

**Case Western Reserve University
Student Code of Conduct 2018-2019
Effective August 1, 2018**

Preamble

The mission of Case Western Reserve

means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university or individual academic program to be a member of the faculty.

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 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

20. The term **policy** means any written regulati

- 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

- 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 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, e-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 all 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. Tasers, 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 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

- 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 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. 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 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

- i. After all appropriate parties have had an opportunity to present information to the hearing officer and ask questions, the hearing officer will deliberate to determine responsibility for alleged violations. Deliberations will be in private.
 - j. If responsibility for any violation is determined, the hearing officer will deliberate to determine appropriate sanctions. Sanctions will be determined based on the violations for which the respondent is found responsible, prior misconduct, factors considered aggravating and factors considered mitigating.
 - 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 the 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, well-being, and/or fears of confrontation of the complainant, respondent, and/or witnesses during the hearing by providing separate facilities, by use of a hearing room, or by other means.

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E. Non Greek Student Organization Hearing Process

1. All other recognized student organizations will follow the conduct process outlined in Article IV, A-C.

F. Medical Amnesty:

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 obtain the help they 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 other policies involve underage consumption of alcohol, use of drugs or disorderly conduct. The policy does not preclude disciplinary action regarding other violations, such as causing or threatening physical harm, sexual violence, damage to property, fake identification, unlawful provision of alcohol or other drugs, harassment or hazing.

In order for this protocol to apply, the assisted student must agree to timely completion of assigned alcohol and/or drug education activities, assessment, and/or treatment (assigned by Case Western Reserve University depending on the level of concern for student health and safety). Failure to complete recommended follow-up will normally result in revocation of judicial amnesty. Repeated incidents may prompt a higher degree of medical concern with additional steps taken.

Likewise, organizations involved in an incident must agree to take recommended steps to address concerns, such as educational follow-up. Multiple incidents may result in revocation of an organization's recognition. Medical Amnesty does not negate the university's obligation to notify the CWRU Police Department as required by Ohio State Law. The Medical Amnesty Policy represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol and drug emergency. The Medical Amnesty Policy also promotes education for individuals who receive emergency medical attention related to

b. Deferred Disciplinary Probation – A

- n. Withholding Degree – The university may withhold awarding a degree otherwise earned until the completion of the process set forth in the code of conduct, including the completion of all sanctions imposed.
- o. Mental Health Evaluation – The university may require the student to complete a

Article V: Interpretation and Revision

- A. Any question of interpretation or application of the student code shall be referred to the Vice President of Student Affairs or a designee for final determination.
- B. The university student code of conduct shall be reviewed every year under the direction of the Vice President of Student Affairs or a designee.