of student misconduct should be submitted as soon as possible to Public Safety, Residence Life, or the Dean of Students Office. Violations of the Student Conduct Code must generally be reported within one year of the incident. The University's ability to respond may be limited if an incident is reported more than one year later. Incidents reported after one year will be addressed at the discretion of the Dean of Students and, for graduate students, their academic dean or designee thereof. Reports of student misconduct should include the following:

a. The date, time, and location of the incident;

b. The name(s) of the individual(s) involved;

c. Factual details of the incident regarding student misconduct.

The University conduct process begins with the documentation of reported student misconduct. The report becomes a formal complaint when received by a conduct officer who initiates the conduct process.

Public Safety officers use body worn cameras to enhance campus security. All information gathered from body worn cameras is considered confidential law enforcement unit records. The Department of Public Safety generally prohibits the dissemination of body worn camera footage, except when required under a court subpoena or other lawfully issued court order. However, in some circumstances camera footage may be released to other University offices as part of an investigation or conduct proceeding. The Department of Public Safety has discretion whether to authorize any such request, in accordance with its protocols and/or practices.

Incidents of student misconduct that are not reported, documented, or referred to Public Safety, Residence Life, or the Dean of Students Office may not result in a formal complaint referred to the University conduct process.

2. Third Parties

St. Thomas, through the Dean of Students, has broad discretion in pursuing charges of student misconduct reported by third parties – persons who are not members of the University community. The University will generally pursue formal conduct action regarding incidents of student misconduct reported by law enforcement. Police reports are forwarded to the conduct process through Public Safety to the Dean of Students Office. The University generally will not pursue formal conduct action based on allegations of student misconduct made by a third party, other than law enforcement, unless there is compelling and credible evidence of student misconduct.

3. Notice of Reported Violation(s)

University email is the official method of communication within the University conduct process. The conduct officer will email a notice of violation letter to the student's University email address after receiving a written report of student misconduct. The notice informs the student they were documented in a report as having violated one or more rules in the Student Conduct Code. The notice also directs the student to meet with the conduct officer to review the violations documented in the complaint within three business days. Students who have met with a conduct officer regarding an incident of student misconduct are considered to have been notified of a reported violation.

4. Interim Action

The Dean of Students or their designee will consider whether interim actions are reasonably necessary or appropriate to protect the broader St. Thomas community, pending completion of the student conduct process. If the Dean of Students or their designee along with appropriate administrators determine interim actions are reasonably necessary and appropriate, they are authorized to take or direct such action. Interim actions include but are not limited to:

a. Interim Suspension

Interim suspension is an immediate change in a student's status that denies access to the residence halls and/or the University pending further University conduct system procedures. Interim suspension is authorized by the executive authority granted to the Dean of Students and can only be appealed to the Vice President for Student Affairs. The Dean of Students or the Dean's designee may impose an interim suspension for a student to the University and/or the residence halls subject to further University processes.

An interim suspension does not replace the regular conduct process. The conduct process will proceed on the normal schedule.

Interim suspensions may be applicable in the following circumstances:

a. When a student is charged with a felony.
b. To protect and ensure the health, safety, and well-being of the University community or one or more of its members.
c. To ensure protection or preservation of University property.

d. To ensure a student's own physical or emotional health, safety, and well-being.

e. When an accused student poses an ongoing threat of disruption of or interference with normal University operations.

f. When a student fails to comply with the directions of a University official, including failure to meet with a University official after being directed to do so or failure to complete sanctions resulting from the University conduct process.

The list above is not exclusive; interim action is applied on a case-by-case basis. The Dean of Students will consider facts in each incident to determine if an interim suspension is appropriate.

A student is denied access to campus and all University-owned property for any purpose (including all classes) during an interim suspension. A student may not attend or participate in University activities or hold privileges the student might otherwise be eligible for while on interim suspension. The Dean of Students may request the Department of Public Safety trespass the student from the University – prohibiting the student from entering onto University property with the exception of participating in the University conduct process.

b. Interim Removal from the Residence Halls

The Dean of Students, their designee, the Director of Residence Life, or their designee, has the authority to remove a student from the residence halls on interim basis. A student placed on interim removal from the residence halls may not enter any University-owned residence facility pending the outcome of the University conduct process. A student placed on interim removal from the residence halls may have limited access to other campus facilities as the Dean of Students determines appropriate.

c. No Contact Directive

A no contact order is a directive from the Dean of Students for a student not to have in person, telephone, text message, email, social media, or other contact with another person, including through third parties, for a specified amount of time.

d. Other Restrictions

A student may be prohibited from participating in St. Thomas-sponsored events and/or activities until the student conduct process is completed. A student's campus access may also be restricted until the student conduct process is compete. Other University departments and officials, including but not limited to Study Abroad and Athletics, may be informed of the student conduct matter and may take separate, responsive action.

5. Conduct Meetings

Most incidents of student misconduct are resolved through a conduct meeting. A conduct meeting is an informal meeting between a conduct officer and a responding student to resolve reported Student Conduct Code violations. Conduct meetings facilitate an open, educational dialogue between students and the conduct officer. The responding student will review and respond to the reported conduct code violations and is given an opportunity to present evidence on their own behalf. Although conduct meetings are informal, decisions and sanctions determined by conduct officers are official and documented in the student's conduct file. If the responding student is notified of the conduct meeting but does not attend, the conduct meeting will take place as scheduled and the incident may be resolved without the responding student's input.

When student misconduct reports involve more than one student, multiple students may be present for the conduct meeting. More than one conduct officer may also be present. Conduct meetings are not recorded.

a. Notification of Rights

The student is presented with a Notification of Rights form at the conduct meeting outlining their rights within the student conduct process. Students are asked to sign the Notification of Rights form to acknowledge their rights and awareness of the conduct process.

b. Statement of Responsibility

The conduct officer will also present the student with a Statement of Responsibility form. The Statement of Responsibility lists the Student Conduct Code violation(s) the student is charged with based on the written report. This form may be completed and signed by the student at the conduct meeting or may be signed and returned within three business days. The student can choose to take responsibility for or deny responsibility for the conduct code violation(s) indicated in the report and listed in the Statement of Responsibility. A signed Statement of Responsibility is considered the student's formal response to the allegations of misconduct.

If it becomes clear during the conduct meeting that further investigation and information is needed regarding the complaint, the conduct officer may elect to hold or amend the Statement of Responsibility until additional information is provided or obtained.

c. Decision

The conduct officer will issue a decision letter within five business days of the conduct meeting, unless additional investigation is required. If the student admits responsibility during the conduct meeting, the conduct officer will issue a finding of responsible and assign appropriate sanctions. If the student and the conduct officer agree the student is not responsible, a finding of not responsible will be issued with no assigned sanctions.

If the student does not admit to some or all reported code violations, the conduct officer will use a preponderance of the evidence standard to determine whether the student is responsible or not responsible for the reported code violation(s). If the conduct officer determines a preponderance of evidence indicates the student is not responsible for the code violation(s) indicated in the report, the student will be found not responsible and the decision will be reflected in the student's conduct file. If the conduct officer determines a preponderance of the evidence indicates the student is responsible for the code violation(s) reported, the student will be found responsible and the decision along with assigned sanctions will be reflected in the student's conduct file.

6. University Conduct Boards

The University Conduct Board is a formal but non-adversarial setting that may be used to resolve incidents reported student misconduct. University Conduct Boards are recorded and held on the record. Relevant information regarding reported student misconduct is presented to the University Conduct Board to determine responsibility and sanctions if warranted. A responding student is allowed a reasonable opportunity to prepare and present their response to the University Conduct Board.

University Conduct Boards serve as recommending bodies for situations involving serious allegations of student misconduct and serious potential sanctions. They are also used for incidents of student misconduct

that, in the judgment of the conduct officer, cannot be resolved effectively in a conduct meeting. The Dean of Students and the lead conduct officer have discretion to convene a University Conduct Board. Examples of situations which may lead to the convening of a University Conduct Board are incidents involving:

- violence.
- the sale or distribution of illegal drugs or controlled substances.
- personal injury or acts of extreme negligence.
- subject to concurrent resolution by criminal authorities.
- students with prior conduct violations.
- a conduct officer, in consultation with the Dean of Students Office, requests a University Conduct Board.
- potential suspension or expulsion from the residence halls or the University.

The above list is not exhaustive. It lists examples of situations in which a University Conduct Board may be convened to hear incidents of student misconduct.

a. University Conduct Board Members

The lead conduct officer will select and train members of the University Conduct Board. In general, the lead conduct officer will select five members for a University Conduct Board meeting – one conduct board chairperson, one Residence Life Area or Hall Director, two faculty and/or staff members, and one student representative. The lead conduct officer has discretion regarding the composition of any University Conduct Board. There may be more or fewer than five members on a given University Conduct Board due to the availability of its members, particularly during the Summer or J-Term sessions. However, a University Conduct Board will have a minimum of three members including a chairperson.

(i) **Conduct Board Chairperson.** The University Conduct Board chairperson is a faculty or staff member selected and trained by the Dean of Students Office. The chairperson works closely with the lead conduct officer before and after a conduct board meeting. The chairperson will conduct and lead the Conduct Board meeting and maintain the audio recording of the proceedings. All questions, including questions regarding conduct board procedures, should be directed to the chairperson during the meeting. Decisions regarding responsibility for incidents of student misconduct and sanctions are rendered by a majority vote of all voting members of the conduct board. The conduct board chair will only vote in the case of a tie. The lead conduct officer may be present for the conduct board meeting and deliberations but will not vote.

(ii) **Residence Life Area or Hall Director.** One Residence Life Area Director or Hall Director will be selected for each University Conduct Board. Residence Life Area and Hall Directors are trained by the Associate Director of Residence Life and the lead conduct officer regarding University conduct policies and procedures.

(iii) **Faculty/Staff Member.** University staff are recruited and approved by the Dean of Students and/or the Vice President for Student Affairs. Faculty are recruited by the Dean of Students and/or appointed by the Faculty Senate. Faculty and staff members are trained throughout each academic year to hear incidents of student misconduct by the lead conduct officer.

(iv) **Student Representative.** Undergraduate students are recruited and selected by the lead conduct officer. Student representatives must have a minimum 2.50 GPA and must not be on academic or

conduct probation. Student representatives are trained throughout each academic year to hear incidents of student misconduct by the lead conduct officer.

b. University Conduct Board Procedures

The lead conduct officer reviews incidents of student misconduct to determine which are referred to a University Conduct Board. This determination may be made in consultation with the Dean of Students and other conduct officers. All members of the University Conduct Board are on a 'need to know' status with respect to information in the conduct file and information presented at the University Conduct Board meeting.

Students whose allegations of misconduct are referred to a University Conduct Board will meet with the lead conduct officer to determine a date and time for the University Conduct Board meeting. The meeting with the lead conduct officer is an opportunity for the student to review the formal report, review and complete the Notice of Rights and Statement of Responsibility forms, and review the University Conduct Board processes.

(i) Overview

The University conduct process is an educational process – the rules of evidence and procedures found in the criminal justice system do not apply.

University Conduct Board meetings are conducted in private. There will be a single verbatim audio recording of all conduct board meetings, which is the property of St. Thomas. Hand-written notes of the conduct board chairperson may suffice as a record when a verbatim recording cannot be made due to technical or other issues.

The University Conduct Board may accommodate reasonable concerns for the personal safety, well-being, and/or fears of confrontation of a responding student and/or other witnesses during the conduct board meeting. Separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, video recording, audio recording, written statement, or other means will be used when the Dean of Students or the lead conduct officer along with the conduct board chairperson deems appropriate.

(ii) Attendance

The responding student(s) (and their support person) may attend the entire portion of the conduct board meeting in person, or remotely at the discretion of the conduct board chair. The responding student(s) will not be present for deliberations. Admission of any other person to the conduct board meeting is at the discretion of the conduct board chair.

If a responding student does not appear before a University Conduct Board, the conduct board meeting will take place as scheduled. Information in support of the reported violations will be presented and considered by the conduct board, which will determine responsibility and/or sanctions, without input from the responding student.

All persons present at a University Conduct Board meeting are expected to abide by these rules of procedure and conduct themselves in a civil and respectful manner. It is a violation of this Student Conduct Code for any person to disrupt, obstruct, or otherwise interfere with the conduct board process. Persons who are disruptive or otherwise interfere with the conduct board process may be excluded or removed from the conduct board proceeding at the discretion of the chairperson.

It is the discretion of the conduct board chair whether the board reviews student's conduct separately or jointly in incidents involving more than one accused student.

(iii) Guidance and Support

- **Lead Conduct Officer:** The lead conduct officer will provide guidance about the University Conduct Board process and procedure to the responding student. The lead conduct officer may assist the responding student in preparation for the University Conduct Board meeting. The responding student has the right to request a conduct advisor other than the lead conduct officer.

- **Support Person:** A responding student may have a third party, such as a parent or attorney, attend the University Conduct Board meeting in a supportive capacity provided their presence does not violate relevant data privacy laws. A support person may not actively participate in the conduct board meeting. A support person who does not abide by these procedure rules may be asked to leave the conduct board meeting and the student they are supporting may be held responsible for their conduct. Data privacy laws may preclude or limit the attendance of third parties in incidents involving multiple students and may limit a support person's ability to view some or all documents involved in the meeting.

(iv) Witnesses

A responding student may arrange for witnesses to present pertinent information to the conduct board. Questions of whether potential information from witnesses is pertinent shall be resolved at the discretion of the conduct board chair. Witnesses will provide information to and answer questions from the conduct board. Only conduct board members will question witnesses. Responding students may submit questions to the conduct board chair to be posed to witnesses. At the discretion of the conduct board chair, witnesses or other persons present at the conduct board meeting may also suggest questions to be posed by the conduct board chair. This method is used to preserve the educational tone of the meeting and to avoid an adversarial environment. The University will aid students in seeking to arrange attendance by witnesses who are members of the St. Thomas community if the student identifies them at least two business days prior to the conduct board meeting.

(v) Evidence

All pertinent records, exhibits, and written statements, including impact statements of harmed parties, may be submitted for consideration by a conduct board at the discretion of the chairperson. A responding student has the right to give their own testimony and present documentation or other evidence on their own behalf. Such rights are subject to reasonable limitation in order to avoid unduly prolonged meetings. Character references are allowed at the discretion of the conduct board chair.

(vi) The University

As the charging party, the University may call witnesses to the incident and present pertinent documentation, exhibits, and written statements subject to the same conditions stated in sections above. The University Conduct Board may also be advised by University counsel (where appropriate) but counsel will not participate in the proceeding except as an advisor.

(vii) Deliberations

The University Conduct Board meeting will conclude after all information regarding the incident of reported student misconduct is presented. The conduct board will deliberate to determine whether the responding student is responsible for violating the Student Conduct Code. The University Conduct Board will use the preponderance of the evidence standard (whether it is more likely than not the responding student violated the Student Conduct Code) when determining findings of responsibility. The conduct board will decide by a majority vote; the board chair will only vote in the case of a tie. University Conduct Board deliberations are closed to all persons except members of the conduct board. The lead conduct officer and/or the Dean of Student's designee is an advisor to the University Conduct Board and may be present for deliberations. Deliberations are not recorded.

(viii) Procedural Changes

These procedures are followed to the greatest extent practical with the understanding they are intended to be fair and flexible to achieve the University's educational objectives. All procedural questions are subject to the final decision of the conduct board chairperson. The chair has broad discretion and authority with regard to changes, alterations, and modifications of conduct board procedures in a given meeting. The chair may make such changes, alterations, or modifications as they deem necessary in the interests of allowing the conduct board to receive appropriate information during the meeting when determining responsibility regarding student misconduct.

(ix) Decisions and Sanctions

If the conduct board determines the responding student is responsible for violating the Student Conduct Code, the board will consider appropriate sanctions. The conduct board may review the responding student's conduct history and may use prior violations when recommending appropriate sanctions.

A student's conduct history generally will not be considered when determining responsibility of the reported code violations before the board unless a prior violation is directly related or relevant to the incident before the University Conduct Board. Consistent with this practice, generally, only the board chair will have access to a student's conduct history when the issue of responsibility has not yet been determined by the Board. A student's conduct history will be considered in determining sanctions. All board members are provided with the student's conduct history when the student has admitted responsibility for one or more of the reported Student Conduct Code violations. In other incidents, the Dean of Students has sole discretion when to share a student's conduct history with the University Conduct Board.

Decisions of responsibility and sanctions made by the University Conduct Board are recommendations submitted in writing to the Dean of Students and signed by the board chair and the lead conduct officer. The Dean of Students may accept the conduct board's recommendations in full, or amend, modify, or change decisions made by the University Conduct Board. A signed decision letter, including information regarding appeals, will be presented to the responding student within five business days of the conduct board meeting.

B. APPEALS

1. Grounds for Appeal

An appeal is not a rehearing of the conduct incident. A student may appeal on one or more of the following grounds:

1. **The decision was made contrary to existing University policy.**
2. **Information used to reach the decision was incomplete and/or inaccurate.** There has been discovery of new evidence by the appealing party that was not reasonably available at the time of the decision that could affect the outcome of the matter.
3. **Circumstances beyond the control of the student kept the student from responding to the allegations in a timely manner.**
4. **There is evidence of a substantial violation of the appropriate conduct procedures.** The original conduct meeting was not conducted within the prescribed procedures to allow the responding student a reasonable opportunity to present their response to allegations of student misconduct or the decision was not based on a preponderance of evidence.
5. **The sanctions imposed are substantially disproportionate to the severity of the violation**.

2. Submitting an Appeal

Responding students may appeal a decision by submitting an appeal form and an accompanying letter explaining the appeal to the Dean of Students Office by e-mail or in person, to the front desk. Appeal forms must be submitted within five (5) business days of the decision letter. Appeal forms are furnished by the conduct officer or the Dean of Students Office. Once an appeal form is received, the Dean of Students Office will direct the appeal form to the appropriate appeal officer or committee.

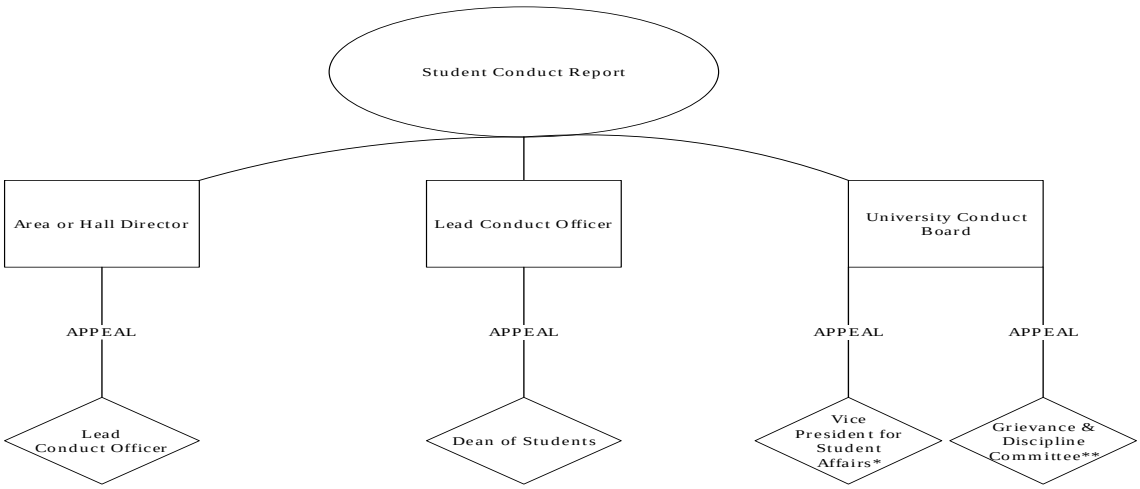
3. Appeal Procedures

Responding students have the right to appeal the decision and/or sanctions of their conduct meeting to one appeal officer. The decision of the appeal officer is considered final.

Original Conduct Officer	Appeal Officer	Appeal Format
Area or Hall Director	Lead Conduct Officer	Appeal meeting with Lead Conduct Officer
Lead Conduct Officer	Dean of Students	Appeal meeting with Dean of Students
University Conduct Board*	Vice President for Student Affairs	Appeal meeting with Vice President for Student Affairs (optional Appeal Board)
University Conduct Board**	Vice President for Student Affairs	Grievance & Discipline Committee

*Appeals of the University Conduct Board that do not involve removal from the residence halls or suspension and/or expulsion from the University are heard by the Vice President for Student Affairs.

**Appeals of the University Conduct Board that involve removal from the residence halls or suspension or expulsion from the University are heard by the Grievance & Discipline Committee.



Appeal procedures vary depending on the original conduct meeting or hearing held.

4. Conduct Meeting Appeals

Appeals of decisions following a conduct meeting will be directed to the lead conduct officer. If the lead conduct officer was the original conduct officer, the appeal is submitted to the Dean of Students. Appeals will be resolved by the appeal officer (the lead conduct officer or Dean of Students) through an appeal meeting.

The appeal officer will meet with the appealing student to discuss the grounds for appeal indicated by the student. The appeal officer will use a preponderance of the evidence standard to decide the appeal. This means, does the record and supporting evidence indicate it is more likely than not one or more of the appeal grounds are met. A signed decision letter will be presented to the student within five (5) business days. The decision of the appeal officer is considered final.

5. Appeal of a Decision Following a University Conduct Board Meeting

a. Appeals of Decisions that Do Not Involve Removal from Residence Halls, Cancellation of a Residence Agreement, or Suspension or Expulsion from the University

Appeals of a decision made by the Dean of Students following a University Conduct Board meeting that does not involve removal from the residence halls, cancellation of a residence agreement, and/or suspension or expulsion from the University will be heard by the Vice President for Student Affairs. Only the responding student may appeal the decision made by the Dean of Students following a University Conduct Board meeting. Appeals of the Dean of Student's decision following a University Conduct Board meeting are not eligible for consideration under faculty, staff, or student grievance policies or processes. The President has discretion to modify a decision in exceptional circumstances.

(i) Procedure

The Vice President for Student Affairs does not rehear the conduct incident; they review the decision of the original University Conduct Board. The Vice President for Student Affairs may review as much information as deemed necessary to reach a conclusion, including review of the original University Conduct Board verbatim record and requesting a meeting with the chairperson of the original conduct board. The Vice President for

Student Affairs will limit their review of the original University Conduct Board decision to determine whether information before the conduct board reasonably supported its conclusions and whether there is a preponderance of evidence that the appeal grounds have been met. The Vice President for Student Affairs reserves the right to appoint an Appeal Board to hear the appeal.

(ii) Appeal Board

If the Vice President for Student Affairs appoints an Appeal Board to hear the appeal of the Dean of Students' decision following a University Conduct Board meeting, the following procedure will apply:

The Vice President for Student Affairs will appoint five Appeal Board members – a chairperson, a residence life area/hall director, two faculty and/or staff members, and one student – who were not involved in the original University Conduct Board meeting. All members of the University Conduct Board are trained to hear incidents of student misconduct appeals.

The Appeal Board does not rehear the conduct incident, it reviews the decision of the original University Conduct Board. The board may review as much information as it deems necessary to reach a conclusion, including a review of the original University Conduct Board verbatim record and requesting the chairperson of the original conduct board appear before the Appeal Board. The Appeal Board will determine, at its sole discretion, whether to invite the appealing student or witnesses to speak at any such meeting or whether to decide the appeal based solely on the record for the matter. The Appeal Board is not to substitute its judgment for that of the original University Conduct Board. The Appeal Board should respect the credibility and judgments made by the original University Conduct Board, unless the second appeal ground is asserted and new evidence is submitted, in which case the new information may be considered. The Appeal Board should limit its review of the original University Conduct Board decision to determine whether information before the conduct board reasonably supported its conclusions. The Appeal Board makes a recommendation to the Vice President for Student Affairs. The Vice President for Student Affairs may accept the appeal board's recommendations in full, or amend, modify, or change decisions.

(iii) Decision

The Vice President for Student Affairs will make one of the following decisions after considering the appeal:

(i) Uphold the original decision of responsibility and sanction(s);

(ii) Uphold the original decision and reduce or increase the original sanction(s);

(iii) Order a new University Conduct Board meeting or request that the Conduct Board consider new or additional information;

(iv) Reverse the original decision and drop charges and sanctions.

The Vice President for Student Affairs will communicate the decision to the appealing student within five business days. Unless a new University Conduct Board is ordered, the decision of the Vice President of Student Affairs will be considered final.

b. Appeals of Decisions Involving Removal from Residence Halls, Cancellation of a Residence Agreement, Suspension or Expulsion from the University

Appeals of a decision made by the Dean of Students following a University Conduct Board meeting that involve removal from the residence halls, cancellation of a residence agreement, and/or suspension or

expulsion from the University will be heard by the Grievance and Discipline Committee. The scope of appeal may be expanded at the discretion of the Dean of Students. The Grievance and Discipline Committee is a recommending body to the Vice President for Student Affairs regarding student conduct.

(i) Grievance and Discipline Committee Members

The Grievance and Discipline Committee consists of a pool of five faculty, three staff, and four students. Faculty membership is determined by the Faculty Organization Plan. Staff and student representatives are chosen by the lead conduct officer from staff and students who serve on the University Conduct Board. The chairperson is chosen annually from the faculty representatives. The specific structure, membership, and function of the Grievance and Discipline Committee can be found on the Student Bill of Rights webpage.

The Grievance and Discipline Committee chairperson will generally select one additional faculty member, one staff member, and two students from its membership to serve as an appeal board to consider a particular appeal. The Grievance and Discipline Committee chairperson serves the same role as the University Conduct Board chairperson. To the extent an appeal meeting is held, the committee is subject to the same conduct procedures and procedural latitude discretion as those governing University Conduct Boards.

(ii) Lead Conduct Officer

The lead conduct officer works closely with the Grievance and Discipline Committee chairperson and acts as the liaison between the Dean of Students Office and the committee. The lead conduct officer brings conduct expertise and context to the committee by fulfilling the roles of advisor, counselor, and clerk. The lead conduct officer may be present for all meetings before the Grievance and Discipline Committee and any appeal board thereof and may also be present for deliberations.

(iii) Procedure

The Grievance and Discipline Committee appeal board will examine facts presented in the appealing student's appeal letter to determine if there is sufficient information to hear the appeal. If there is sufficient information to hear the appeal, the Grievance and Discipline Committee appeal board will investigate the appeal and hold a meeting. The Grievance and Discipline Committee appeal board will determine, at its sole discretion, whether to invite the appealing student or witnesses to speak at any such meeting or whether to decide the appeal based solely on the record for the matter.

The Grievance and Discipline Committee appeal board does not rehear the conduct incident; it reviews the decision of the original University Conduct Board. The committee may review as much information as it deems necessary to reach a conclusion, including review of the original University Conduct Board verbatim record and requesting the chairperson of the original conduct board appear before the Grievance and Discipline Committee. The Grievance and Discipline Committee is not to substitute its judgment for that of the original University Conduct Board. The committee should respect the credibility and judgments made by the original University Conduct Board, unless the unless the second appeal ground is asserted and new evidence is submitted, in which case the new information may be considered. The Grievance and Discipline Committee should limit its review of the original University Conduct Board decision to determine whether information before the conduct board reasonably supported its conclusions.

(iv) Decision

The Grievance and Discipline Committee will make one of the following recommendations to the Vice President for Student Affairs after considering the appeal:

1. Uphold the original decision of responsibility and/or sanction(s);
2. Uphold the original decision and reduce or increase the original sanction(s);
3. Order a new University Conduct Board meeting or request that the Conduct Board consider new or additional information;
4. Reverse the original decision and drop charges and sanctions.

The Grievance and Discipline Committee chairperson will submit its recommendation to the Vice President for Student Affairs. The Vice President for Student Affairs may accept the committee recommendations in full or may amend, modify, and change recommendations made by the committee. The Vice President for Student Affairs will communicate the decision to the appealing student within five business days of receiving the Grievance and Discipline Committee's recommendation. Unless a new University Conduct Board is ordered, the decision of the Vice President of Student Affairs will be considered final.

C. Special Conduct Board/Special Appeal Board

The Dean of Students has discretion to convene Special Conduct Boards and the Vice President of Student Affairs has discretion to convene Special Appeal Boards. These special panels serve in the capacity of a University Conduct Board or an Appeal Board.

Special Conduct Boards/Special Appeal Boards are reserved for situations involving student misconduct that are not or cannot be adequately reviewed under the procedures set forth above. Situations include:

- incidents of student misconduct that do not squarely fit within the University conduct process;
- decisions made regarding incidents of student misconduct that are subject to overlapping University processes and/or jurisdictions;
- appeals that take place when a Conduct Board or Appeal Board or Discipline and Grievance Committee cannot be convened, such as the summer months and J-Term; or
- the Dean of Students or Vice President for Student Affairs determines that a Special Conduct Board/Special Appeal Board is appropriate in a given circumstance.

Special Conduct Boards/Special Appeal Boards generally will operate under the same guidelines and procedures as all other University conduct bodies. They have discretion to change procedures as appropriate to the circumstances. A Special Appeal Board will give the same deference and respect for the credibility of prior decisions rendered by a conduct officer, University official, or other conduct body as is given by an appeal board or Grievance & Discipline Committee to decisions made by a University Conduct Board.

Special Conduct Boards/Special Appeal Boards consist of three to five members selected by the Vice President for Student Affairs in consultation with the Dean of Students on a case-by-case basis. Special Conduct Board/Special Appeal Board members are selected from University Conduct Board and Appeal Board members trained to hear student conduct issues.

D. Combined Conduct/Title IX Procedure

Some conduct incidents may involve elements of sexual misconduct and other forms of student misconduct. The Dean of Students and the Title IX Coordinator will review incidents involving student misconduct and sexual misconduct to determine the best process to address all violations. Students involved in such incidents will be informed in writing of the process to be followed. The Dean of Students and the Title IX Coordinator

have discretion to handle all reported violations through the conduct process, the Sexual Misconduct process, a combined process, or through two separate processes.

E. Note on Deadlines in the Conduct Process

All time limits and deadlines stated in this Student Conduct Code are followed to the greatest practical extent. However, time limits stated in this Student Conduct Code may be extended at the discretion of conduct officers, the lead conduct officer, and/or the Dean of Students, provided it is reasonable and does not result in an undue burden on the student or the conduct process. Time limits are flexible in consideration of the sometimes competing interests of fairness, the nature of the academic calendar, and the realities of the student conduct process.

SECTION V. SANCTIONS

One or more of the following sanctions may be imposed upon any student for any single violation of the Student Conduct Code.

A. Formal Warning

An official written notice that the student has violated one or more University rules or policies. More severe conduct action or sanctions will result if the student is involved in future Student Conduct Code violations.

B. Formal Reprimand

Similar to a warning but more serious in nature. A formal reprimand is a written notice to the student indicating any future violations of University rules or policies will likely result in a minimum sanction of conduct probation.

C. Conduct Probation

An adjustment to a student's status during which a student must conduct them self in an exemplary manner. A student found responsible for violating the Student Conduct Code while on conduct probation may lose their residential student status and may be suspended or expelled from the University. Students on conduct probation may not apply to, hold an active application for, or participate in University approved study abroad programs. Conduct probation could impact participation in other University programs and activities. Conduct probation may also affect a student's ability to apply for some student leadership positions. Students placed on conduct probation are required to complete a behavior contract with their conduct officer.

D. Parent/Guardian Notification

The University may contact the parent(s) or guardian of a student under the age of 21 found responsible for violations involving alcohol and other drugs that are also a violation of Minnesota state law.

E. Loss of Privileges

A denial of specified privileges for a designated period of time. Examples include restricting a student's access to certain parts of the campus, access to University computing and technology services, use of University property, participation in University clubs and organizations as well as University-sponsored activities and events.

F. Confiscation of Prohibited Property

Items whose presence is a violation of the Student Conduct Code or other applicable policies will be confiscated and become the property of the University. Prohibited items may be returned to the owner at the discretion of the Department of Public Safety.

G. Fines

Fines may be imposed as a sanction for some violations.

H. Community Service

Students may be assigned a designated number of community service hours for some violations.

I. Restitution

Compensation for damage caused to the University or any person's property. Repayment for labor costs and/or the value of property destroyed, damaged, consumed, or stolen.

J. Educational Sanctions

Requirement to attend, present, and/or participate in a program related to the violation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or was found responsible. Examples include alcohol education course(s), marijuana education course(s), requirement to undergo counseling and/or assessments for chemical use, attending community court, attending a workshop or seminar, formal apologies, mediation, completing educational programming, adherence to behavioral contracts, or the fulfillment of other sanctions dictated by the circumstances of the offense.

K. Registration Hold

A hold may be placed on a student's registration and/or transcripts if the student fails to complete assigned sanctions, fails to comply with directives of a University official, or fails to comply with the conduct process. A registration hold restricts a student's ability to register for courses. A transcript hold restricts a student's ability to access their official transcripts from the Registrar's Office.

L. Registration Cancellation

The Dean of Students Office may cancel a student's registration for failure to comply with the conduct process.

M. Loss of Status as a Residential Student

The University may remove a student from the residence halls or terminate a student's housing agreement. Students removed from University housing are expected to vacate their residence and complete all checkout procedures within 48 hours of the issuance of this sanction.

1. Removal from University Residence Facilities

A student removed from University housing for a defined period of time is not allowed to enter a University residence facility for any reason during the removal period. The conduct officer or University Conduct Board will consult with the Department of Residence Life to set housing readmission criteria, if any, for the student.

2. Termination of Housing Agreement

A student whose residence agreement is terminated is permanently removed and prohibited from living in a University residence facility. A student with a cancelled residence agreement cannot enter a University residence facility for any reason for the remainder of their educational career at St. Thomas.

N. Change of Residential Status

Requirement to change rooms or residence halls, loss of privileges, such as visitation and hosting guests, and restrictions on access to residential facilities, may be imposed.

O. Suspension from the University

The separation of a student from the University for a defined period of time. The student is eligible to return to the University after the suspension period expires. Re-enrollment criteria may be specified. The period of suspension shall be no less than the balance of the semester during which the conduct meeting occurs. Suspension may be immediate or delayed to a future academic term. Academic coursework will not be accepted on or after the effective date of the suspension and the student will be withdrawn from all courses. The notations on the student's transcript will be determined in accordance with the academic calendar.

A suspended student is trespassed from University premises for the duration of the suspension. The Dean of Students Office may hold a suspended student's conduct file indefinitely.

P. Expulsion from the University

The permanent separation of the student from the University. Expulsion is a permanent removal of a student from the University community. An expelled student is trespassed from University premises. Academic coursework will not be accepted on or after the effective date of the expulsion and the student will be withdrawn from all courses. The notations on the student's transcript will be determined in accordance with the academic calendar. Expulsion is the most severe penalty the University can issue. The Dean of Students Office will hold an expelled student's conduct file indefinitely.

Q. Revocation of Admission

The University may revoke a student's admission to St. Thomas for fraud, misrepresentation, or other violations of University standards in obtaining admission. The University may also revoke admission for other serious violations committed during the application process, subsequent to the application process, or prior to actual enrollment and attendance at the University.

R. Withholding of Degree

The University may withhold a student's degree otherwise earned until the student completes the student conduct process, and for serious violations, following the conclusion of the conduct process. A student must complete all sanctions or conditions imposed by the student conduct process.

S. Other Sanctions

Additional or alternate sanctions may be created and designed as deemed appropriate to the violation with the approval of the lead conduct officer or designee.

T. Sanction Notes

All sanctions become part of a student's conduct file and may be considered in the review and process of future incidents of student misconduct when a student has been found responsible for student conduct code violations.

1. Sanction Guidelines

The University does not provide sanction guidelines due to the vast scenarios involved in student misconduct. The University provides conduct officers, conduct board members, and other conduct officials with informal sanction guidelines. The informal guidelines provide a measure of consistency and flexibility in the application of sanctions. They are not published or available to those persons not involved in the conduct process.

2. Student Organization Sanctions

Sanctions may be assigned to individual students or organizations. In addition to the above sanctions, student groups may incur:

- Loss of selected rights and privileges for a specified period of time.
- Deactivation – Loss of all privileges, including University recognition, for a specified period of time.

The conduct rights and processes governing the activities of University sponsored clubs and organizations are found within the Undergraduate Club and Organization Handbook.

3. Student Conduct Records

Student conduct records are educational records. Assigned sanctions become part of the student's conduct record. The file of students suspended or expelled from the University and/or the residence halls may be held indefinitely by the Dean of Students.

4. Financial Costs Associated with Suspension and Expulsion

Students suspended or expelled from the University and/or suspended, expelled, or otherwise removed from the residence halls are not entitled to a refund of tuition or other costs. Students suspended or expelled from the University may incur other financial penalties in the form of lost financial aid and scholarships. Suspended or expelled students should refer to the University Withdrawal Policy.

SECTION VI. AUTHORITY

A. Executive Authority

The Dean of Students, the Vice President for Student Affairs, the Director of Residence Life, or their designee have authority to make decisions and take actions regarding matters of student misconduct. This includes the

right to establish and make adjustments to any rule or guideline in a given case. The Dean of Students and or the Vice President for Student Affairs may exercise executive authority at their discretion.

B. Conduct Officer

Conduct officers resolve incidents of student misconduct. They determine whether a student is responsible or not responsible for Student Conduct Code violations and issue appropriate sanctions to students found responsible.

The term "conduct officer" specifically applies to:

- Area and Hall Directors in the Department of Residence Life.
- The Director and Associate Director of Residence Life.
- The Associate and Assistant Dean of Students, including the lead conduct officer.
- The University Conduct Board chairpersons and other University staff designated by the Dean of Students on a case-by-case basis.

All conduct officers are vested by the University with the authority to resolve incidents of student misconduct by:

- Reviewing written reports of student misconduct and other evidence, if any.
- Facilitating conduct meetings with responding students and determining responsibility for Student Conduct Code violations.
- Issuing sanctions when finding responding students responsible for violating the Student Conduct Code using a preponderance of evidence standard.
- Assuring students complete sanctions received as a result of the conduct process.
- Requesting the Dean of Students Office place a hold on a student's registration and/or transcripts for failure to comply with the University conduct process, including failure to comply with a notice or directive of a conduct officer or failure to complete sanctions.
- Requesting the Dean of Students Office cancel a student's registration for failure to comply with the University conduct process, including failure to comply with a notice or directive of a conduct officer or failure to complete sanctions.
- Referring incidents of student misconduct that cannot be resolved at a conduct meeting to the lead conduct officer for further process, including a recommendation that a matter be referred to the University Conduct Board.
- Representing the Department of Residence Life as member of University Conduct Board.
- Referring the incident for additional or direct investigation.

The lead conduct officer and the Associate Director of Residence Life will act in concert to assign incidents of student misconduct to the appropriate conduct officer. In general, the Associate Director of Residence Life will assign incidents of student misconduct that occur in a residence facility or committed by residential students to the appropriate conduct officer in Residence Life. The lead conduct officer will assign incidents of student misconduct that occur outside of a University residence facility and/or incidents of student

misconduct committed by nonresidential students to the appropriate conduct officer in the Dean of Students Office.

1. Lead Conduct Officer

The lead conduct officer is the Assistant Dean of Students and/or the Associate Dean of Students of the Dougherty Family College and is the Dean of Student's designee. The lead conduct officer maintains oversight of the University conduct process. The lead conduct officer has broad latitude and discretion in working with students involved in the conduct process but does not have executive authority to act outside the conduct process without the consent and approval of the Dean of Students or the Vice President for Student Affairs.

The lead conduct officer shall develop University student conduct policies and procedures. The lead conduct officer will also oversee University Conduct Board procedures consistent with provisions in this Student Conduct Code. The lead conduct officer has all the authority of a conduct officer, plus:

- Determine which incidents of student misconduct will be referred to the appropriate conduct officer(s) for conduct meetings, in consultation with the Associate Director of Residence Life.
- Determine which incidents may be referred to a University Conduct Board, upon referral from the Department of Public Safety and/or Department of Residence Life. The lead conduct officer may make such determination in consultation with the Associate Director of Residence Life, other conduct officers, and the Dean of Students.
- Determine the composition of the University Conduct Board.
- Serve as an advisor to University Conduct Board and work in conjunction with the University Conduct Board chairperson. The lead conduct officer may be present for all University Conduct Board meetings and deliberations.
- Serve as advisor, counselor, administrator, and observer to the Grievance Committee. The lead conduct officer may be present for all Grievance Committee meetings and their deliberations.
- Schedule, send notices, and prepare documentation for University Conduct Boards.
- Place registration and/or transcript holds for students who fail to comply with the University conduct process, including failure to comply with a notice or directive of a conduct officer or failure to complete sanctions.
- Direct the Registrar to cancel the registration of students who fail to comply with the University conduct process, including failure to comply with a notice or directive of a conduct officer or failure to complete sanctions.
- Refer reports of serious misconduct to the Dean of Students for evaluation and possible immediate action requiring executive authority, including interim suspension pending the conduct process.
- Create and implement appropriate training for conduct officers in the Department of Residence Life in conjunction with the Associate Director of Residence Life.
- Create and implement appropriate training for University personnel involved in the conduct process, including members of University Conduct Board.
- Provide students with assistance, advice, and counseling regarding the conduct process, including helping students prepare for the University Conduct Board.

- Maintain a pool of trained conduct advisors who are available to help students prepare for University Conduct Boards.

The lead conduct officer, with the Dean of Student's approval, may delegate portions of the above duties to other conduct officers or members of the Dean of Students Office staff. The Dean of Students may delegate any duties of the lead conduct officer to another conduct officer or member of the Dean of Students Office staff when the lead conduct officer is unavailable.

2. Associate Director for Residence Life – Lead Residence Life Conduct Officer

The Associate Director of Residence Life is the lead conduct officer in the Department of Residence Life. The Associate Director supervises all Residence Life conduct officers and oversees the University conduct process in the Department of Residence Life. The Associate Director will work with the lead conduct officer to ensure:

- Reports of student misconduct are assigned to and processed by the appropriate conduct officer(s).
- Training is provided to Residence Life staff involved in the University conduct process.
- Advice and assistance is available to students regarding the conduct process.
- Residence Life conduct officers serve as members of the University Conduct Board.
- An appropriate Residence Life staff member may act as the Associate Director's designee in the Associate Director's absence.

The Associate Director, in consultation with the Director of Residence Life and the Dean of Students Office, has the authority to remove students from a residence hall on an interim basis.

SECTION VII. CONDUCT RECORDS, PRIVACY AND PARENTAL CONTACT

A. Conduct Records

Educational records are held by the Dean of Students Office regarding incidents of student misconduct that have been referred to the University conduct process. Conduct records are not part of the student's permanent academic record.

1. Retention Period

The Dean of Students will retain electronic student conduct records for the time periods required and to the extent necessary to comply with relevant data reporting laws, typically up to seven years after a student's graduation. Conduct records of students who are expelled or who withdraw from the University prior to the initiation or completion of the conduct process may be held indefinitely, at the discretion of the Dean of Students. Students whose conduct files are subject to being held indefinitely may petition the Dean of Students for removal and destruction seven years after graduation or, if not graduated, seven years from the date they last attended classes at St. Thomas. It is the discretion of the Dean of Students whether to grant such a petition.

In situations involving both a responding student (or student club or organization) and a student reporting to be the victim of another student's conduct, records of the process and any sanctions imposed may be considered the educational records of both the responding student and the reporting student.

The audio recording of a conduct board meeting and any other audio recording made by the University of a conduct-related meeting with a student is not considered part of the official conduct record. Audio recordings of meetings generally will be destroyed thirty (30) days after the decision on appeal or if there is no appeal, 30 days after the time for appealing has expired, unless the Dean of Students or Lead Conduct Officer, in their sole discretion, determine that there is reason to keep the audio recording or there is a legal requirement to retain the recording.

2. Privacy

All conduct records kept in the normal course of the University conduct process are the property of the University of St. Thomas and are subject to the data privacy restrictions found in University policies and federal and state law. Third parties generally will not have access to a student's conduct record without written permission provided by the student. Information from student conduct records may be shared with other University departments and officials, including but not limited to Residence Life, Study Abroad and Athletics, at the discretion of the Dean of Students or Lead Conduct Officer. The University's annual notice statement concerning the implementation of the Family Education Rights and Privacy Act of 1974 (FERPA), 20 USC 1232g, describes circumstances under which contents of such records may be disclosed without the student's consent. The University FERPA annual notice is available online.

B. Parental Notification

The Dean of Students or the Dean's designee may notify parents or legal guardians of conduct matters under conditions listed below:

1. When it is determined a student's behavior or misconduct places their or another person's immediate health, safety, or well-being at risk.
2. When a student, under 21 years-old, is placed on conduct probation for violating the Student Conduct Code for the use or possession of alcohol and/or drugs. University staff may also contact parents or guardians in this situation.
3. In incidents otherwise permitted by FERPA.

The University reserves the right not to notify parents or legal guardians in incidents when parental notification may put students or other parties at risk or there are other reasons not to provide the notification.

SECTION VIII. POLICY REVIEW, INTERPRETATION AND FLEXIBILITY

The Student Conduct Code shall be reviewed every five years under the direction of the lead conduct officer. Any question of interpretation or application of the Student Conduct Code shall be referred to the Dean of Students or their designee for final determination. Links to all relevant University policies can be found at http://www.stthomas.edu/policies/.

"It would be impossible for any committee of administration, faculty, and students to compose rules and regulations so specific as to cover every possible offense, which the fertile imagination of present day students might conceive or perpetuate." Herman v. University of South Carolina, 341 F. Supp. 226, 332 (DSC 1971). (Cited from the *Model Code*, id. 2004). The provisions in this Code are intended to be flexible so as to allow St. Thomas to fulfill its educational mission and convictions.

SECTION IX. DEFINITIONS

a. ***Associate Director of Residence Life*** – The designee of the Director of Residence Life to act in the capacity of lead conduct officer for the Department of Residence Life, unless otherwise designated by the Director of Residence Life.

b. ***Club or Organization*** – A group of persons who have complied with the formal University requirements for recognition of their club or organization.

c. ***Community Standards*** – A term that refers to the University's mission statement and convictions collectively. They are also expressed in the University's polices and applicable laws.

d. ***Complaint/Report*** – A specific written report of student misconduct. This report becomes the formal complaint that initiates the University conduct process when filed with the appropriate University conduct officer. The University presents the formal written complaint of student misconduct and is considered the reporting party in the University conduct process. Individuals who report incidents of student misconduct to the appropriate University officials may be referred to as a complainant, a charging party, an aggrieved party, a victim, or a witness.

e. ***Conduct Advisor*** – A member of the University community trained by the lead conduct officer to guide students through the conduct process.

f. ***Conduct Meeting –*** An official administrative meeting addressing an incident of student misconduct by a conduct officer. Conduct meetings are generally not conducted on the record.

g. ***Conduct Officer*** – A University official authorized by the Dean of Students on a case-by-case basis, to resolve incidents of student misconduct, make determinations of responsibility, and to assign appropriate sanctions to any student found to have violated the Student Conduct Code.

h. ***Dean of Students*** – The University officer responsible for oversight and administration of the Student Conduct Code and the University conduct process. The University vests the Dean of Students with executive authority, subject only to the Vice President for Student Affairs, to intervene and take action in matters of student misconduct. The Dean of Students may designate part or all of the administration of the Student Conduct Code to an Associate or Assistant Dean of Students. The Dean of Students reserves the right to establish and make adjustments to any rule, guideline, procedure, or decision in any incident involving student misconduct.

i. ***Director of Residence Life*** – The ranking member of the Department of Residence Life. The director may be considered the lead conduct officer for Residence Life responsible for oversight and supervision of Residence Life conduct officers. The director may delegate the role of lead conduct officer to the Associate Director of Residence Life.

j. ***Executive Authority*** – Powers vested to the Dean of Students and Vice President for Student Affairs to make decisions in matters of student misconduct on behalf of the University outside of the confines of the University conduct process and this Student Conduct Code.

k. ***Faculty Member*** – Any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.

l. ***Grievance and Discipline Committee*** – A conduct body that hears appeals of University Conduct Board meetings that result in suspension or expulsion from the residence halls and/or the University. This appeal body is convened at the direction of the Dean of Students.

m. ***Jurisdiction*** – The Student Conduct Code applies to all students and student conduct regardless of location.

n. ***Lead Conduct Officer*** – The University official charged with oversight of the student conduct process.

o. ***Preponderance of the Evidence*** – The standard of proof for finding a student responsible for reported Student Conduct Code violations. A preponderance of the evidence means that upon weighing the evidence, a conduct officer or University Conduct Board believes it is more likely than not the student has committed the violation(s) reported in the complaint.

p. ***Policy*** – The written regulations of the University of St. Thomas, or a school or college thereof, as found in, but not limited to, the University Undergraduate Student Policy Book, the University Graduate Student handbooks, this Student Conduct Code, the Residence Life Handbook, the University Policy Repository, the University computer use policies, and the University graduate and undergraduate catalogs.

q. ***Student*** – Broadly defined to include all persons taking or enrolled in courses at the University of St. Thomas, full time or part time, pursuing undergraduate, graduate, professional, or non-degree studies. Persons who withdraw after reportedly violating the Student Conduct Code, who are not officially enrolled for a particular term but have a continuing relationship with the University, who have been notified of their acceptance for admission, and persons living in University residence halls, although not enrolled at St. Thomas, are also considered students.

r. ***Reporting Party*** – A University community member who reports a Student Conduct Code violation to the Department of Public Safety, the Department of Residence Life, or the Dean of Students Office.

s. ***Responding Student*** – Any student accused of violating this Student Conduct Code.

t. ***Student Conduct Code*** – Refers to the policies and procedures contained in this document.

u. ***Student Misconduct*** – Student behavior(s) that violate this Student Conduct Code, state, federal, or local laws, and/or any other published University policies.

v. ***Third Party*** – A person who is not a University of St. Thomas community member.

w. ***University*** – The term University shall mean the University of St. Thomas.

x. ***University Conduct Board*** – A formal conduct body authorized by the Dean of Students to determine whether a student has violated the Student Conduct Code. The University Conduct Board recommends sanctions that may be assigned if a student is found responsible for a Student Conduct Code violation.

y. ***University Community Member*** – Any person who is a student, faculty or staff member, University official, or member of the Board of Trustees. A person's status in a particular situation shall be determined by the Dean of Students in consultation with other appropriate University officers.

z. ***University Official*** – Any person employed by the University of St. Thomas who performs assigned administrative or professional responsibilities.

aa. ***University Premises*** – All land, buildings, facilities, and other property in the possession or owned, used or controlled by the University of St. Thomas (including adjacent streets and sidewalks). This Student Conduct Code applies at all locations of the University, including the University campus in Rome, Italy. The terms "University premises" and "University campus" may be used interchangeably.

bb. ***Vice President for Student Affairs*** – The highest ranking University official designated by and vested with executive authority to intervene and take any action in matters of student misconduct.

The terms "may" and "should" are used in the permissive sense.

The terms "shall" and "must" are used in the imperative sense.

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