

**Case Western Reserve University
Student Code of Conduct 2019-2020
Effective August 1, 2019**

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 on all forms

y, positive treatment, and ethical behavior.

s behavioral expectations of all undergraduate, s not applicable to sexual misconduct or academic under different policies. This code may be used in ot limited to academic program policies, student policies. No policy will automatically pre-empt any applied to the same incident in a parallel manner. ident organizations must be consistent with the

iversity community who respect others and are e. The goals of the University conduct process are ports the overall educational mission of the nity from disruption and harm; (3) to encourage d citizenship; (4) to foster ethical standards; (5) to , all persons taking courses at the University, rsuing non-degree, undergraduate, graduate or professional after allegedly violating the student code of conduct, who are icular term but who have a continuing relationship with the and/or have been notified of their acceptance for admission

ns any person hired by the University to conduct classroom

teaching activities or who is otherwise considered by the University or individual academic or 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 **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 could include but is not limited to recognized student organizations, Greek life chapters, athletic teams and performance groups.
8. The term **hearing board** or **hearing panel** means person or persons authorized by the Vice 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 **appeal board** or **appeal panel** means any persons authorized by the Vice President of Student Affairs to consider an 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 **appeal officer** means a University official authorized by the Vice President of Student Affairs to unilaterally consider an 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 **respondent** means any student or student organization accused of violating the student code of conduct.
13. 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.
14. The term **witness** means any person providing relevant information related to a conduct incident as determined by the Director of Student Conduct & Community Standards or a designee.
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 **Director of Student Conduct & Community Standards** is the person designated by the Associate Vice President of Student Affairs/Dean of Students for daily operation of the student conduct process.

20. The term **policy** means any regulations, in written or electronic form, of the University including , but not limited to the student code of conduct, undergraduate, graduate and professional school academic integrity policies, , and undergraduate/graduate/professional school handbooks and catalogs.

Article II: Student Code of Conduct Authority

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- c. Behavior that is threatening
 - 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, Damage, Vandalism, or Littering 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.
 - c. Vandalism, defined as attempted or actual disfiguring or defacing of University or property of a member of the University community or other personal or public property, on or off campus.
 - d. Littering, defined as leaving garbage or other unwanted items on University property or other public spaces.
 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 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.
 9. Violation of any federal, state or local law.
 10. Drugs, narcotics or other controll

- 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 quiet hours or courtesy hours. Quiet Hours are in effect: Sunday – Thursday: 11:00pm-10:00am, Friday - Saturday: Midnight -10:00am. Courtesy hours are in effect 24 hours every day.
 - f. Aiding, abetting, or procuring another person to breach the peace.
 - g. Solicitation of materials, services, or commercial activities of any type in residence facilities without written permission or registration from the appropriate office.
 - 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 or that uses University property or resources.
 - j. Hall Sports - participating in unapproved physical recreational activities inside a residence hall.
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

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 off-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 the student code of conduct.
2. Upon review of any allegation, the Director of Student Conduct & Community Standards 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 Disciplinary Probation, University Separation or University Expulsion being imposed as sanctions.
 - b. The Formal Hearing Process (Article IV, C) will be appropriate if there is any possibility of Disciplinary Probation, University Separation or University Expulsion 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 the 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 other policy.

B. Administrative Hearing Process

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7. The hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate parti

responsibility for alleged violations. Deliberations will be in private. The hearing board may confer with the Director of Student Conduct & Community Standards or designee during deliberations.

- j. If responsibility for any violation is determined, the hearing board 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. The hearing board may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
 - k. In hearings involving more than one respondent, the Director of Student Conduct & Community Standards 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 impact statements) may be accepted as information for consideration by the hearing board at the discretion of the Director of Student Conduct & Community Standards or a designee. All relevant information must be submitted at least two business days before the scheduled hearing.
 - m. All procedural questions are subject to the final decision of the Director of Student Conduct & Community Standards or designee.
 - n. The hearing board'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.
5. There shall be a single verbatim record, such as a digital recording, of all formal hearings before a student conduct board. Deliberations shall not be recorded. The record shall be the property of the University.
6. If with proper notice respondent 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 Director of Student Conduct & Community Standards or designee may accommodate concerns for the pTheQ ^ , ç ell M M M M

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 Medical 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/or drug emergency. The Medical Amnesty Policy also promotes education for individuals who receive emergency medical attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

G. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

- a. Warning – A written notice to the respondent communicating that a violation of the code of conduct has m

- 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 otherwise specified.
- f. University Separation – Separation of the student from the University for a defined period of time, after which the student is eligible to petition to return to the University. Separation from the University shall not exceed 24 months for a single incident that is a violation of the Student Code of Conduct. A separated student may not enroll in classes or be a part of any University related activities. A ban from the University campus and from participation in University related activities and events is included as part of this sanction unless otherwise specified. Upon completion of separation period and approval of petition by the University, readmission to the University may occur.
- g. University Expulsion – Permanent separation of the student from the University. A ban from the University campus and from participation in University related activities and events is included as part of this sanction unless otherwise specified.
- h. Persona Non Grata – A ban from entry to specified areas of University premises, including the entire campus if directed, for a specified or permanent period of time.
- i. No Contact Directive – Directive banning contact with another University community member while one or both are members of the University community.
- j. Loss of Privileges – Denial of specified privileges for a designated period of time or permanently.
- k. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- l. Discretionary Sanctions – assignments, essays, service to the University or outside community or other related discretionary or educational assignments.
- m. Revocation of admission and/or degree – Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- 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 specific mental health evaluation. Being allowed to return to the University or return to specified activities may be contingent on successful completion of such an evaluation.

2. More than one of the sanctions outlined above may be imposed for any single violation.

3. Prior misconduct and other factors may be taken into a

b. Loss of selected organizational

4. For cases heard by a single administrator, the appeal board shall consist of a single member of the University Student Affairs leadership team or a designee.
5. An appeal shall be limited to a review of the appeal petition, response to the appeal petition, information available in the hearing, the verbatim record of the 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. New information not available at the time of the hearing, which would have significantly affected the hearing outcome.
 - c. The sanctions are substantially disproportionate to the severity of the violation.
6. The role of the appeal board or appeal officer is not to adjudicate the case as a second hearing. The appeal board will limit the scope of the review to the grounds outlined above. If an appeal is granted on appeal grounds 5a or 5b, the case may be returned to the original conduct hearing board for re-opening of the hearing to allow reconsideration of the original decision. If an appeal is granted on appeal ground 5c, the appeal board may render new sanction(s). If an appeal is not granted, the matter shall be c #

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