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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.

- a. Causing physical harm to others
 - b. Verbal Abuse
 - c. Behavior that is threatening
 - d. Behavior that is intimidating
 - e. Harassment
 - f. Behavior that is coercive
 - g. Behavior that endangers the 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.
 9. Violation of any federal, state or local law.
 10. Drugs, narcotics or other controlled substances except as expressly permitted by federal, state and local laws or University policies (medical marijuana is not permitted on University property as it is prohibited 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
- e. Distribution of drugs, narcotics or other controlled substances
- f. Possession or use of drug paraphernalia; items that a reasonable person would believe are used in conjunction with drugs, narcotics or other controlled substances.

11. Alcohol policy:

- a. Use of alcohol by an individual under the legal drinking age
- b. Possession of alcohol by an individual under the legal drinking age
- 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 any buildings or floors designated as First Year Experience living spaces except resident rooms where 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.

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- 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 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.

- 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. The blocking of any inside or outside exit, fire doors, corridors, hallways or tampering with self-closing mechanisms.
- j. Use or possession of any CWRU Office of Environmental Health & Safety, Fire Safety Prohibited Items <https://case.edu/ehs/safety-subject/fire-safety/prohibited-items>

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, 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 that 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 any 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 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

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- participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.
- d. The hearing officer, respondent, an advisor of the respondent's choice (if any), and the investigator (if any) shall be allowed to attend the entire portion of the administrative conduct hearing except for the hearing officer's deliberation.
 - e. The respondent and the investigator (if any) will have an opportunity to present information relevant to the allegations.
 - f. The respondent and investigator may request witnesses to present pertinent information to the hearing officer. The Director of Student Conduct & Community Standards or designee will determine relevancy of witnesses. Normally, hearings will not be delayed or rescheduled to accommodate witnesses.
 - g. Approved witnesses shall be allowed to attend a portion of the hearing where they will present relevant information and answer questions.
 - h. The hearing officer and the respondent may ask questions of the respondent, the investigator and witnesses.
 - i. After all appropriate parties

- i. After all appropriate parties have had an opportunity to present information to the hearing board and ask questions, the hearing board will deliberate to determine 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 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 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 Director of Student Conduct & Community Standards or designee.

D. Greek Student Organization Hearing Process

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disorderly conduct. The policy does not preclude disciplinary action regarding other policy 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 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

5. The following sanctions may be imposed upon student organizations:
 - a. Those sanctions outlined above in Article IV(B)(1);
 - b. Loss of selected organizational rights and privileges for a specified period of time.
 - c. Loss of recognition and all student organization privileges for a specified period of time.
 - d. Discretionary sanctions that some or all members of the organization must complete.

H. Interim Measures

In certain circumstances, the Vice President of Student Affairs or designee may impose interim measures prior to a formal conduct hearing. Interim measures may include but are not limited to sanctions outlined in Article IV, Section G.1.

Additionally interim measures may include a temporary suspension of academic work within a semester where a student maintains enrollment but may not participate in academic work or other specified University related activities until such a suspension is lifted.

1. Interim measures may be imposed:
 - a. to ensure the safety and well-being of members of the University community and/or preservation of University property;
 - b. to ensure the student's own physical or emotional safety and well-being;
 - c. if the student poses an ongoing threat of disruption or, or interference with, the normal operations of the University.
 - d. for other reasons deemed appropriate by the Vice President of Student Affairs or a designee.
2. Interim measures do not replace the regular conduct process, which shall proceed normally as required. Upon resolution of the regular conduct process, any sanctions imposed at that time may take the place of interim measures.
3. In addition to the imposition of interim measures as outlined above, the University may also require some kind of specified mental health evaluation. Being allowed to return to the University or return to other specified activities may be contingent on successful completion of such an evaluation.

I. Appeals

1. A decision reached by a hearing officer or hearing board may be appealed by the respondent within five business days (days the University is open) from the time the hearing decision is made available. Appeal petitions shall be submitted in writing or electronically to the Office of Student Conduct & Community Standards.
2. The board chair or hearing officer will have an opportunity to review the appeal petition and submit a brief response within three business days (days the University is open) from the time the appeal petition is made available.

3. For cases heard by a formal hearing board, the appeal board shall consist of three members of the University Student Affairs leadership team or their designees.
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 considered final and binding upon all involved.
7. Independent of the normal Appeal Process, the University reserves the right to rehear a case if the Vice President of Student Affairs or designee determine that established procedures were not followed in a manner that significantly affected the hearing outcome.

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