

Case Western Reserve University
Student Code of Conduct 2021-2022
Effective Aug 1

and responsibility, positive treatment, and ethical

The scope of the University Code of Conduct is behavioral expectations of all students, including undergraduate, graduate and professional students. This code is not applicable to academic integrity violations, both of which are covered under different policies. In conjunction with other policies, including but not limited to academic program organization policies, athletic and recreation policies. Policies will automatically apply unless otherwise specified. More than one policy may be applied to the same incident. Any internal behavioral conduct policies for student organizations must be consistent with the University Student Code of Conduct.

Students are expected to be members of the University community who are committed to personal and academic excellence. The goals of the University are to promote a campus environment that supports the overall educational mission of the University; to protect the University community from disruption and harassment; to provide appropriate standards of individual behavior and citizenship; and to provide fair and consistent due process for students and organizations alleged to have violated the code of conduct.

Article I: Definitions

1. The term **University** refers to Case Western Reserve University.
2. The term **student** includes, but is not limited to, all persons taking courses at the University, either full-time or part-time, pursuing non-degree, undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the student code of conduct, but who were not officially enrolled for a particular term but who have a continuing relationship with the University or who have applied and/or have been notified of their acceptance to the University are considered students.
3. The term **faculty member** means any person hired by the University to 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 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/De

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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

1. The Vice President of Student Affairs or designee shall determine the composition of hearing boards and appeal boards and determine which hearing board, hearing officer or appeal 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 consistent 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 activpppl #

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- 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

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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.

12. CWRU Tobacco-Free policy – CWRU prohibits the use of tobacco products at all times on campus property. "Tobacco" refers to any product containing tobacco in any form. Tobacco products include, but are not limited to, cigarettes (clove, bidis, kreteks, e-cigarettes); cigars and cigarillos; pipes; all forms of smokeless tobacco; any other smoking devices that use tobacco, such as hookahs; and any other existing or future smoking, tobacco or tobacco-related products. "CWRU Property" refers to all interior space owned, rented or leased by CWRU and all outside property or grounds owned or leased by CWRU, including parking areas and private vehicles while they are on CWRU property and CWRU vehicles.
<https://case.edu/tobaccofree/policy>

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 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.
 - k. Violation of any University Service Animal, Assistance Animal, Pet Policy or other policy related to companion or support animals.
 - l. Endangering, cruelty, neglect or harm to a companion, service or assistance animal.

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. 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>

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- 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 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

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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

1. The Director of Student Conduct & Community Standards 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 Director of Student Conduct & Community Standards 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 Director of Student Conduct & Community Standards. This may include:
 - a. Agreement regarding responsibility for alleged violations and imposed sanctions between the University official and the respondent as long as sanctions do not include Disciplinary Probation, University Separation or University Expulsion.
 - b. Agreement to dismiss the case as lacking sufficient evidence to support any 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, if sanctions are not agreed to, or if meM

- a. Administrative Conduct Hearings shall be conducted in private.
- b. A single hearing officer will determine responsibility for the alleged policy violations and possible sanctions.
- c. The respondent has the right to be assisted by an advisor of their choice, at their own expense. The respondent is responsible for presenting relevant information to the hearing officer. 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 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 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. The hearing officer may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
- 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. The hearing officer 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 respondents 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 Director of Student Conduct & Community Standards or a designee. All relevant information must be submitted by the complainant and respondent 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 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 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 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.

C. Formal Hearing Process

- 1. The Director of Student Conduct & Community Standards 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 formal conduct hearing will be scheduled. The hearing date, time and location will be communicated to the respondent at least five business days prior to the hearing. A respondent may choose to waive this notice in the interests of expediting resolution of the case.
- 3. The respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.
- 4. Formal Conduct Hearings shall be conducted according to the following guidelines:
 - a. Formal Conduct Hearings shall be conducted in private.
 - b. A hearing board normally consisting of three individuals who will determine responsibility for the alleged policy violations and possible sanctions as well as a non-voting board chair. For Greek Student Organizations, normally five individuals will serve on the hearing board.
 - c. The respondent has the right to be assisted by an advisor of their choice, at their own expense. The respondent is 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) and the investigator (if any) shall be allowed to attend the entire portion of the formal conduct hearing except for the hearing board's deliberations.
 - e. The respondent and the investigator will have an opportunity to present information relevant to the allegations.
 - f. The respondent or investigator may request witnesses to present pertinent information to the hearing board. 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 board and respondent may ask questions of the respondent, the investigator and witnesses.
 - 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,

Case Western Reserve University's Medical Amnesty Policy eliminates Student Code of Conduct consequences for students and/or organizations seeking assistance, for the assisted individual and for others involved. The policy applies when the allegations under the Student Code of Conduct or other policies involve consumption of alcohol, use of drugs or 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 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 occurred and that a conduct record is on file within the University.
 - 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 for a set period of time.
 - c. Disciplinary Probation – A written reprimand to the respondent communicating that a serious violation of the code of conduct has occurred and/or multiple violations of the code of conduct have 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 some level of separation from the University. Disciplinary Probation is for a set period of time and shall not exceed 18 months for a single incident that is a violation of the Student Code of Conduct. Disciplinary Probation 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 leadership in any campus organization, study abroad and/or pledge a fraternity or sorority for the duration of the probationary period. University scholarships may be revoked for a period of time while the student is placed on Disciplinary Probation.

- 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 rpe"

4. Other than University expulsion, revocation of a degree or withholding of a degree, sanctions shall not be made part of the student's permanent academic record. Instead, they shall become part of the student's disciplinary record.
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 spe _ M M ed o

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.

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