

**Case Western Reserve University
Student Code of Conduct 2017-2018
Effective August 1, 2017**

Preamble

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 on 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 the overall mission and core values of Case Western Reserve University. This includes civility and the free exchange of ideas, civic and international engagement, appreciation for the distinct perspectives and talents of each individual, academic freedom and responsibility, and ethical behavior.

The scope of the University Code of Conduct is behavioral expectations of all undergraduate, graduate and professional students. This code is not applicable to sexual misconduct or academic integrity violations; both of which are covered under different policies. This code may be used in conjunction with other policies including but not limited to academic program policies, student organization policies, athletic and recreation policies. No policy will automatically pre-empt any other policy and more than one policy may be applied to the same incident in a parallel manner. Any internal behavioral conduct policies for student organizations must be consistent with the University Student Code of Conduct.

4. The term **university official** includes any person employed by the university, on a full-time, 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 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 or that would otherwise be considered a student organization or student group. This co

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 to 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 admission.

- 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. Theft or Damage, including but not limited to:
 - a. Theft, defined as attempted or actual theft of property of the university or property of a member of the university community or other personal or public property, on or off campus.
 - b. Damage, defined as attempted or actual 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 acquiescence in the presence of hazing are not neutral acts; they are a violation of this policy.
 6. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
 7. Unauthorized possession, duplication or use of keys, student identification cards or other means of access, to any university premises or unauthorized entry to or use of university premises. Contributing to or participating in the unauthorized entry of individual(s) into a student room or building facility by transferring or duplicating a key or identification card.
 8. Violation of any university policy, rule or regulation published in hard copy or available electronically on the university website; including but not limited to residence life handbook, the university web page and computer use policy, and graduate/undergraduate handbooks and catalogs.
 9. Violation of any federal, state or local law.
 10. Drugs, narcotics or other controlled substances except as expressly permitted by law:
 - a. Use of drugs, narcotics or others controlled substances
 - b. Possession of drugs, narcotics or other controlled substances
 - c. Use of any substance with the intention of causing illness or injury
 - d. Manufacturing of drugs, narcotics or other controlled substances

- c. Distribution of alcohol to any individual under the legal drinking age
 - d. Public intoxication by any individual
 - e. Use or possession of alcohol in a public space
 - f. Use of alcohol leading to illness or injury
 - 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.
 - k. Use or possession of alcohol by any individual in substance free university housing.
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

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 courtesy hours
- 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

- 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. _____ 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 any student conduct system.
- b. Falsification, distortion, or misrepresentation of information before any student conduct board.
- c. Disruption or interference with the orderly conduct of a student conduct board proceeding.
- d. Participating in a student conduct code meeting, hearing or other disciplinary process in a way that is dishonest.
- e. _____ 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 the 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) without 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 Vice 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

- 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.
- c. Agreement that the University Medical Amnesty policy applies (Article IV, D).

In any of these instances, such disposition shall be final and there shall be no subsequent proceedings or appeals.

2. If charges are not dismissed, if charges are not admitted to, if charges cannot be resolved by mutual consent, or if sanctions are not agreed to, the case will be referred to the Office of Student Conduct for resolution through the administrative hearing process.
3. A time shall be set for an administrative hearing, at least five business days after the student has been notified of the hearing date, time and location. A respondent may choose to waive this notice in the interests of expediting resolution of the case.
4. The complainant and respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.
5. Administrative

- b. **Deferred Disciplinary Probation** A written notice to the respondent that a violation of the code of conduct has occurred, that a conduct record is on file within the university and that any additional violations of the code of conduct will likely lead to Disciplinary Probation. Deferred Disciplinary Probation is fo

