

University of St. Thomas Student Code of Conduct: Disciplinary Procedures – Non-Academic

“[S]chool regulations are not to be measured by the standards which prevail for criminal law and criminal procedure.”

—Harry A. Blackmun, associate justice of the U.S. Supreme Court

PREAMBLE

The goal and the mission of the University judicial system is the same as that of the University; it is dedicated to the moral and intellectual development of our students. It is not the civil or criminal justice system. The University judicial system is part of a private institution of higher education, and it is designed to treat students with care, concern, honor, fairness and dignity. The disciplinary process, at its heart, is an educational process meant to assure that every student will be given notice of any violation of the rules of conduct for which they have been charged and the opportunity to have their response to those charges heard.

The disciplinary process is a function of an educational institution that must, by its very nature, be flexible and efficient in order to achieve timely resolution of all allegations of student misconduct in accordance with the larger mission of the University. The structures, policies and procedures set forth below are intended to achieve these goals. The dean of students reserves the right to establish and make adjustment to any rule or guideline in any given case.

This Student Code of Conduct applies to all students at the University. Graduate students may be subject to a separate student code of conduct specific to their program(s). Where such graduate school codes of conduct exist, the program will govern the conduct and behavior of their students. Should a graduate program not have a specific code of conduct, should there be omissions or gaps in the code of conduct for a specific graduate school program, or should such codes of conduct be otherwise inapplicable, this Student Code of Conduct shall govern.

ARTICLE I: DEFINITIONS

1. The term “University” means the University of St. Thomas.
2. The term “code of conduct” or “Student Code of Conduct” in its general meaning refers to the policies and procedures contained in this document, titled “Disciplinary Procedure – Non Academic.” The term “code of conduct” in its specific meaning refers to proscribed student conduct as outlined in Article III of this document. In its specific meaning, the term “code of conduct” and “rules of conduct” may be used interchangeably.
3. The term “student” is broadly defined and meant to include all persons taking courses at the University, either full time or part time, pursuing undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered “students,” as are persons who are living in University residence halls, although not enrolled in this institution. This term also encompasses non-degree seeking students.
4. The dean of students is the officer designated by the University to be responsible for the oversight and administration of the Student Code of Conduct and the University judicial system. The dean of students is also vested with executive authority by the University, subject only to that of the vice president for Student Affairs to intervene in and take any action involving matters of student misconduct. The dean of students may designate part or all of the administration of the Student Code of Conduct to an associate or assistant dean of students. The dean of students reserves the right to establish and make adjustment to any rule, guideline, procedure or decision in any case involving student conduct.

5. The vice president for Student Affairs is the highest ranking University official designated by and vested with the executive authority of the University to intervene in and take any action involving matters of student misconduct.
6. The term “executive authority” shall be the powers designated to the dean of students and the vice president for Student Affairs to make decisions in matters of student conduct on behalf of the University outside of the specific confines of the University judicial process and this Student Code of Conduct.
7. The term “chief judicial officer” shall apply to the assistant dean of students. The chief judicial officer is the University official charged with oversight of the daily administration of the judicial process.
8. The director of residence life (director) is the ranking member of the Office of Residence Life. The director may be considered the lead judicial officer for residence life who is responsible for the direct oversight and supervision of judicial officers within that office. The director may delegate the role of lead judicial officer for residence life to the associate director.
9. The associate director of residence life, unless otherwise designated by the director of residence life, will be considered the designee of the director to act in the capacity of lead judicial officer for the Office of Residence Life.
10. The term “judicial officer” means a University official authorized on a case-by-case basis by the dean of students to adjudicate incidents of student misconduct, make determinations of responsibility and to impose sanctions upon any student found to have violated the Student Code of Conduct.
11. The term “faculty member” means 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.
12. The term “university official” includes any person employed by the University, performing assigned administrative or professional responsibilities.
13. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the dean of students in consultation with other appropriate officers of the University.
14. The terms “club” or “organization” mean any number of persons who have complied with the formal University requirements for recognition of their club or organization.
15. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks). This Student Code of Conduct applies at all locations of the University, including the University campus in Rome, Italy. The term “University premises” and “University campus” may be used interchangeably.
16. Jurisdiction: This Code of Conduct applies to all students and student conduct regardless of location.
17. The term “University Hearing Board” refers to a formal hearing body authorized by the dean of students to determine whether a student has violated the Student Code of Conduct and to recommend sanctions that may be imposed upon a determination that a code of conduct violation has been committed.
18. The “Committee on Discipline” is the forum for appeals in the University judicial process. Membership in this committee is by appointment through the faculty organization plan. This hearing body, also referred to as a “special hearing panel” in the Student Policy Book, is convened at the direction of the dean of students.
19. The terms “shall” or “must” are to be used in the imperative sense.
20. The terms “may” or “should” are to be used in the permissive sense.
21. The term “policy” means the written regulations of the University as found in, but not limited to, the University Undergraduate Student Policy Book, the University Graduate Student Handbooks, this Student Code of Conduct, the Residence Life Handbook, the University Web pages, the University computer use policies, and the University graduate and undergraduate catalogs.
22. The term “complaint” within the University judicial process refers to a specific written report of alleged student misconduct. This report, when filed with the appropriate University judicial officer, becomes the formal complaint that will commence the University judicial process. Within the context of the University judicial system, the University is the party that presents the formal written complaint of student misconduct and as such is considered as the “complainant.” For reasons of practicality and common usage, individuals who report incidents of student misconduct to the appropriate University officials may be referred to as a complainant, an aggrieved party, a victim or the witness. The term

“report” of student misconduct may be used interchangeably with the term “complaint” of student misconduct.

23. The term “accused student” means any student accused of violating this Student Code of Conduct.
24. The term “hearing” shall apply to formal hearings conducted on the record by University hearing bodies, such as University hearing boards and the Committee on Discipline.
25. The terms “dispositional conference” or “dispositional meeting” shall apply to an official administrative adjudication of an incident of student misconduct by a judicial officer. Such dispositional conferences or meetings are generally not conducted on the record.
26. The term “third party” shall refer to a person who is not a member of the University community.
27. The term “student misconduct” may be used to refer to any student behavior(s) that violate this Student Code of Conduct, state, federal or local laws and/or any other published University policies.
28. The term “preponderance of the evidence” is the standard of proof for holding a student responsible for alleged violations of the Student Code of Conduct. A preponderance of the evidence means that upon weighing the evidence, a judicial officer or hearing board believes it is more likely than not that the student has committed the violation(s) alleged in the complaint.
29. A “vicarious violation” is a code of conduct violation that applies to students who knowingly condone or assent to a violation of the Student Code of Conduct by another member of the University community or third party.
30. The term “Judicial Adviser” refers to the pool of advisers who are members of the University community who are trained by the dean of students and are available to help guide students through the disciplinary process.
31. The term “special appeals/hearing board” refers to any University hearing board convened at the direction of the vice president for Student Affairs to adjudicate incidents of alleged student misconduct that fall outside the scope of the normal judicial process.

ARTICLE II: STUDENT CODE OF CONDUCT – AUTHORITY

A. Judicial Officers, Chief Judicial Officer for the University and Lead Judicial Officer for Residence Life

1. Judicial Officers – Roles and Duties

The large majority of incidents of student misconduct are dealt with by judicial officers through dispositional conferences. Judicial officers are empowered to make decisions and resolve incidents of student code violations, including making determinations of responsibility and issuing sanctions.

The term “judicial officer” specifically applies to:

- Hall/area directors in the Office of Residence Life.
- The director and the associate director of residence life.
- The associate and assistant dean of students, including the chief judicial officer.
- The program manager in the Dean of students Office.
- The term “judicial officer” may apply to hearing board chairpersons and other University staff designated by the dean of students on a case-by-case basis.

All judicial officers are vested by the University with the power and authority to adjudicate incidents of student misconduct by:

- Reviewing written reports of student misconduct.
- Meeting with accused students at dispositional conferences to make findings of fact and determinations of responsibility for violation(s) of University rules or policies.
- Issuing sanctions where accused students are found responsible by a preponderance of the evidence for a violation of University rules or policies.
- Assuring that students who receive sanctions as a result of the judicial process complete such sanctions.
- Requesting the Dean of Students Office to place a hold on a student’s registration and/or transcripts for failure to fully comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.

- Requesting the Dean of students Office to cancel a student's registration for failure to fully comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Referring incidents of student misconduct that cannot be resolved at a dispositional meeting to the chief judicial officer for further process, including a recommendation that a matter be referred to a hearing board.
- Sitting as member of University hearing boards representing the Office of Residence Life.

The chief judicial officer and the associate director for the Office of Residence Life, who is the lead judicial officer for that office, will act in concert to assign incidents of student misconduct to the appropriate judicial officer.

In general, the associate director for residence life will assign incidents of student misconduct that take place in a residence facility or are committed by residential students to the appropriate judicial officer in residence life.

In general the chief judicial officer will assign incidents of student misconduct that take place outside of a University residence facility and/or incidents of student misconduct that are committed by nonresidential students to the appropriate judicial officer within the Dean of students Office.

2. Chief Judicial Officer – Roles and Duties

The chief judicial officer is the assistant dean of students and is the designee of the dean of students working directly under the dean of students. The chief judicial officer is charged with the oversight of the University judicial process on a day-to-day basis. The chief judicial officer has broad latitude and discretion in working with students involved in the disciplinary process but does not have executive authority to act outside the judicial process without the consent and approval of the dean of students or the vice president for Student Affairs.

The chief judicial officer shall develop policies for the administration of the University judicial process and procedural rules for the conduct of University hearing board hearings that are consistent with provisions of this Student Code of Conduct. In addition to the usual power to adjudicate incidents of student misconduct and issue sanctions granted to all judicial officers, the chief judicial officer shall have the authority to:

- Determine in consultation with the associate director of residence life, which incidents of student misconduct will be referred to the appropriate judicial officer(s) for dispositional meetings.
- Determine, upon referral of reports from the Department of Public Safety and/or Residence Life, which cases may or should be referred to a University hearing board. The chief judicial officer may make such determination in consultation with the associate director for residence life, other judicial officers and the dean of students.
- Determine the composition of University hearing boards.
- Serve as an adviser to University hearing boards and work in conjunction with the chairperson of such boards. The chief judicial officer may be present for all hearing board hearings and their deliberations.
- Serve as adviser, counselor, administrator and observer to the Committee on Discipline. The chief judicial officer may be present for all hearings of the Committee on Discipline and their deliberations.
- Schedule, send notices and prepare documentation for University hearing boards.
- Place holds on the registration and transcripts of students who have failed to comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Direct the registrar to cancel the registration of students who have failed to comply with the University judicial process, including failure to comply with a notice or directive of a judicial officer or failure to complete sanctions issued as a result of the judicial process.
- Refer reports of serious misconduct to the dean of students for evaluation and possible immediate action requiring executive authority, including interim suspension pending the judicial process.
- Create and implement appropriate training for judicial officers in the Office of Residence Life in conjunction with the associate director for residence life.

- Create and implement appropriate training for other University personnel involved in the judicial process, such as members of University Hearing Boards.
- Provide students with assistance, advice and counseling regarding the judicial process, including helping students prepare for University hearing boards.
- Maintain a pool of trained judicial advisers who are available to help students prepare for University hearing boards.

The chief judicial officer, with the approval of the dean of students, may delegate portions of the above duties to other judicial officers or members of the Dean of Students Office staff, including the program manager. The dean of students may delegate any duties of the chief judicial officer to another judicial officer or member of the Dean of Students Office staff when the chief judicial officer is unavailable.

3. Associate Director for Residence Life - Lead Judicial Officer for Residence Life – Roles and Duties

The associate director for residence life is the designee of the director of the Office of Residence Life and, as such, is considered the lead judicial officer for that office.

The associate director is the direct supervisor for all judicial officers in the Office of Residence Life and is charged with the general oversight of the University judicial process within the Office of Residence Life.

In addition to the roles and duties of the associate director as a judicial officer and as described above, the associate director will work in concert with the chief judicial officer to ensure that:

- Reports of student misconduct are assigned to and processed by the appropriate judicial officer(s) as described above.
- Appropriate training is provided for residence life staff involved in the University judicial process.
- Advice and assistance is available to students regarding the judicial process.
- Residence life judicial officers are available to sit as members of University hearing boards.
- An appropriate residence life staff member may act as the associate director’s designee in the associate director’s absence.

B. University Hearing Boards

University hearing boards are recommending bodies that are generally reserved for more serious incidents of student misconduct that give rise to potentially severe sanctions. Hearing boards are formal adjudications of complaints of student misconduct that are held on the record. They are convened at the direction of the chief judicial officer, in consultation with the dean of students, to adjudicate incidents of student misconduct by making a determination of facts, assigning responsibility for alleged violations and making recommendations on sanctions.

1. University Hearing Boards – Role and Duties

A University hearing board, acting as a designee of the dean of students, shall have the authority to hear cases of alleged student misconduct and make recommendations for the determination of responsibility and appropriate sanctions subject to the review and approval of the dean of students. Hearing boards will generally consist of five members made up of faculty, staff and students, including a chairperson. In general, a hearing board will consist of one board chairperson, one hall/area director or other professional member of the residence life staff, two faculty/staff members and one student member.

With the exception of residence life staff, all members of University hearing boards are volunteers who are trained by the chief judicial officer. In recognition of this fact and in order to accommodate the need for flexibility imposed by the practical realities of the academic calendar along with the need to train and retain the volunteer pool of hearing board members, there may be more or fewer than five hearing board members on a given hearing board panel. This is particularly applicable to hearings that take place over the summer, January Term or when school is not in session; therefore, the chief judicial officer has a great deal of discretion and flexibility with regard to the make-up of any University hearing board. In no case shall a hearing board consist of less than three hearing board members, including a chairperson. In no cases shall a hearing board take place without a board chairperson.

University hearing boards are empowered to make recommendations to the dean of students regarding determinations of responsibility for all nonacademic incidents of student misconduct and subsequent sanctions. The recommendations made by hearing boards, once reviewed and approved by the dean of students, are considered final decisions. Sanctions recommended by a hearing board and approved

by the dean of students will be enforced by the chief judicial officer or the dean of students' designee if not otherwise specified. Students who disagree with a decision made by a hearing board may appeal to the Committee on Discipline. All appeals to the Committee on Discipline are subject to review and approval by the dean of students.

The dean of students or the vice president for Student Affairs, by virtue of the executive power vested in their titles, may accept the hearing board's recommendations in full or may amend, modify and change decisions by a University hearing board.

2. Chairpersons

There will be a pool of trained hearing board chairpersons. Hearing board chairs are faculty or staff members of the University who are selected and trained by the Dean of Students Office. Board chairs are assigned to a particular hearing date over the course of the academic year as part of the hearing board calendar that is maintained by the chief judicial officer or the program manager.

Hearing board chairpersons work in close conjunction with the chief judicial officer prior to and following the hearing. The chairperson will be responsible for the organization and the conducting of the hearing, the maintenance of an "on the record" audio recording of the hearing and the writing and issuance of the decision to the accused student in the form of a hearing board letter. The chairperson will participate in the deliberation of the hearing board and will work to bring consensus. If a vote is necessary, the chairperson will only vote in the case of a tie.

3. Appointments/Selection of University Hearing Board Members

Terms of hearing board members typically begin the first week of the fall semester and continue for one year with the possibility of reappointment. Some members may not be available during the normal transition time of fall semester or summer months; however, appointments will include summer months to allow the hearing boards to be used throughout the year.

A number of student hearing board members will be chosen by a selection process through the Undergraduate Student Government Elections and Credentials Committee. Students must have a minimum of a 2.50 GPA and must not be on academic or disciplinary probation. Executive board members of the Undergraduate Student Government, voting members of the Undergraduate Student Government General Council and student residence hall staff will not be eligible for selection to serve on University hearing boards. Operations managers may serve on hearing boards with the approval of the dean of students and the director of residence life.

In order to maintain a large and diverse pool of student hearing board members the chief judicial officer, with the approval of the dean of students, may recruit students outside of the Undergraduate Student Government to serve on hearing boards, subject to the same requirements that they be in good academic and disciplinary standing with the University.

University staff members who serve on hearing boards will be recruited and approved by the dean of students and/or approved by the vice president of their division. Faculty members who serve on hearing boards may be recruited by the dean of students and/or appointed by the faculty governance process.

C. The Committee on Discipline – Appeals

The University Committee on Discipline is the body designated to hear appeals in the University judicial process. This appeal body also is referred to as a "Special Hearing Panel" in the *Undergraduate Student Policy Book*. Appeals to the Committee on Discipline are not automatic. All appeals to the Committee on Discipline will be reviewed by the dean of students to assure that there are legitimate grounds for an appeal.

The Committee on Discipline, like University hearing boards, is a recommending body. The vice president for Student Affairs and the dean of students, by virtue of the executive power vested in those titles, may accept the Committee on Discipline's recommendations in full or may amend, modify and change recommendations made by the Committee on Discipline.

D. Executive Authority

No student code of conduct could ever hope to encompass and account for the virtually infinite potential fact situations involving student behavior. In recognition of this reality, the University has designated the dean of students and the vice president for Student Affairs as the University officials vested

with executive authority to make any decision and take any action with regard to matters of student misconduct, including the right to establish and make adjustment to any rule or guideline in a given case.

The exercise of executive authority is at the discretion of the dean of students and/or the vice president for Student Affairs. And just as no student code of conduct can account for all fact situations, it is equally impossible to enumerate all potential fact situations that will involve the exercise of executive authority. Therefore the below listing is illustrative and not exhaustive of those situations in which executive authority may be exercised.

1. Executive authority may be exercised in situations where the status of the parties involved and their relationship to the University are unclear [e.g., evidence of student misconduct that comes to light after a student has been admitted to the University or after a student has graduated or withdrawn from the University].
2. Executive authority may be exercised in incidents of student misconduct that do not squarely fit within the University judicial process or cannot be adequately resolved through the judicial process.
3. Executive authority may be exercised in situations where incidents of student misconduct involve overlapping processes within the University.
4. Executive authority may be exercised in situations where students are unresponsive to the University judicial process, including the failure of a student to appear for a hearing or dispositional conference.
5. Executive authority may be exercised in situations where student behavior poses a clear and specific danger to him or herself and/or other members of the University community. In such cases, students may be placed on interim suspension as a student and/or residential student pending resolution through the University judicial process or other policies deemed appropriate and reasonable under the circumstances.
6. Executive authority may be exercised in situations where a student has been charged with a felony. In such situations, a student who has been charged with a felony will generally be subject to immediate placement on interim suspension as a student and/or a residential student, pending the outcome of the criminal process and/or the University judicial process.

ARTICLE III: JURISDICTION and PROSCRIBED CONDUCT

A. Jurisdiction of the University Student Code of Conduct

The jurisdiction of this Student Code of Conduct applies to student behaviors both on and off campus. This Code of Conduct shall apply to conduct that occurs on University premises or at University-sponsored activities and to off-campus conduct that adversely affects the University community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment and even if his/her conduct is not discovered until after a degree is awarded. The jurisdiction of the Student Code of Conduct shall be applicable to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

B. University Code of Conduct – Proscribed Conduct

Students found to have committed or to have attempted to commit the following act(s) of misconduct are subject to the disciplinary sanctions outlined in Article VI:

1. Acts of dishonesty, including, but not limited to, the following:
 - a. Furnishing false information to any University official, faculty member or office. This includes possession of false identification.
 - b. Forgery, alteration or misuse of any University document, record or instrument 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 dealt with through the office of the dean for the appropriate college. (*Acts involving academic dishonesty are generally outside the scope of this Student Code of Conduct but may be referred by the*

appropriate dean or dean's designee to the dean of students for review through the judicial process. This also may apply where acts of academic dishonesty implicate other proscribed conduct found in this Student Code of Conduct.)

- e. Acts of dishonesty not specifically listed here, including acts constituting fraud and/or violations of state or federal law.
2. Conduct on or off campus that is detrimental to the University or which discredits the University. Such conduct off campus includes, but is not limited to, disruptions in the community, such as the hosting of or participation in parties that are disruptive to the community and are in violation of federal, state or local laws. The hosting of parties off campus includes both house parties and parties in a residential apartment building. These disruptions may be attributable to the hosts of the party whether the disruptions occur within the residence or outside of the residence. Such conduct on campus includes, but is not limited to, behavior disruptive to a University residential community as detailed in the Resident Student Handbook.
3. Disruption or obstruction of teaching, research, administration, disciplinary proceedings and other University activities, including its public service functions on or off campus, or of other authorized non-University activities when the conduct occurs on University premises.
4. Abuse or Endangerment of Self or Others: Actions constituting physical abuse, verbal abuse, threats, intimidation, harassment, coercion and/or other conduct which threatens or endangers the mental or physical health or safety of any person, including one's self. This rule of conduct also specifically includes language or behaviors that are disrespectful of any member of the University community.
5. Sexual misconduct, sexual violence and harassment are violations of this Student Code of Conduct; however, due to the difficult and serious nature of sexual misconduct, incidents of alleged sexual misconduct, as defined under the Sexual Violence Policy and Resolution Process and the Sexual Harassment Policy, shall be referred to the appropriate University official under these policies for resolution. *(For more information see the link to this policy listed in Article X).*
6. Attempted or actual theft of University property or services, or the property or services of others, on or off campus, including theft or unauthorized use of intellectual property, such as copyrighted material.
7. Intentional damage to or destruction of University property or the property of others on or off campus. This rule of conduct includes, but is not limited to, acts of vandalism and tampering with fire safety equipment. This rule of conduct also includes, but is not limited to, damage or destruction of University property or the property of others as a result of gross negligence. *(Tampering with fire safety equipment also may be considered a violation of rule of conduct #4 above – actions that threaten or endanger the health or safety of others.)*
8. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property for the purpose of initiation, admission into, affiliation with or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. A link to the University policy on hazing can be found in Article X of this document.
9. Failure to comply with the directions of a University official and law enforcement officers. The term "University official" includes, but is not limited to, members of the Department of Public Safety, the Department Residence Life and the Dean of Students Office who are acting in performance of their duties. Failure to comply includes failure to identify oneself and to produce identification to these persons when requested to do so.
10. Unauthorized possession, duplication or use of any keys or identification cards to access any University premises. This code section also prohibits any unauthorized entry to or use of University premises.
11. Violation of any other University policy, rule or regulation published in hard copy or available electronically on the University Web site. A partial listing of the relevant University policies can be found on the dean of students Web site and at: <http://www.stthomas.edu/policies/>. A more complete listing of relevant University policies also can be found and in Article X of this document.
12. Violation of any federal, state or local law or city ordinance.
13. Use or possession of marijuana or paraphernalia or other controlled substances except as expressly permitted by law.

14. The manufacturing, sale or distribution of marijuana or other controlled substances, except as expressly permitted by law.
15. Use, possession, sale or distribution of alcohol in violation of University rules; state, federal or local laws; and ordinances, including, but not limited to:
 - a. Underage use or possession of alcoholic beverages or beverage containers.
 - b. Use or possession of alcohol in public areas not expressly permitted by University rules or policies.
 - c. The manufacturing, sale or distribution of alcoholic beverages except as expressly permitted by state law and University rules or policies.
 - d. Public intoxication and/or excessive consumption of alcohol.
 - e. Disorderly and/or irresponsible conduct as a result of intoxication.
 - f. Sale, distribution or furnishing of alcohol to persons under 21 years of age.
16. Possession of firearms, ammunition, explosives, fireworks, dangerous chemicals or other weapons on University premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others.
17. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the community or the normal operations of the University, infringes on the rights of other members of the University community, or leads or incites others to disrupt scheduled and/or normal activities within any campus building or area.
18. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or-supervised functions.
19. Conduct on or off campus that is disorderly, lewd or indecent; breach of the peace; or aiding, abetting or procuring another person to breach the peace on University premises or at functions sponsored by or participated in by the University or members of the University community.
20. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without his/her prior knowledge or without his/her effective consent. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room or restroom.
21. Theft or other abuse of computer facilities and resources, including, but not limited to:
 - a. Unauthorized entry into a file, to use, read or change the contents or for any other purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another individual's identification and/or password.
 - d. Use of computing facilities and resources to interfere with the work of another student, faculty member or University official.
 - e. Use of computing facilities and resources to send obscene or abusive messages.
 - f. Use of computing facilities and resources to interfere with normal operation of the University computing system.
 - g. Use of computing facilities and resources in violation of copyright laws.
 - h. Any violation listed in University policies regarding the responsible use of computing resources.

Policies relating to the responsible use of computing facilities can be found on the following Web site: <http://www.stthomas.edu/irt/support/policies/responsible.html>.

22. Abuse of the University judicial process, including, but not limited to:
 - a. Failure to comply with a notice from a University hearing board or University official to appear for a dispositional meeting or hearing board as part of the judicial process.
 - b. Falsification, distortion or misrepresentation of information before a University hearing board.
 - c. Disruption or interference with the orderly conduct of a University hearing body, including University hearing boards and appeal board proceedings.
 - d. Instituting or alleging a violation of this Student Code of Conduct in bad faith or under false pretenses.
 - e. Attempting to interfere with an individual's proper participation in or use of the student judicial system.
 - f. Attempting to influence the impartiality of a member of a University hearing board prior to and/or during the course of a hearing proceeding.

- g. Harassment (verbal or physical) and/or intimidation of a member of a University hearing board prior to, during, and/or after a hearing.
 - h. Failure to comply with or complete sanction(s) imposed under the Student Code of Conduct.
 - i. Influencing or attempting to influence another person to commit an abuse of the Student Code of Conduct.
23. Students are required to engage in responsible social conduct that reflects credit upon the University community and to model good citizenship and community in accordance with Policies on Community Expectations and the Policy on Offensive Behavior listed in Article X of this Student Code of Conduct.
 24. Apathy or acquiescence in the presence of persons committing violations of this Student Code of Conduct are not considered as neutral acts. To condone, consent or acquiesce to persons committing a student code violation is itself considered a violation of the Code of Conduct. Such violations are defined as a “vicarious violation.”
 25. Students are prohibited from using University property or resources for the purposes of a private business or activity.
 26. Students are responsible for the actions of their guests and are responsible for all activity that takes place in their residence, whether on or off campus.

C. Violation of Law and University Discipline

Due to the potentially limitless factual variations presented, the exercise of executive authority is often necessary in situations where student misconduct resulting in a violation of this Code of Conduct also is the subject of criminal prosecution. In such cases the University will be guided by the following policies:

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Student Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the dean of students. Determinations made or sanctions imposed under this Student Code of Conduct are not subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced or resolved in favor of or against the criminal law defendant.

2. When a student is charged by federal, state or local authorities with a violation of law, the University is under no duty to request or agree to special consideration for that individual because of his or her status as a student. If the alleged criminal offense also is processed under this Student Code, the University may advise off-campus authorities of the existence of the Student Code of Conduct and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and under the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

ARTICLE IV: STUDENT CODE OF CONDUCT – PROCEDURES

Overview

The following is a general sequential overview of how a violation of the *Rules of Conduct* will normally be processed through the University judicial system:

- a. A written complaint of student misconduct is made through the appropriate departments of Public Safety or Residence Life and submitted to a judicial officer.
- b. Upon review of the written report, a notice is sent to the student(s) listed in the report of alleged misconduct along with a directive to meet with the judicial officer sending the notice.
- c. The student(s) then meets with the judicial officer in a dispositional meeting to review and resolve the code violations documented in the report.

- d. If the student takes responsibility for the code violations alleged, a sanction letter is issued, and students are expected to comply with those sanctions. Upon completion of the sanctions, the matter is considered closed. Failure to complete sanctions may result in a hold being placed on a student's registration and/or cancellation of a student's registration.
- e. If the student and judicial officer cannot agree on responsibility for the misconduct alleged in the written report and/or sanctions, the matter may be referred to the chief judicial officer and/or a University hearing board for resolution. Students or judicial officers may request that any issues that are not resolved through a dispositional conference be referred to a University hearing board.
- f. Where an incident of student misconduct is of a more serious or unusual nature, or there is the potential for a suspension or expulsion from the residence halls and/or the University, the incident may be referred directly to the chief judicial officer for referral and adjudication by a University hearing board. In such cases, steps a-c will remain the same, and the student(s) will meet with the chief judicial officer or other appropriate judicial officer who will then aid the student in preparing for the matter to be heard by the hearing board for a determination of responsibility and/or sanctions.
- g. Students who receive sanctions through a University hearing board are expected to complete their sanctions in accordance with step d above.
- h. Any decision made by a University hearing board regarding responsibility or sanctions may be appealed to the Committee on Discipline with the approval of the dean of students.

Note on Deadlines Within the Judicial Process:

It is in the best interests of the judicial process, the students and the administrators operating within the judicial process that all time limits and deadlines stated in this Student Code of Conduct be followed to the greatest practical extent; however, in consideration of the sometimes competing interests of fairness, the nature of the academic calendar and the realities of the student judicial process, the time limits stated in this Student Code of Conduct have a substantial measure of flexibility. Such flexibility may be exercised at the discretion of judicial officers, the chief judicial officer and the dean of students, provided that it does not result in an undue burden on the students or the judicial process.

Judicial Process:

The following is a specific overview of how a violation of the Rules of Conduct normally will be processed through the University judicial system:

A. Judicial Process – Written Complaint (Report) of Student Misconduct

1. The University judicial process begins with the documentation of an incident of student misconduct in a written report. For the definitional purposes of this code, upon receipt of a written report of student misconduct by a judicial officer, the report then becomes the formal written complaint that is the basis for the commencement of the University judicial process.

The vast majority of reports of student misconduct resulting in formal written complaints are generated by either the Department of Public Safety or the Office of Residence Life. Incidents of student misconduct that take place in a University residence facility may be documented and reported for referral as a written complaint by the Department of Public Safety, the Office of Residence Life or both. All other incidents of student misconduct occurring outside of University residence facilities will be documented in a report by the Department of Public Safety for referral as a written complaint.

Incidents of student misconduct not documented by the above listed departments initially may be referred to the Dean of students Office, which will then refer the matter to the Department of Public Safety for documentation in a report that may then be referred to the judicial process as a formal written complaint. Incidents of student misconduct that are not reported, documented or referred to the Department of Public Safety, the Office of Residence Life or the Dean of Students Office may not result in a formal written complaint that is referred to the University judicial process.

The written report(s) that form the basis for the formal complaint of student misconduct upon which the charges of a violation of the Student Code of Conduct are based should include the following:

- a. The date, time and location of the incident;
- b. The name(s) of the individual(s) involved;
- c. Specific factual details of the incident regarding student misconduct.

2. Any member of the University community may make a report of violations of the Student Code of Conduct. Any such report of student misconduct should be submitted as soon as possible to one of the appropriate departments listed above. Reports of student misconduct that are not made in a timely manner to one of the appropriate departments may not be referred to the University judicial process.

3. The University, through the dean of students, has broad discretion and latitude in pursuing charges of student misconduct that are reported by third parties, i.e., persons who are not members of the University community.

a. In general, the University will pursue formal disciplinary action regarding incidents of student misconduct that are reported by federal, state and local enforcement units, such as the police, that are forwarded to the University along with accompanying documentation, such as police reports and court documents. Such reports and accompanying documentation will be included in a written report created by the Department of Public Safety and forwarded to the judicial process as a formal written complaint.

b. In general, the University will not pursue formal disciplinary action based on bare allegations of student misconduct that are made by a third party without compelling and credible evidence of student misconduct. The University may respond where such compelling and credible documentary evidence is provided. Such evidence that may warrant referral of an incident to the judicial process includes, but is not limited to:

- i. Information received from another institution of higher education through their law enforcement office.
- ii. Information received from another institution of higher education as a result of a student who has transferred to the University. This includes information listed on a “dean’s form” as part of a prospective transfer student’s application packet.
- iii. Information received by the University as part of a criminal background check.
- iv. Information that is reported to the University by third parties authorized to pursue copyright violations.
- v. Documented evidence by individual third parties of violations of the code of conduct, such as photographs, audio recordings, video recordings and evidence of violation of laws or local ordinances, including information documented in the public record such as court records and news articles.

4. Subject to the discretion of the dean of students, and with the exception of allegations of criminal misconduct, the University will not pursue disciplinary action against a student where a report of student misconduct is submitted to the University more than one year after an incident has taken place.

B. Judicial Process – Notice of Violation and Charges of Student Code Violations

Upon receipt of the written report on which the complaint of student misconduct is based, the judicial officer will then send a formal written notice of violation of the Student Code of Conduct to the student(s) via email. This notice will inform the student that he/she has been documented in a report as having violated one or more rules contained in the Student Code of Conduct. The notice also will direct the student to meet with the judicial officer to review the violations documented in the complaint within three business days of the date of the notice.

In cases where circumstances dictate and/or the student(s) cannot be reached through the normal channels as described above, the notice of a violation of the Code of Conduct will be sent via a more formal letter that will be delivered to the student(s) by other means such as personal delivery, campus mail or U.S. mail.

It is not uncommon for students to be aware of pending student code violations and to proactively contact and/or meet with a judicial officer prior to a notice being sent. In such cases a formal written notice is not required. In recognition of this practical reality, a student who has proactively contacted or met with a judicial officer to review or discuss a written complaint of misconduct prior to the issuance of a formal notice is deemed to have received notice.

C. Judicial Process: Dispositional Conferences – Procedures – Responsibility and Sanctions

1. Dispositional Conferences – Overview

Dispositional conferences represent the process by which the large majority of incidents of student misconduct are resolved within the University judicial process. Dispositional conferences provide the function of an administrative hearing in a more relaxed setting where the student(s) listed in the complaint

is offered the opportunity to review and respond to a complaint of alleged student code violations. These conferences are generally not recorded because they are meant to be a procedurally less formal and non-adversarial means of achieving a resolution to alleged violations of the Student Code of Conduct.

The informal nature of a dispositional conference is intended to facilitate an open dialogue between students and judicial officers. They are designed to emphasize the educational nature of the University judicial process, and it is not uncommon for new information not contained in the written complaint to be presented during these conferences. The goal of these conferences is to achieve a quick and fair resolution to the issues of responsibility and subsequent sanctions, if appropriate, for complaints of student misconduct.

While dispositional conferences are procedurally informal in nature, decisions rendered by judicial officers pursuant to such conferences are considered official actions by University personnel within the judicial process. As such, these decisions carry the full weight and authority of the University. These decisions are documented and placed in the student's file.

2. Dispositional Conferences – Procedures

Dispositional conferences, being informal and administrative in nature, resemble an interview between the student and the judicial officer. During the course of the dispositional meeting the judicial officer will allow the student(s) to read the written complaint and respond to any facts or allegations of student misconduct.

Where reports of student misconduct involve more than one student, multiple students may be present during the course of the dispositional conference. More than one judicial officer also may be present at dispositional conferences.

During the course of the meeting the student will be presented with two forms: The Notice of Rights form and the Indication of Plea form. The Notice of Rights form briefly outlines student rights within the disciplinary process and directs them to the online Student Policy Book at:

http://www.stthomas.edu/policies/student_policy_book/Non_academic_rights_and_procedures.asp

Students are asked to sign the Notice of Rights form at the meeting. By signing this form, the student(s) acknowledge that they understand their basic rights within the University judicial process that they have received notice of the violation alleged and they have been informed about where to access further information.

During the course of the meeting, the judicial officer will present the student(s) with the Indication of Plea form. The judicial officer will list the violation(s) of the Student Code of Conduct on the Indication of Plea form that the student(s) is being charged with based on the written complaint. This form may be completed and signed at the dispositional conference or may be signed and returned within three business days. The student can choose to either take responsibility for or deny responsibility for the code violation(s) alleged in the complaint and listed on the Indication of Plea form. The Indication of Plea form, when completed and signed by the student will be considered the student's formal response to the allegations of misconduct contained in the complaint.

If, during the course of the conference, it becomes clear that further investigation and information is needed with regard to the complaint, the judicial officer may elect to hold this form until such time as that information is provided or obtained.

3. Dispositional Conferences – Responsibility and Sanctions

- a. For dispositional conferences where students admit responsibility for code of conduct violation(s) alleged, and there is no disagreement regarding sanctions, the judicial officer will issue a sanction letter within five business days indicating that the student has taken responsibility and outlining the appropriate sanctions.
- b. In cases where the student does not admit to the code violations alleged, the judicial officer will make a determination as to whether there is enough evidence to find the student responsible for the alleged code violation(s) by a preponderance of the evidence.
 - i. If the judicial officer determines that there is not a preponderance of evidence indicating that the student is responsible for the code violation(s) alleged in the complaint, the student will be found not responsible and information to that effect will be placed in the student's file.
 - ii. If the judicial officer determines that there is a preponderance of the evidence indicating that the student is responsible for the code violation(s) alleged, the judicial officer will

- issue a sanction letter to the student within five business days indicating this finding of responsibility. This letter also will list appropriate sanctions.
- c. In cases where charges are not admitted at the dispositional conference and the student wishes to challenge a finding of responsibility by the judicial officer, the student and/or the judicial officer may request that the matter be referred to a University hearing board for a formal hearing on the record. Requests for referrals to a hearing board should be made in writing within five business days of the dispositional meeting or the issuance of a sanction letter from the judicial officer. These requests should be referred to the chief judicial officer for placement in the student's file.
 - d. If the student admits to the violation(s) alleged, but disagrees with the sanctions issued by the judicial officer, subsequent process, including referral to a hearing board, if necessary, may be pursued for the limited purpose of determining appropriate sanctions. Requests for referrals to a hearing board should be made in writing within five business days of the dispositional meeting or the issuance of a sanction letter from the judicial officer. These requests should be referred to the chief judicial officer for placement in the student's file.

If an accused student, with notice, does not appear for a dispositional conference, the conference will take place as scheduled and the incident may be adjudicated without the benefit of input from the student.

ARTICLE V: UNIVERSITY HEARING BOARDS

Overview

University hearing boards are recommending bodies that are inquisitorial in nature. Hearings before a University hearing board are meant to be non-adversarial and to promote the overall educational mission of the University and the moral development of its students. The goal of a University board hearing is to provide a forum where all relevant information regarding incidents of alleged student misconduct may be provided as fully as possible in order to allow the board to make a determination of responsibility and sanctions, if warranted. As such, the technical rules of evidence and procedure found in the courts of law do not apply.

The chief judicial officer will review all incidents of student misconduct to determine which incidents are to be referred to a hearing board. This determination may be made in consultation with the dean of students and other judicial officers. Once referred, the hearing board is empowered to hear the case and make recommendations to the dean of students for final disposition with regard to the issues of responsibility for alleged code violations and sanctions, if warranted.

University hearing boards are reserved for incidents of student misconduct that cannot be resolved at a dispositional conference and/or situations involving serious allegations of student misconduct and equally serious potential sanctions. Examples of situations that often require the authority and formality of a University hearing board hearing are listed below.

1. Cases involving violence.
2. Cases involving the sale or distribution of illegal drugs or controlled substances.
3. Cases involving personal injury or acts of extreme negligence.
4. Fact situations that also may be subject to concurrent adjudication by criminal authorities.
5. Situations involving students who have had prior or multiple prior adjudicated violations.
6. Cases where a judicial officer, in consultation with the Dean of students Office, has requested a hearing board.
7. Cases involving a high likelihood of suspension or expulsion from the residence halls or the University.

The above list is not meant to be exhaustive, but illustrative of situations where a University hearing board will be convened to adjudicate incidents of student misconduct.

Students whose allegations of misconduct have been referred to a hearing board will meet with the chief judicial officer prior to the hearing to set a date and time for the hearing that is not less than three and no more than 10 business days after the date of the meeting with the chief judicial officer. The Dean of Students Office will then issue a Notice of Hearing to the student(s) indicating the time and place of the hearing along with a list of witnesses, if any. If there is no undue hardship to the student, maximum and

minimum time limits for the scheduling of a University board hearing may be extended or reduced at the discretion of the chief judicial officer.

In addition to setting a date for the hearing, the meeting between the chief judicial officer and the student(s) is an opportunity for the student(s) to review the written complaint(s), review and complete the Notice of Rights and Indication of Plea forms, if not already completed, and review the judicial and hearing board processes.

A. University Hearing Boards: Role of Board Chairperson – Decisions – Results

University hearing board chairpersons work in close conjunction with the chief judicial officer before and after a board hearing. The chief judicial officer may be present for the hearing and deliberations but will not take an active role. During the hearing all questions, including questions regarding hearing board procedures, should be directed toward the chairperson. The chairperson has broad discretion regarding changes, alterations and modifications to hearing procedures in a given case. Decisions regarding responsibility for incidents of student misconduct and sanctions will be rendered by a majority vote of all voting members of the hearing board. The hearing board chair will only vote in the case of a tie.

If, based on a preponderance of evidence, the hearing board determines that a student is responsible for the violation(s) of the student code as alleged in the written complaint, the board will then consider a proper response. After a determination of responsibility, the hearing board may then review the student's prior disciplinary history, if any, and may take prior violations into consideration in determining and recommending appropriate sanctions.

A student's prior disciplinary history will be considered only after a determination of responsibility has been made regarding the alleged code violations currently before the board.

Where the issue of responsibility has yet to be determined, only the board chair will have access to a student's prior disciplinary history, if any. In cases where a student has admitted responsibility for one or more of the student code violations alleged prior to the hearing, all board members may be provided with information regarding a student's prior disciplinary history, if any.

If the hearing board determines that there is not enough evidence to find a student responsible for the alleged student code violation(s) by a preponderance of the evidence, the board will recommend that the student be found not responsible. Subject to the approval of the dean of students, in such cases where there is a finding of not responsible and barring any future information or appeal of the board's decision by the University as the complainant, there will be no further action taken on the matter and the finding of not responsible will be placed in the student's file.

Decisions made by a hearing board shall be committed to writing in a hearing board letter. The hearing board letter will be approved by the dean of students and signed by the board chair and the chief judicial officer. A signed hearing board letter, including information regarding appeals, will be presented to the accused student(s) within three to five business days of the hearing at a subsequent meeting with the hearing board chair and the chief judicial officer. This meeting will generally be held in the Dean of Students Office.

As a general rule, meetings with students to receive their hearing board letters will be done on an individual basis. Nothing in this process shall prohibit the chief judicial officer and the board chair from meeting with more than one student to present their hearing board letters where such letters result from the same incident or factual circumstances; however, a specific and detailed review of a hearing board letter to a particular student will be done on an individual basis. Nothing in this process shall prevent the chief judicial officer from meeting with students without the board chairperson present where circumstances and time constraints prevent the board chairperson from being present. In all cases, the final approved hearing board letter will be signed by the chief judicial officer and the hearing board chair.

The results of disciplinary hearings will not be reported to the general public and press. Only the accused students, University personnel/offices on a need-to-know basis and other parties required by law will be notified of the board's decisions.

B. Hearing Procedures

The goal of these University hearing board procedures is to provide a forum where all information regarding incidents of alleged student misconduct can be presented as fully as possible and to allowed an accused student a reasonable opportunity to prepare and to present his/her response to allegations of student misconduct. These procedures shall be followed to the greatest extent practicable with the understanding that they are intended to be fair and flexible in the achievement of this goal.

1. University hearing board hearings (board hearings) normally shall be conducted in private.
2. Accused student(s) (and their advisers, if any) shall be allowed to attend the entire portion of the board hearing where information regarding their involvement in the incident under review is being presented to the hearing board. The accused student(s) shall not be present for deliberations. Admission of any other person to the board hearing shall be at the discretion of the hearing board chair.
3. In board hearings involving more than one accused student that stems from the same factual circumstances and/or complaint, the hearing board chair, in his or her discretion, may permit the hearing board to review each student's conduct either separately or jointly.
4. An accused student has the right to be assisted by a judicial adviser. An accused student may choose an adviser from a list of judicial advisers available in the Dean of Students Office. The advisor must be a member of the University community. The accused student is responsible for presenting his or her own information. Judicial advisers are not allowed to speak or actively participate in a University board hearing. A student should select as an adviser a person whose schedule allows attendance at the scheduled date and time for the board hearing because delays will not normally be allowed due to the scheduling conflicts of an adviser. In cases where the complaint involves a victim or aggrieved party, that party also has the right to be assisted by an adviser, subject to the same conditions as an adviser for an accused student.
5. An accused student may arrange for witnesses to present pertinent information to the hearing board. The University will aid accused student(s) in arranging for the attendance of possible witnesses who are members of the University community, if reasonably possible, and who are identified by an accused student at least two business days prior to the board hearing. Witnesses will provide information to and answer questions from members of the hearing board. There is no direct questioning of witnesses by any other person. Questions to be posed to witnesses may be suggested by accused students to the board chairperson. Witnesses or other persons present at the board hearing also may, at the discretion of the board chair, suggest questions to be posed by the hearing board chair. This method is used to preserve the educational tone of the hearing and to avoid the creation of an adversarial environment. Questions of whether potential information from witnesses is to be allowed shall be resolved at the discretion of the hearing board chair.
6. All pertinent records, exhibits and written statements may be accepted as information for consideration by a University hearing board at the discretion of the chairperson. This includes impact statements by persons adversely affected by an accused student's alleged misconduct. An accused student shall have the right to give his/her own testimony and present witnesses to the incident along with documentation or other evidence on his/her behalf. Such rights shall be subject to reasonable limitation in order to avoid unduly prolonged hearings. Character reference testimony and written statements regarding character are allowed at the discretion of the hearing board chair.
7. The University, as the complainant, may call witnesses to the incident and present pertinent documentation, exhibits and written statements subject to the same conditions as stated in sections #5 and #6 above. The University also may be advised by counsel (where appropriate) subject to the same limitations as found in section #13 below.
8. All procedural questions are subject to the final decision of the University hearing board chairperson. The chair has broad discretion and authority with regard to changes, alterations and modifications of hearing procedures in a given case. The chair may make such changes, alterations or modifications in the interests of allowing a hearing board to receive as much information as possible during the hearing when making a determination regarding a complaint of student misconduct.
9. After the portion of the hearing where all information regarding an incident or complaint of alleged student misconduct has been presented to the hearing board, the board shall conclude the hearing and begin its deliberations to determine by majority vote, whether an accused student is responsible for the violation(s) of the Student Code of Conduct with which they have been charged. The hearing board chair will only vote in the case of a tie.
10. The University hearing board's determination of responsibility shall be made on the basis of a preponderance of the evidence, i.e., whether it is more likely than not that an accused student has violated the Student Code of Conduct.

11. The deliberations of a University hearing board and all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline and Special Appeal Boards, will be closed to all persons except members of the hearing body and those persons requested to be present for deliberations by the unanimous approval of the hearing body. The chief judicial officer is an adviser to all hearing bodies and, as such, may be present for deliberations.
12. Formal rules of process, procedure and/or technical rules of evidence, such as are applied in criminal or civil court, are not used by and are not applicable to the University judicial process or any University hearing body.
13. Interested third parties such as attorneys and parents of students may be allowed to attend the hearing in a supportive capacity to the student, provided that they understand that they are not permitted to actively participate in the hearing and provided that their presence does not violate relevant data privacy laws. Interested third parties who do not abide by these rules of procedure may be asked to leave the hearing, and the student for whom they are attending the hearing may be held responsible for their conduct. Attorneys and/or parents/guardians may be permitted to attend a University hearing board at the discretion of the hearing board chairperson. Hearings involving multiple students may preclude or limit the attendance of attorneys and parents/guardians due to issues of data privacy.
14. There shall be a single verbatim record, such as an audio recording, of all hearings before University hearing boards. Deliberations will not be recorded. The record shall be the property of the University. In situations where a verbatim record cannot be made due to technical or other issues, hand-written notes of the hearing board chairperson may suffice as a hearing record.
15. An accused student may, but need not, make verbal responses to the charges brought against him or her and to the testimony of witnesses during the hearing process. This does not indicate acceptance of responsibility for the alleged code violations on the part of an accused student.
16. The University hearing board may, where practicable, accommodate reasonable concerns for the personal safety, well-being and/or fears of confrontation of an accused student and/or other witnesses during the hearing by providing separate facilities, by using a visual screen and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, a video recording, an audio recording, written statement or other means where, in the judgment of the dean of students and the hearing board chairperson, it is determined to be appropriate.
17. University hearing boards and all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline, reserve the right to establish their own rules and guidelines for the review of any case.
18. All persons present at a hearing before a University hearing board are expected to abide by these rules of procedure and to conduct themselves in a civil and respectful manner. It is a violation of this Student Code of Conduct for any person to disrupt, obstruct or otherwise interfere with the hearing board process. Persons who are disruptive or otherwise interfere with the hearing board process may be excluded or otherwise removed from a hearing board proceeding at the discretion of the board chairperson.

If an accused student, with notice, does not appear before a University hearing board, the hearing will take place as scheduled. In such cases, the information in support of the alleged violations shall be presented and considered by the board in making a determination of responsibility and/or sanctions without the benefit of input from the student.

These hearing board procedures specifically apply to University hearing boards, but they also are intended to apply to all other University hearing bodies convened for the purpose of reviewing and responding to allegations of student misconduct, including the Committee on Discipline and any special appeal/hearing boards that may be convened by the vice president for Student Affairs.

ARTICLE VI: SANCTIONS, INTERIM SUSPENSION & APPEALS

Overview

Without appropriate consequences for student misconduct, the student judicial process is not credible. Sanctions by their very nature have a punitive element; however, sanctions issued by the University as a result of the judicial process also are intended to serve the educational mission of the

University and the moral development of its students. The sanctions listed in this Student Code of Conduct are intended to provide consistency along with a measured and reasoned response to incidents of student misconduct. Sanctions issued as a result of the judicial process are not noted on academic transcripts.

- a. Due to the limitless fact scenarios involved in student misconduct and because the University is an educational institution, it is neither practical nor feasible to provide extensive and rigid formal sanction guidelines. The University does have informal sanction guidelines that are provided to judicial officers, hearing boards and other personnel involved in the judicial process. The informal guidelines are used to provide an extra measure of consistency and flexibility in the application of the sanctions listed in this article. The informal sanction guidelines are a result of collaboration and input from the Dean of Students Office, Office of Residence Life, Department of Campus Life and the Undergraduate Student Government and are approved by the dean of students. They are not published or available outside of those persons involved in the disciplinary process; however, any organization or member of the University community may request to review these guidelines and provide comments or suggestions.
- b. More than one of the sanctions listed in this article may be imposed for any single incident of student misconduct or violation of this Student Code of Conduct.
- c. The sanctions in this article may be imposed upon groups or organizations as well as individual students. In addition, 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 disciplinary rights and processes governing the activities of University-sponsored clubs and organizations are found at: <http://www.stthomas.edu/ustclubs/handbook/default.html>.

- d. Student disciplinary records resulting from the University judicial process are educational records. Student disciplinary sanctions shall not be made part of the student's permanent academic record but shall become part of the student's disciplinary record. Students who have received sanctions of suspension or expulsion from the University or suspension or expulsion from a residence hall, will be cause for dean of students to hold a student's file indefinitely. (*Please refer to Article VII of this Student Code of Conduct for more complete information on student records*).
- e. Students who are suspended or expelled from the University or suspended, expelled or otherwise removed from a residence facility as a result of the University judicial process are not entitled to any refund of tuition or other costs. Students who are suspended or expelled from the University also may incur other financial penalties in the form of lost financial aid and scholarships. Students subject to suspension or expulsion should refer to the University Withdrawal Policy found at: <http://www.stthomas.edu/financialservices/undergraduate/policies/wp/default.html>.
- f. The imposition of sanctions pending the appeals process is subject to the discretion and executive authority of the dean of students. Students will not incur additional costs in connection with their attendance at the University as a result of pursuing an appeal.

A. Sanctions

All sanctions become part of a student's disciplinary file and may be considered in the review and adjudication of any future incidents of student misconduct where a student has been found responsible for the code violations alleged.

The following sanctions represent the scope of disciplinary penalties that may be imposed upon any student found to have violated the Student Code of Conduct:

1. **Warning:** An official notice in writing to the student that the student has violated one or more University rules or policies. Such warning will be placed in the student's disciplinary file.
2. **Formal Reprimand:** This action is similar to a written warning but is of a more serious nature. A formal reprimand is a written notice to the student indicating that any future violations of University rules or policies will likely result in a minimum sanction of conduct probation.
3. **Conduct Probation:** This action constitutes an adjustment to a student's status for a specified time period during which a student must conduct him or herself in an exemplary manner. Students placed on conduct probation are not considered in good standing with the University. Any students found responsible for violations of this Student Code of Conduct while on conduct probation will normally lose their status as residential students and may be suspended or expelled

- from the University. The status of conduct probation will prohibit students from applying to or participating in University study-abroad programs. The status of conduct probation also may affect a student's ability to apply for some student leadership positions on campus.
4. **Loss of Privileges:** Denial of specified privileges for a designated period of time, including, but not limited to, 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.
 5. **Fines:** Fines are common sanctions for violation of University rules and policies, particularly for violations involving alcohol, illegal drugs or other controlled substances. Fines are standard consequences for the violation of the laws of society at large and, as such, they model future consequences a student may encounter in the civil and criminal justice systems.
 6. **Community Service:** Community service is a common sanction for violation of University rules and policies, particularly for violations involving alcohol, illegal drugs and other controlled substances. Community service is a standard consequence for the violation of the laws of society at large and, as such, they model future consequences a student may encounter in the civil and criminal justice systems.
 7. **Restitution:** Students may be required to provide restitution and/or compensation for loss, damage or injury as a result of behavioral misconduct. This may take the form of appropriate service and/or monetary and/or material replacement.
 9. **Educational (Discretionary) Sanctions:** Where appropriate to the conduct violation, educational sanctions may include, but are not limited to, attendance at community court, alcohol education course(s), requirements to undergo counseling and/or assessments for chemical use, attendance at workshops or seminars, including reenter education, formal apologies, mandated mediation, completing educational programming, adherence to behavioral contracts or the fulfillment of other sanctions dictated by the circumstances of the offense.
 10. **Parental Notification:** The University may contact the parent(s) of any student under the age of 21 who has been found responsible for student code violations involving drugs and/or alcohol that also are a violation of the laws of the State of Minnesota. The University will contact the parent(s) of any student under the age of 21 who has been placed on conduct probation as a result of being found responsible for violations of the code of conduct involving the use of drugs and/or alcohol where such violations also are a violation of the laws of the State of Minnesota.
 11. **Registration Holds and/or Cancellation of Registration:** Students who have failed to comply with the directions of a University official and/or who have failed to comply with the disciplinary process, including failure to complete sanctions issued as a result of a violation of the Student Code of Conduct may have a hold placed on their registrations and transcripts and/or may have their registrations cancelled through the Dean of Students Office.
 12. **Loss of Status as a Residential Student – Removal:** Living in a University-owned residence facility is a privilege, not a right. There are three levels of sanctions that may be issued regarding a student's status as a residential student. Students who are subject to removal from University housing will be expected to vacate their residences and complete all relevant checkout procedures within 48 hours of the issuance of this sanction.
 - a. **Cancellation of Housing Contract:** This sanction is an action to cancel a student's housing contract and directs the student to remove him or herself from the University residence hall community according to the terms set out by the judicial officer or hearing board adjudicating the matter. Students who are removed from University housing may be prohibited from entering any University residence facility, even as a guest, during the period of their removal. This sanction will not require the dean of students to hold the student's disciplinary file indefinitely. Conditions for readmission as a residential student may be specified by the hearing board or judicial officer in consultation with the Office of Residence Life.
 - b. **Suspension from University Residence Facilities:** A student who is suspended from University housing is removed from housing for a defined period of time and is not allowed to enter a University residence facility for any reason during the period of their suspension. A student who has been suspended from University housing will be cause for the dean of students to retain his or her disciplinary file indefinitely. Conditions for readmission as a

residential student after serving a suspension as a residential student may be specified by the hearing board or judicial officer in consultation with the Office of Residence Life.

c. Expulsion from University Residence Facilities: A student who is expelled from University housing is permanently removed and prohibited from living in a University residence facility. Expulsion as a residential student is a permanent sanction and will be cause for the dean of students to retain his or her disciplinary file indefinitely. Students expelled from University residence facilities will not be allowed to enter a University residence facility for any reason for the remainder of their educational careers at the University.

Lesser sanctions involving a student's residential status, such as a requirement to change rooms or residence halls, loss of privileges, such as visitation and the hosting of guests and restrictions on access to residential facilities, also may be imposed.

13. Suspension from the University: A suspension from the University is the separation of the student from the University for a defined period of time, after which the student may be eligible to return. Conditions for readmission may be specified. In no case shall the period of suspension be less than the balance of the semester during which the hearing takes place. Suspension may be immediate or delayed to a future academic term. Suspension from the University will be cause for the dean of students to hold a student's disciplinary file indefinitely.
14. Expulsion from the University: Expulsion is the permanent separation of the student from the University. This action is the permanent removal of a student from the University community. Expulsion is the most severe penalty the University can issue. Expulsion from the University will be cause for the dean of students to hold a student's disciplinary file indefinitely.
15. Revocation of Admission: Admission to the University may be revoked for fraud, misrepresentation or other violation of University standards in obtaining admission to the University, or for other serious violations committed during the application process, subsequent to the application process or prior to actual enrollment and attendance at the University.
16. Withholding of Degree: The University may withhold the awarding of a degree otherwise earned until the completion of the judicial process set forth in this Student Conduct Code, including the completion of all sanctions or conditions, if any, imposed as a result of the University judicial process.

B. Interim Suspension

Interim suspension is a decision authorized under the executive authority granted to the dean of students and may be appealed only to the vice president for Student Affairs. It is an immediate change in a student's status that denies a student access to the residence halls and/or the University, pending further process through the University judicial system. The dean of students or the dean's designee may impose an interim suspension as a student at the University and/or an interim suspension as a residential student subject to further processes of the University, including the judicial process.

An interim suspension does not replace the regular judicial process, which shall proceed on the normal schedule, up to and through a University board hearing, if required.

Interim suspensions will be applicable in any of the following circumstances:

1. Where a student has been charged with a felony.
2. To protect and ensure the health, safety and well-being of members of the University community.
3. To ensure the protection or preservation of University property.
4. To ensure the student's own physical or emotional health, safety and well-being.
5. Where the accused student poses an ongoing threat of disruption of or interference with the normal operations of the University.
6. Where a student has failed 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 issued as a result of the University judicial process.

The above list is illustrative and not exhaustive of examples where an interim suspension may apply. It would be impossible to list all possible fact scenarios where an interim suspension may apply; therefore, the use of interim suspension is done on a case-by-case basis.

During the term of an interim suspension as a student from the University, a student shall be denied access to the campus and all University-owned property for any purpose (including classes), and all

other University activities or privileges for which the student might otherwise be eligible, as the dean of students may determine to be appropriate. The dean of students may also request that the Department of Public Safety issue a trespass directive to a student placed on interim suspension from the University that prohibits the student from entering onto University property with the exception of being allowed on campus to participate in the University judicial process.

The decision to place a student on interim suspension as a residential student will be made by the director of Residence Life or his/her designee in consultation with the executive director for Campus and Residence Life. A student who is placed on interim suspension as a residential student is banned from entering any University-owned residence facility pending the outcome of the University judicial process. A student placed on interim suspension as a residential student may have limited access to other campus facilities as the dean of students may determine to be reasonable and appropriate.

C. Appeals – Committee on Discipline (COD) and Special Appeal /Hearing Boards – Overview and Procedures

1. Overview – Committee on Discipline

The Committee on Discipline is the body designated by the University to hear appeals from the University judicial process. This appeal body also is referred to as a “special hearing panel” in the Student Policy Book, but for the purposes of this Student Code of Conduct it shall be referred to as the Committee on Discipline. The chairperson of the Committee on Discipline occupies the same role and functions as the chairperson of a University hearing board. The Committee on Discipline is subject to the same hearing procedures and latitude for procedural discretion by its chairperson as the chairperson of University hearing boards.

The Committee on Discipline, like all functions of the University judicial process, is subject to the executive authority of the dean of students and the vice president for Student Affairs. And like University hearing boards, the Committee on Discipline is a recommending body with regard to students subject to the University judicial process. Appeals to the Committee on Discipline are discretionary and must be approved by the dean of students.

The scope of an appeal to the Committee on Discipline is generally limited to incidents of student misconduct that involve the suspension or expulsion of a student from University housing and/or suspension or expulsion of a student from the University. The scope of appeal may be expanded at the discretion of the dean of students. The Committee on Discipline consists of a pool of faculty, staff and students whose membership is determined by the Faculty Organization Plan. The chairperson and vice chairperson are chosen annually. The specific structure, membership and function of the Committee on Discipline can be found in the Student Policy Book at: http://www.stthomas.edu/policies/student_policy_book/default.asp.

The Committee on Discipline is designated to hear appeals from the University disciplinary process regarding incidents of student misconduct that have been adjudicated by a University hearing board and whose recommendations have been approved by the dean of students.

The Committee on Discipline is a hearing body that is integrally related to the Dean of Students Office and the disciplinary process. The chief judicial officer works in close concert with the chairperson of the Committee on Discipline and acts as the liaison between the Dean of Students Office and the committee. The chief judicial officer, as the dean’s designee, brings judicial expertise and context to the Committee on Discipline by fulfilling the roles of adviser, counselor and clerk. The chief judicial officer may be present for all hearings before the Committee on Discipline and also may be present for deliberations.

The role of the Committee on Discipline is to review the original decision of a hearing board and not to rehear the case. The Committee on Discipline may review as much information as it deems necessary to reach a conclusion, including review of the verbatim record of the original hearing and requesting that the chairperson of the original hearing board appear before the Committee on Discipline; however, the Committee on Discipline is not to substitute its judgment for that of the original hearing board. Except in cases where new information is presented to the Committee on Discipline that was not available to the original hearing board, the Committee on Discipline should respect the credibility and judgments made by the University hearing board. The Committee on Discipline should limit its review of the original University hearing board’s determination only to see whether there was information before the hearing board that reasonably supported its conclusions.

2. Overview – Special Appeals/Hearing Board

Special Appeals/Hearing Boards are authorized and convened under the executive authority and at the direction of the vice president for Student Affairs. These special panels may serve in the capacity of a hearing board or an appeal board.

Such special boards are generally reserved for situations involving student misconduct that are not or cannot be adequately reviewed by a University hearing board and/or the Committee on Discipline. These situations include, but are not limited to, incidents of student misconduct that do not squarely fit within the University judicial process, decisions made regarding incidents of student misconduct that are subject to overlapping University processes and/or jurisdictions, appeals that take place when the Committee on Discipline cannot be convened, such as the summer months and J-Term, or where the vice president for Student Affairs determines that a special appeals/hearing board is appropriate to a given set of circumstances.

Special appeals/hearing boards consist of three to five members who are selected by the vice president for Student Affairs on a case-by-case basis. Selection of members for any special appeals/hearing board will be made by the vice president for Student Affairs in consultation with the dean of students. Special appeals/hearing board members will be selected for their prior experience in dealing with matters of student misconduct in the University judicial process.

Special appeals/hearing boards shall operate under the same guidelines and procedures as all other University hearing bodies. When a special appeals/hearing board sits as an appeal body, it shall give the same deference and respect for the credibility of prior decisions rendered by a judicial officer, University official or other prior hearing body as is given by the Committee on Discipline to decisions made by a University hearing board.

3. Appeals – Procedures

a. Appeals regarding a determination of responsibility for a Student Code of Conduct violation or a sanction imposed by a University hearing board may be appealed by an accused student to the Committee on Discipline within five business days of the decision. As the complainant, the University also may make such an appeal to the Committee on Discipline through the dean of students. Appeals shall be in writing and shall be delivered to the chief judicial officer. Where the University is making the appeal, the appeal will be made in writing by the chief judicial officer and delivered to the dean of students. All appeals to the Committee on Discipline must be approved by the dean of students.

b. Except as required to bring the appeal forward, and #4 below involving the presentation of new evidence, an appeal shall be limited to a review of the verbatim record of the University hearing board and supporting documents provided to the original hearing board for one or more of the following purposes:

1. To determine whether the original University hearing board hearing was conducted fairly in light of the charges and information presented and in conformity with prescribed procedures that allowed the accused student a reasonable opportunity to prepare and to present his/her response to allegations of student misconduct. Deviations from designated hearing board procedures will not be a basis for reversing or modifying the original decision unless significant prejudice results.
2. To determine whether the decision reached regarding the issue of responsibility for an accused student was based on a preponderance of the evidence, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that it was more likely than not that the student is responsible for the alleged a violation(s) of the Student Code of Conduct.
3. To determine whether the sanction(s) imposed were appropriate for the violation(s) of the Student Code of Conduct for which the accused student was found responsible. In cases where the appeal is limited to the sanctions imposed by the original hearing board, the Committee on Discipline will determine whether the sanctions imposed are so unfair as to bear no reasonable relation to the conduct alleged, based on the incident at hand and the student's prior discipline record, if any.
4. To consider new facts or information, not available to the original hearing board, that would be sufficient to alter a decision, or other relevant facts or information not brought out in the original hearing because such facts or information were not known or available to the person appealing at the time of the original University hearing board.

The Committee on Discipline may request that the chairperson from the original hearing board appear to provide relevant information from the original hearing.

c. At the conclusion of an appeal, the Committee on Discipline will make a recommendation for one of the following courses of actions to the dean of students and the vice president for Student Affairs. The recommendations of the Committee on Discipline may:

1. Affirm the original decision and sanction(s);
2. Affirm the original decision and reduce or increase the original sanction(s)
3. Reverse the original decision and order a new hearing;
4. Reverse the original decision and drop all charges and sanctions.

The decision and recommendations of the Committee on Discipline will be made in writing, signed by the chairperson of the Committee on Discipline and delivered to the dean of students and vice president for Student Affairs for delivery to the student within five business days. If an appeal is not upheld, upon final review and approval by the vice president for Student Affairs, the decision will be considered final and binding upon all parties involved.

The vice president for Student Affairs, by virtue of the executive power vested in his/her title, may accept the Committee on Discipline's recommendations in full or may amend, modify and change decisions by the Committee on Discipline.

ARTICLE VII: DISCIPLINARY RECORDS, PRIVACY and PARENTAL CONTACT

A. Disciplinary Records

1. **Disciplinary Records – Defined:** Disciplinary records are educational records that are held on file in the Dean of Students Office regarding incidents of student misconduct that have been referred to the University judicial process. Disciplinary records shall not be made part of the student's permanent academic record. Disciplinary records are kept in both electronic and hard-copy format.
2. **Retention of Records – Hard Copy:** Disciplinary records in hard-copy format are removed and destroyed upon graduation or, if not graduated, three years from the date that the student last attended classes at the University. The decision to retain or destroy a student file outside of this policy lies within the discretion of the dean of students. Student disciplinary records that involve the imposition of sanctions, such as residence hall suspension or expulsion, or suspension or expulsion from the University, will be held on file indefinitely by the Dean of students Office.
3. **Retention of Records – Electronic:** The dean of students will retain student electronic disciplinary records for the time periods required and to the extent necessary to comply with the relevant data reporting laws.
4. Disciplinary records in hard-copy format of students who withdraw from the University prior to the institution or completion of the judicial process may be held indefinitely, subject to the discretion of the dean of students.
5. In situations involving both an accused student (or group or organization) and a student claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the educational records of both the accused student and the student claiming to be the victim, because the educational career and chances of success in the academic community of each may be impacted.
6. Students whose hard-copy disciplinary files are subject to being held on file indefinitely may petition the dean of students for removal and destruction of their hard-copy file three years after graduation or, if not graduated, three years from the date they last attended classes at the University. It is within the sole discretion of the dean of students whether to grant such a petition.

B. Privacy

All disciplinary records kept in the normal course of the University judicial process are the property of the University and are subject to the data privacy restrictions found in University policies and federal and state law. Subject to the relevant data privacy laws and their exceptions, third parties will not have access to a student's disciplinary record without written permission provided by the student. The University's policy statement concerning the implementation of the Family Education Rights and Privacy

Act of 1974 (FERPA), 20 USC 1232g, describes the circumstances under which the contents of such records may be disclosed without the consent of the student. A link to the University FERPA policy can be found in Article X of this document.

C. Parental Notification

The dean of students or the dean's designee may notify parents or legal guardians of disciplinary matters under the conditions listed below. Notification will generally be made to parents or legal guardians listed in University records as parents or guardians as follows:

1. Where it is determined that a student's behavior or misconduct places his/her immediate health, safety or well-being at immediate risk.
2. When a student is placed on the status of conduct probation for violations of the University Student Code of Conduct with respect to the use or possession of alcohol and/or drugs and the student is under 21 years of age.
3. University staff may contact parents or guardians of students found to be in violation of the University Student Code of Conduct involving drugs or alcohol when the student is less than 21 years of age.

In cases where parental notification would put students or other parties at risk due to family situations, the University reserves the right not to notify parents or legal guardians.

ARTICLE VIII: EXPLANATORY NOTES

ACTC Conduct Statement:

The members of the Associated Colleges of the Twin Cities maintain a cordial and collegial relationship that extends to the behavior and conduct of member students who either visit or who are taking classes at another member institution. In recognition of this fact, students are referred to and placed on notice that they are subject to the ACTC Conduct Statement found at:

http://www.stthomas.edu/policies/student_policy_book/ACTC_Conduct.asp

Study Abroad Programs:

In all international and off-campus courses and programs, students are subject to the University of St. Thomas Code of Conduct. In recognition of this fact, students are referred to and placed on notice that they are subject to the Study Abroad Conduct Statement found at:

http://www.stthomas.edu/policies/student_policy_book/Study_abroad_rights_and_procedures.asp

Withdrawal Pending the Judicial Process:

Any student who withdraws from the University pending or prior to completion of the University judicial process may be prohibited from re-enrolling as a student at the University at the discretion of the dean of students. Students who withdraw from the University pending or prior to completion of the University judicial process may still be subject to that process. Students who withdraw pending the University judicial process may be allowed to re-enroll as a student at the University for the purpose of resolving any outstanding incidents of student misconduct. Such students will be subject to the normal judicial process and sanctions up to and including expulsion as a student.

Terms of Usage:

The terms and definitions on this Student Code of Conduct allow for flexibility in usage. The following terms may be used interchangeably or as alternatives to the terms specifically listed in the definitions sections of this code:

- "judicial process" and "disciplinary process"
- "judicial officer" and "hearing officer"
- "Student Code of Conduct" and "student code" or "code of conduct" or "student rules of conduct"
- "Committee on Discipline" and "discipline committee" or "appeal board"
- "dispositional meeting," "disciplinary conference" and "administrative hearing"
- "special appeals/hearing board" may be referred to as a "special board," "special appeal board" or "special hearing board"

- “University hearing board hearing” may be referred to as a “board hearing.” “University hearing boards” may be referred to as “hearing boards.” “University hearing board chairperson” may be referred to as “board chairperson,” the “chairperson” or simply, the “chair.”
- “University organization” and “University club”
- “Complaint” of student misconduct and “report” of student misconduct

ARTICLE IX: SOURCES, INTERPRETATION AND REVISION

- A. Any question of interpretation or application of this Student Code of Conduct shall be referred to the dean of students or his/her designee for final determination.
- B. This Student Code of Conduct shall be reviewed every five years under the direction of the chief judicial officer.
- C. This Student Code of Conduct: Disciplinary Rights Non-Academic is based on and drafted in accordance with the following source:

Navigating Past the “Spirit of Insubordination”: A TWENTY-FIRST CENTURY MODEL STUDENT CONDUCT CODE WITH A MODEL HEARING SCRIPT, Vol. 31, The Journal of College and University Law No. 1, Edward N. Stoner & John Wesley Lowery, (2004). This document may also be referred to as the “model code.”

ARTICLE X: LINKS TO RELEVANT POLICIES

1. Academic Integrity:
http://www.stthomas.edu/policies/student_policy_book/Academic_Integrity_Policy.asp
2. ACTC Conduct Statement:
http://www.stthomas.edu/policies/student_policy_book/ACTC_Conduct.asp
3. Committee on Discipline: http://www.stthomas.edu/policies/student_policy_book/default.asp.
4. Department of Public Safety: www.stthomas.edu/psps
5. Disciplinary Right Non-Academic (Student Code of Conduct):
http://www.stthomas.edu/policies/student_policy_book/Non_academic_rights_and_procedures.asp
6. Family Education Rights and Privacy Act of 1974:
<http://www.stthomas.edu/registrar/student/ferpa/default.html>
7. Good Samaritan Statement:
http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Good_Samaritan_Statement.asp
8. Hazing Policy: http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Hazing.asp
9. Other University Policies listed on the dean of students Web site:
http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Policies_guidelines.asp
10. Policies on Community Expectations:
http://www.stthomas.edu/policies/student_policy_book/Community_expectations.asp
11. Policies on Offensive Behaviors:
http://www.stthomas.edu/policies/student_policy_book/Offensive_behavior.asp
12. Resident Student Agreement: <http://www.stthomas.edu/residencelife>
13. Resident Student Handbook: <http://www.stthomas.edu/residencelife/documents/StudHBDec2006.pdf>
14. Responsible Use Policy (Technology/Computers):
<http://www.stthomas.edu/irt/support/policies/responsible.html>.
15. Sexual Harassment Policy:
http://www.stthomas.edu/policies/student_policy_book/policies_guidelines/Sexual_harassment.asp
16. Sexual Violence Policy:
http://www.stthomas.edu/policies/student_policy_book/document/Sexual%20Violence%20Policy.pdf
17. Student Handbook: http://www.stthomas.edu/policies/student_policy_book/default.asp
18. Study Abroad Programs:
http://www.stthomas.edu/policies/student_policy_book/Study_abroad_rights_and_procedures.asp
19. University Clubs and Organizations: <http://www.stthomas.edu/ustclubs/handbook/default.html>.
20. University Policies: <http://www.stthomas.edu/policies>
21. Withdrawal Policy: <http://www.stthomas.edu/financialservices/undergraduate/policies/wp/default.html>

Conclusion

“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)