

Case Western Reserve University  
Student Code of Conduct  
Effective August 1, 2016

Preamble

The mission of Case Western Reserve University is to improve and enrich people's lives through research that capitalizes on the power of collaboration, and education that dramatically engages students. This goal is realized through scholarship and creative endeavors that draw all forms of inquiry; learning that is active, creative and continuous and promotion of an inclusive culture of global citizenship.

The University Student Code of Conduct serves to support 2(i4( of))4(r)3(s)4(l)-2( )-2( )-1n inclusive00

4. The term university official includes any person employed by the university, on a fulltime, part-time or temporary basis, performing assigned administrative or professional responsibilities.
5. The term member of the university community includes any person who is a student, faculty member, university official, person employed by the university, guest or visitor. If not clear, a person's status in a particular situation shall be determined by the Vice President of Student Affairs or designee.
6. The term university premises includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the university.
7. The terms student organization or student group means any number of persons who have complied with the formal requirements for university recognition that would otherwise be considered a student organization or student group. This could include but is not limited to recognized student organizations, Greek life chapters, athletic teams and performance groups.
8. The term hearing board means person or persons authorized by the President of Student Affairs to determine whether a student or student organization has violated the student code of conduct and to impose sanctions when violation of the code of conduct has occurred.
9. The term hearing officer means a university official authorized by the Vice President of Student Affairs to unilaterally determine whether a student or student organization has violated the student code of conduct and to impose sanctions when violation of the code of conduct has occurred.
10. The term appellate board means any person or persons authorized by the Vice President of Student Affairs to consider appeal from the hearing board or hearing officer's determination whether a student or student organization has violated the code of conduct or from the sanctions imposed.
11. The term appellate officer means a university official authorized by the Vice President of Student Affairs to unilaterally consider appeal from the hearing officer's determination whether a student or student organization has violated the code of conduct or from the sanctions imposed.
12. The term complainant means any person or student organization who submits charge(s) alleging that a student or student organization violated the student code of conduct. In the absence of either above, the university will serve as complainant.
13. The term respondent means any student or student organization accused of violating the student code of conduct.
14. The term investigator means any university official gathering information for a hearing officer or hearing board to determine whether a violation of the code of conduct occurred.
15. The term business day means any day the university is conducting normal operations and most offices are open.
16. The term shall is used in the imperative sense.
17. The term may is used in the permissive sense.
18. The Vice President of Student Affairs is the person designated by the university to be responsible for the administration of the student code of conduct.
19. The Student Conduct Administrator is the person designated by the Vice President of Student Affairs for daily operation of the student conduct process.

20. The term policy means any written regulations of the university as found in, but not limited to, the student code of conduct, the university web page and computer use policy, and undergraduate/graduate/professional school handbooks and catalogs.

## Article II: Student Code of Conduct Authority

1. The Vice President of Student Affairs or designee shall determine the composition of hearing boards and appellate boards and determine which hearing board, hearing officer or appellate board shall be authorized to hear each matter.
2. The Vice President of Student Affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are not inconsistent with provisions of the student code.
3. Decisions made by hearing boards or hearing officers shall be final, pending the normal appeal process.

## Article III: Proscribed Conduct

### A. Jurisdiction of the University Student Code of Conduct

The University Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities and off-campus conduct that adversely affects the university community, the mission of the university and/or the pursuit of university goals. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, including periods immediately before classes begin or immediately after classes end, as well as during the academic year and during periods between terms of actual enrollment. This includes conduct which occurred while a student was enrolled discovered even after a degree is awarded. The Student Code of Conduct shall apply to a student even if the student withdraws from the university while a disciplinary matter is pending. The Vice President of Student Affairs or designee shall determine when the Student Code of Conduct may be applied to incidents of misconduct occurring off campus, on a case by case basis.

### B. Conduct – Policies

1. Acts of dishonesty including but not limited to:
  - a. Furnishing false information to any university official, faculty member or office.
  - b.

- d. Behavior that is intimidating
  - e. Harassment
  - f. Behavior that is coercive
  - g. Behavior that endangers the physical or mental health or safety of any person
4. Attempted or actual theft of and/or damage to property of the university or property of a member of the university community or other personal or public property, on or off campus.
  5. 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. Apathy or

- g. Use or possession of bulk quantity or common sources of alcohol including but not limited to kegs, large open containers, or a large number of individual servings likely for use as a common source.
  - h. Participating in drinking games or other high risk behavior including funneling
  - i. Use or possession of alcohol in the residential colleges (first year student housing) unless all assigned residents of the room are of legal drinking age.
  - j. Violation of other university alcohol policy.
12. Smoking policy - In compliance with the State of Ohio smoking ban set out in Chapter 3794 of the Ohio Revised Code, the university does not permit smoking in any of its buildings or structures, including in residence halls or in university vehicles. In addition, all outside walkways and grounds of university property are smoke-free. This includes but is not limited to cigarettes, cigars, pipes, bong, cigarettes and vape pens
13. Guest Responsibility – Students are responsible for the behavior of their guests when on university property or at any event sponsored by or affiliated with the university. Students may be held accountable for violation of any policy by guests. Students who do not make reasonable efforts to inform guests of policies and control guest behavior will be more likely to be responsible for a violation. The university may take action with guests including but not limited to enacting a ban from campus or filing criminal charges. The definition of guests includes but is not limited to, any person, including other students, that a student allows into his/her room, residence hall or to campus, and/or any person that would be considered the guest of a student by a reasonable person. With approval of roommates/suitemates, overnight guests may be accommodated in residence facilities for a maximum of three (3) consecutive nights.
14. Weapons Policy - Illegal or unauthorized possession or use of any item considered a weapon on university premises. This includes but is not limited to:
- a. Firearms
  - b. Knives/Swords/Other sharp weapons
  - c. Explosives/Ammunition
  - d. Dangerous Chemicals
  - e. Kitchen utensils not used for their intended purpose
  - f. Blunt weapons
  - g. Tases, Mace, Pepper Spray
  - h. Simulated Weapons (e.g. airsoft or BB guns)
  - i. Athletic Equipment not used for intended purpose
15. Participating in a demonstration, riot or activity that unreasonably disrupts the normal operations of the university and/or infringes on the rights of other members of the university community; leading or inciting others to significantly disrupt scheduled or normal activities
16. Gambling – Any kind of betting, gaming or competition where money or other items of value are at stake. This may exclude some raffles, philanthropy events or other events approved by the appropriate university office.
17. Conduct that is

- a. Disorderly
- b. Lewd
- c. Indecent
- d. Breach of peace
- e. Violation of residence hall quiet hours policies
- f. Aiding, abetting, or procuring another person to breach the peace.
- g. Solicitation of materials or services or commercial activities of any type in residence facilities without written permission or registration from the appropriate office(s).
- h. Making an audio, video, photographic or other record of any person while on university premises or at any event sponsored by or affiliated with the university without prior knowledge or effective consent when such a recording may cause harm, injury or distress.
- i. Creating/distributing pornographic material on university premises or at any event sponsored by or affiliated with the university that uses university property or resources.

18. Violation of the university fire safety policy including, but not limited to

- a. Setting a fire/Arson
- b. Sounding a false alarm
- c. Falsely reporting fire, bomb threats, serious injury, or any other emergency
- d. Intentionally or negligently activating a fire alarm when no fire is present
- e. Tampering with a fire alarm pull station or fire suppression system
- f. Using a fire extinguisher in a non-emergency situation
- g. Not evacuating the building during a fire alarm
- h. Tampering with a smoke/particle detector; sprinkler heads, or other fire safety equipment
- i. Using cooking appliances except in designated cooking areas/using hot plates, electrical heaters, halogen lighting sources, extension cords or similar electrical equipment or leaving cooking items unattended while in use.
- j. Using candles, incense, or any open flame device
- k. Storage of a motor vehicle of any type within a residence facility
- l. The blocking of any inside or outside exit, fire doors, corridors, hallways or tampering with self-closing mechanisms.
- m. Possession or use of hoverboards or similar balancing scooters on university property.
- n. Other fire safety policies outlined by the Office of Environmental Health and Safety

19. Technology -Theft or other abuse of computer facilities and resources including but not limited to:

- a. Unauthorized entry into a file, to use, read, 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 of the university computer use policy.

20. Abuse of conduct system, including but not limited to:

- a. Failure to obey a notice from a conduct board or university official to appear for a meeting or hearing as part of a student conduct system.
- b. Falsification, distortion, or misrepresentation of information before a student conduct board.
- c. Disruption or interference with the orderly conduct of a student conduct board proceeding.
- d. Participating in a student conduct code hearing or other disciplinary process in a way that is dishonest.
- e. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
- f. Attempting to influence the impartiality of a member of a hearing board prior to and/or during the course of, the hearing board process.
- g. Harassment (verbal and/or physical) and/or intimidation of a member of a hearing board prior to, during, or after a student conduct proceeding.
- h. Failure to comply with the sanction(s) imposed under student code.
- i. Influencing or attempting to influence another person to commit an abuse of the code of conduct or processes associated with it.

C. Violation of Federal, State and/or Local Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the code of conduct (that is, if both possible violations result from the same factual situation or incident) or regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the President of Student Affairs or a designee. Determinations made or sanctions imposed under this student code shall not be 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 the criminal law defendant.
2. When a student is charged by federal, state or local authorities with a violation of law, the university will not request or agree to special consideration for the individual because of his or her status as a student. If the alleged offense is also being processed under the student code of conduct, the university may advise campus authorities of the existence of the student code 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 in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that 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 Conduct Code Procedures

##### A. Determination of Conduct Charges and Resolution

1. Any person may allege that a student or student organization violated student code of conduct.
2. Upon review of any allegation, the Student Conduct Administrator or a designee will determine the appropriate conduct process for resolution and appropriate conduct charges. Possible conduct policy violations (Article III, Section B) mitigating and aggravating factors and prior misconduct will be considered in determining the resolution path.
  - a. The Administrative Hearing Process (Article IV, B) will be appropriate when there is no possibility of separation or expulsion from the university being imposed as a sanction.
  - b. The Formal Hearing Process (Article IV, C) will be appropriate if there is any possibility of separation or expulsion from the university being imposed as a sanction or if the incident had a significant impact to the university community or other individuals.
  - c. The allegation will be referred to a different resolution process if there are possible policy violations that fall outside the scope of Student Code of Conduct.
  - d. The allegation will be dismissed if the available information supports that the incident does not fall within the scope of the Student Code of Conduct or any policy.

##### B. Administrative Hearing Process

1. The Student Conduct Administrator or a designee may conduct an investigation to determine if there is sufficient information to find a possible violation. If there is insufficient information then the case will be dismissed. If there is sufficient information, then the Student Conduct Administrator or a designee will determine if the charges can be resolved without a hearing by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. This may include:
  - a. Agreement regarding responsibility for alleged violation and imposed sanctions between the university official and the respondent as long as sanctions do not include separation or expulsion from the university
  - b. Agreement to dismiss the case as lacking sufficient evidence to support a violation of the student code of conduct.





- k. In hearings involving more than one respondent, the Student Conduct Administrator or designee may permit the students to participate in the hearing separately or together. Respondents may request to have decisions rendered separately or together.
  - l. Pertinent records, exhibits and written statements (including student impact statements) may be accepted as information for consideration by the hearing officer at the discretion of the Student Conduct Administrator or a designee. All relevant information must be submitted by the complainant and respondent at least 2 business days before the scheduled hearing.
  - m. All procedural questions are subject to the final decision of the Student Conduct Administrator or designee.
  - n. The hearing officer's determination of responsibility for each violation shall be made on the basis whether there is a preponderance of the evidence, or whether it is more likely than not, that the respondent violated the student code of conduct.
  - o. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in a criminal or civil court, are not used in student conduct proceedings.
6. If with proper notice the respondent, complainant and/or investigator do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present.
7. The hearing officer may accommodate concerns for the personal safety of the complainant, respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Student Conduct Administrator or designee.

### C. Formal Hearing Process

- 1. The Student Conduct Administrator or a designee may conduct an investigation to gather information and determine if there is sufficient information to find a possible violation. If there is insufficient information then the case shall be dismissed. If there is sufficient information then the case shall proceed to a formal hearing.
- 2. A time shall be set for a formal conduct board hearing 1.5 to 2 hours in duration.

- c. The respondent and complainant (if any) have the right to be assisted by an advisor of their choice, at their own expense. The respondent and the complainant are responsible for presenting relevant information to the hearing board. Advisors may advise their advisee but are not permitted to speak or participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.
- d. The hearing board respondent, an advisor of the respondent's choice (if any), complainant (if any), an advisor of the complainant's choice (if any), and the investigator (if any) shall be allowed to attend the entire portion of the

6. If with proper notice respondent, complainant and/or investigator do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present
7. The Student Conduct Administrator or designee may accommodate concerns for the personal safety, wellbeing, and/or fears of confrontation of the complainant, respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Student Conduct Administrator or designee.

#### D. Greek Student Organization Hearing Process

1. When an allegation against an entire chapter occurs, the chapter president will meet with a Vice-President of Administration (VPA) from the Panhellenic Council or the Interfraternity Council and a representative from the Greek Life Office to discuss the allegations, resolution options and possible sanctions
  - a. If the chapter accepts responsibility for all allegations and possible sanctions do not include Disciplinary Probation or a more serious sanction, sanctions will be agreed upon among the participating VPA, the Greek Life Office representative and the Chapter President.
  - b. If the chapter does not contest the violations but does not accept responsibility, and possible sanctions do not include Disciplinary Probation or a more serious sanction, an informal hearing will occur (IV, D, 2).
  - c. If the chapter pleads not responsible, possible sanctions do not include Disciplinary Probation or a more serious sanction, a formal Greek Life hearing will occur (IV, D, 3).
  - d. If Disciplinary Probation or a more serious sanction are possible outcomes, regardless of whether responsibility is accepted, a Formal Conduct Hearing will occur (IV, C).
2. Informal Greek Life Hearing
  - a. The Panhellenic Council/Interfraternity Council Judicial Board will review the available information and determine responsibility and possible sanctions.
  - b. The chapter may have an advisor but witnesses an advisor vide 16 CFR 101.11(d)(4)(v)-14(e) [TJ]

Case Western Reserve University seeks to promote a community of care through providing Medical Amnesty for individuals and organizations who seek medical attention related to medical emergencies for alcohol and drugs. To ensure that a student obtains the need for these potentially life-threatening emergencies, CWRU seeks to reduce barriers to seeking assistance.

Case Western Reserve University's Medical Amnesty Policy eliminates judicial consequences for students and/or organizations seeking assistance, for the assisted individual and for others involved. The policy applies when the allegations under the code of conduct or

that any additional violations of the code of conduct will likely lead to some level of separation from the university. Disciplinary Probation is for a set period of time and may lead to a loss of privileges including, but not limited to, being ineligible to represent the university in intercollegiate activities, hold an elected or appointed office or committee chairmanship in any campus organization, and pledge a fraternity or sorority for the duration of the probationary period.

- d. University Housing Separation – Separation of the student from university housing for a defined period of time, after which the student is eligible to petition to return to housing. Conditions for readmission to housing may be specified.
- e. University Housing Expulsion – Permanent separation of the student from university housing. A ban from visiting, entering or being in the vicinity of any university housing is included as part of this sanction unless



5. An appeal shall be limited to a review of the appeal petition, responses to the appeal petition, information available in the hearing, the verbatim record of the conduct hearing and supporting documents for one or more of the following grounds
  - a. Evidence that established procedures were not followed in a manner that would have significantly affected the hearing outcome.
  - b. The sanctions are substantially disproportionate to the severity of the violation.
  - c. New information not available at the time of the hearing which would have significantly affected the hearing outcome.
6. The role of the appeal board or appeal officer is not to adjudicate the case as a second hearing board. The appeal board will limit the scope of the review to the grounds outlined (w)2(JTJ 0 Tc d4d. T)