2020 – 2021
Student Code of Conduct

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The Edinboro University community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life, and thoughtful study and discourse. The student conduct program within the Office of Student Conduct and Judicial Affairs is committed to an educational and developmental process that balances the interests of individual students with the interests of the Edinboro University community.

A community exists on the basis of shared values and principles. At Edinboro University, student members of the community are expected to uphold and abide by certain standards of conduct that form the basis of the Student Code of Conduct (Code). These standards are embodied within a set of core values that include integrity, community, social justice, respect, and responsibility.

### Core Values of Student Conduct at Edinboro University

**Integrity:** Edinboro University students exemplify honesty, honor, and a respect for the truth in all of their dealings.

**Community:** Edinboro University students build and enhance their community.

**Social Justice:** Edinboro University students are just and equitable in their treatment of all members of the community and act to discourage and/or intervene to prevent unjust and inequitable behaviors.

**Respect:** Edinboro University students show positive regard for each other, for property, and for the community.

**Responsibility:** Edinboro University students are given and accept a high level of responsibility to self, to others, and to the community.

Each member of the Edinboro University community bears responsibility for their conduct and to assume reasonable responsibility for the behavior of others. When members of the community fail to exemplify these five values by engaging in violation of the rules below, campus conduct proceedings are used to assert and uphold the Code of Conduct.

The student conduct process at Edinboro University is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students’ moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the student conduct process may determine that the student should no longer share in the privilege of participating in this community.

Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct procedures are conducted with fairness to all. Due process, as defined within these procedures, assures written notice and a hearing before an objective decision-maker. No student will be found in violation of Edinboro University policy without information showing that it is more likely than not that a policy violation
occurred and any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

**Edinboro University students are responsible for knowing the information, policies, and procedures outlined in this document. Edinboro University reserves the right to make changes to this code as necessary and once those changes are posted online, they are in effect. Students are encouraged to check online (keyword: Code of Conduct) for the updated versions of all policies and procedures.**

This Student Code of Conduct (Code) is intended to be consistent with other University policies that are referenced herein. To the extent there is an irreconcilable difference between this Code and the University’s Sexual Misconduct Policy, the policy with the most recent publishing date will control.

**I. Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. Student education records are generally not to be disclosed without a student's written consent. The University is in compliance with federal and state law concerning student privacy (https://www.edinboro.edu/directory/offices-services/records/FERPA/).

**II. Definitions**

The language contained in this document shall be interpreted according to common usage. Terms used include the following:

**Administrative Hearing**: One type of formal hearing. This hearing is led by a Hearing Officer. The Hearing Officer also makes any decisions regarding the outcome of the hearing.

**Administrative Withdrawal**: Under exceptional circumstances the University may administratively withdraw students from a semester. This is done when the student is unavailable to complete the term withdrawal process due to extenuating circumstances (for example, incarceration or hospitalization of the student). All courses will be given a grade of “W” for the indicated withdrawn term.

**Advisor (Non-Sexual Misconduct Hearing)**: A respondent or complainant student or student group may select an individual of their choosing to serve as an advisor. The advisor may consult and interact privately with the student or group representatives. An advisor in a Non-Sexual Misconduct Hearing cannot serve as a witness.

**Advisor (Sexual Misconduct Hearing)**: An individual who may be present to provide support to a Party throughout an investigation and/or hearing.

A. Advisors may accompany a Party to any meeting or hearing they are required or eligible to attend, but may not speak for the Party, except for the purposes of cross-examination.

B. Each party is responsible for coordinating and scheduling with their choice of Advisor.

C. The Advisor may be an attorney or a union representative when applicable.

D. If a party does not have an Advisor of choice present for a hearing, the University will
appoint an Advisor for the limited purposes of conducting cross-examination.

E. If a Party does not attend the hearing, the Party’s Advisor may appear and conduct cross-examination on the Party’s behalf.

F. If neither a Party nor their Advisor appear at the hearing, the University will provide an Advisor to appear on behalf of the non-appearing Party for the limited purposes of conducting cross-examination.

G. The Advisor is not prohibited from having a conflict of interest or bias in favor of or against a Party, nor is the Advisor prohibited from being a Witness in the Sexual Misconduct Resolution Process.

**Appeal:** A review of the outcome of a hearing.

**Appeals Officer:** The individual or individuals with the authority under law or otherwise appointed by the University to decide appeals.

**Board Hearing (Committee of Fact):** A type of formal hearing overseen by a University Hearing Board.

**Complainant:** An individual who has reported being or is alleged to be subjected to conduct that could constitute misconduct as defined under the Student Code of Conduct. Most often, the University serves as the complainant during a hearing, but in the instance of a Sexual Misconduct Hearing, it is the individual who has reported being or is alleged to be subjected to conduct that could constitute covered sexual misconduct as defined under Sexual Misconduct Policy.

**Consent:** A knowing and voluntary agreement to engage in specific sexual activity at the time of the activity communicated through clear actions and/or words that are mutually understood.

In order to be valid, Consent must be active, present and ongoing.

Consent is not present when it is the result of coercion, intimidation, force, or threat of harm. Consent is not present when an individual is incapacitated due to alcohol, drugs, or sleep, or otherwise without capacity to provide Consent due to intellectual or other disability or other condition. Consent can be withdrawn at any time and consent to one form of sexual activity is not necessarily consent to other forms of sexual activity.

When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact each individual differently. Determining whether an individual is incapacitated requires an individualized determination. When determining whether a person has the capacity to provide Consent, the University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity.

When determining whether Consent has been provided, all the circumstances of the relationship between the parties will be considered.

**Decision Maker:** The individual or individuals appointed by the University to render a decision on a complaint that goes to a hearing. The Decision Maker(s) will be free of conflict of interest and bias, and, for Sexual Misconduct Hearings, will not serve as the Investigator, Title IX Coordinator, an Advisor to any Party, or Appeals Officer in the same matter.
**De Novo Hearing:** A new hearing where all issues are reviewed as if for the first time.

**Designee:** A person who is authorized to make decisions in the place of the named administrative officer.

**Formal Complaint (Sexual Misconduct):** A document, including an electronic submission, filed by a Complainant with a signature or other indication that the Complainant is the person filing the Formal Complaint, or signed by the Title IX Coordinator, alleging sexual misconduct against a Respondent and requesting initiation of the process set forth in this Policy to investigate the allegation of sexual misconduct.

**Hearing:** A formal proceeding at which presentations are made by or on behalf of the Complainant (charging party) and the Respondent student or group to the Hearing Officer or University Hearing Board. As further explained below, not all cases will warrant the convening of a full University Hearing Board/Committee of Fact.

**Hearing Officer (Administrative Hearing):** – The individual, usually the Director of Student Conduct, who facilitates the hearing, maintains decorum, and upholds procedure during the hearing. During an Administrative Hearing, the Hearing Officer is the Decision Maker.

**Hearing Officer (Board Hearing or Sexual Misconduct Hearing):** The individual, usually the Director of Student Conduct, who facilitates the hearing, maintains decorum, and upholds procedure during the hearing. During a Board Hearing (Committee of Fact), the Hearing Officer is not a Decision Maker and is a non-voting participant in the hearing.

**Impact Statement:** A written or oral statement made as part of the conduct process, which describes the harmful effects produced by the actions of another for consideration when deciding an appropriate outcome. Impact Statements, if provided, should be maintained in a sealed envelope until such time that they may be needed.

**Incapacitation:** Occurs when an individual is unable to give consent due to age, the use of drugs, alcohol, being asleep, or unconscious, or due to a disability. Any of these actions or factors may prevent the individual from having the capacity to give consent.

**Informal Resolution Process (Sexual Misconduct):** Informal means of resolution, such as mediation, may be used as an alternative to the formal investigation and hearing procedures. Informal resolution is a voluntary process and may be used only where a Formal Complaint has been filed. Upon written agreement of all parties, informal resolution may be initiated at any time prior to finding of responsibility in a hearing, and may be terminated at any time prior to final resolution. If the informal process is terminated, the Sexual Misconduct Resolution Process, which includes an investigation and hearing, will proceed. Once a final resolution has been reached and documented and signed by all parties, the resolution cannot be appealed. Informal resolution may not be utilized when a Student files a Formal Complaint against a University Employee, Volunteer or Official under this Policy

**Informational Meeting:** An initial meeting, prior to identifying violations, to gather additional details regarding an incident.

**Investigator (Sexual Misconduct):** The Title IX Coordinator or the individual designated by the Title IX Coordinator to perform an investigation under this Policy. The Investigator may not have a conflict of interest or bias for or against an individual party, or for or against
complainants or respondents in general. The Investigator may not serve as a Decision Maker, Appeals Officer, or Advisor to any Party in the same matter.

**No Contact Directive**: This action is implemented directing a student to avoid initiating contact with another member of the University community and may include limiting access to areas to avoid incidental contact. Contact includes direct interactions in person or through technology as well as the use of third parties to interact. No Contact Directives are always reciprocal. In instances involving allegations of Sexual Misconduct, No Contact Directives will not be issued that impede the Parties from making their case. A No Contact Directive may be an outcome of a conduct hearing.

**Notice of Allegations** – The written notice the University is required to provide to the Party/Parties which outlines details regarding the alleged incident (date, time, location) and lists alleged violations.

**Notice of Hearing** – The written notice University is required to provide the Party/Parties prior to a hearing.

**Parties or Party** - A term that refers to the Complainant and the Respondent collectively or the Complainant or Respondent individually.

**Outcome Letter**: This letter provides the official decision of responsibility for the alleged violation(s) and, when the respondent student has been found responsible for a violation, also will include the disciplinary sanction(s) and requirements.

**Preponderance of Evidence**: It is “more likely than not” that a violation occurred.

**Receipt of Written Notice** – Information is considered “received” by a student when a document is sent via University systems and email (creating a date and time stamp). If a document is provided to a student in-person (as opposed to electronically), it will be considered “received” and appropriately noted by designated University officials. Students are expected to check their Edinboro University email on a regular basis.

**Respondent**: Refers to a student or student group who has allegedly violated the Student Code of Conduct.

**Student**: Any person: (1) seeking admission to the University through the formal University application process; (2) admitted to the University, (3) eligible to register or schedule for classes, or (4) living in University residence halls even though they are not enrolled at the University. The term “Student” shall include Employees, Volunteers, and Officials where the Employee, Volunteer, or Official otherwise meets the enrollment criteria set forth in this definition.

**Student Group**: Any organized group of students that has complied with or is in the process of complying with the University’s requirements for registration, recognition, or is formed through University academic, athletic, or auxiliary department, and/or is funded by fees through the Edinboro University Student Government Association.

**Summary Hearing**: An initial meeting between the respondent student or student group and the representative of the Student Conduct and Judicial Affairs Office to review the information, discuss the allegations, and ask the respondent their position on the alleged violations. The respondent will also have the ability to waive or request (“consideration for”) a formal hearing.
Supportive Measures: Non-disciplinary and non-punitive individualized services designed to restore or preserve access to the University's Education Programs or Activities without unduly burdening the other Party. Supportive Measures will be offered, as appropriate, to the Complainant or the Respondent. Supportive Measures may include, but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties (no contact orders), changes in work or housing locations, leaves of absence, and increased security and monitoring of certain areas of the campus.

Title IX Coordinator: The individual designated by the University to coordinate the University’s compliance with Title IX and VAWA and to respond to reports of alleged violations. The Title IX Coordinator may not have a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general. The Title IX Coordinator may serve as the Investigator of a Formal Complaint. The Title IX Coordinator may not serve as a Decision Maker or Appeals Officer.

University Business Day: Any day during which Edinboro University is otherwise open for business, regardless of whether classes are in session.

University Hearing Board: A board is comprised of up to three University community members who are trained and authorized to weigh the information presented in a University board hearing to determine an appropriate outcome. A typical board will include employees and students. A sexual misconduct board includes three University employees. A quorum (two members) may represent the board when a third member is unavailable, but every attempt will be made to secure 3 members.

University Property: University property includes all real estate owned or controlled by the University or real estate owned or controlled by recognized or registered student organizations, starting from the curb-edge inward, as well as sidewalks and building entrances. Public streets are controlled by the respective municipalities through their ordinances.

Witness: A person who has knowledge related to specific aspects of a case and may have reported such aspects to the institution. A witness does not have rights in the process. Except in Title IX Hearings, character witnesses are not relevant.

III. Scope of Authority and Jurisdiction

The University embraces and strives to uphold the freedoms of expression and speech guaranteed by the First Amendment of the U.S. Constitution and the Commonwealth of Pennsylvania. The University has the right, under appropriate circumstances, to regulate the time, place, and manner of exercising these and other constitutionally protected rights. (Rights of Students and Other Persons to Assemble for the Purpose of Demonstrating Their Concerns – Policy C005)

The scope of this Code applies to the behavior(s) of Edinboro University students (as defined in the Definitions section) that occur(s) on the University's main campus, any building or property used by the University in connection with its educational and other programs, or behavior(s) that otherwise adversely affects the University community and/or the pursuit of its mission and objectives on or off campus. Application of the Code to off-campus behavior(s) will be consistent with the following values: 1) to prevent and reduce
behavior that undermines academic success and that negatively detracts from the educational mission of the University; 2) to improve the health and safety of Students and other community members; 3) to provide timely intervention, support, and resources for those who may be struggling with substance abuse/addiction, and 4) to address activities of a student(s) that clearly conflict with the University's interests and mission.

The Director of Student Conduct and/or the Associate Vice President for Student Affairs shall determine if behavior(s) off-campus affect(s) University interests and falls within the scope of the Code. Matters involving the Edinboro University Police Department may automatically be referred to the Office of Student Conduct and Judicial Affairs, and may result in allegations of Code violations (independent of action taken by law enforcement officials/the criminal justice system).

In the instance of an alleged Title IX violation or violations (see definitions: Sexual Misconduct), jurisdiction has been defined according to the definition of Regulatory Prohibited Conduct (Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking) the following elements will be determined in the reasonable determination of the Title IX Coordinator:

1. The conduct is alleged to have occurred in the United States;
2. The conduct is alleged to have occurred in the University's Education Program or Activity, and;
3. The alleged conduct, if true, would constitute covered Regulatory Prohibited Conduct, as defined in this Policy.

See Edinboro University Sexual Discrimination and Sexual Misconduct Policy [Hereinafter Sexual Misconduct Policy] (https://www.edinboro.edu/directory/offices-services/hr/policies/documents/G004%20University%20Sexual%20Discrimination%20and%20Sexual%20Misconduct%20Policy%20Rev.%2008.14.2020.pdf). If any one of these elements is not met, the Title IX Coordinator will notify the parties the specific allegation contained in the Formal Complaint does not meet the required jurisdictional requirements under the Final Rule, that the University may be proceeding with an investigation for the charge of Non-Regulatory Sexual Misconduct through the Office of Student Conduct, but the charge of Regulatory Sexual Misconduct is being dismissed. Any Party may appeal a dismissal using the process set forth in the Sexual Misconduct Policy. Again, dismissal of any violations constituting Regulatory Prohibited Conduct will not affect the University’s ability to proceed with an investigation of charges categorized as Non-Regulatory or other charges under this Policy or any other University Policy.

No student is permitted to withdraw from enrollment or a specific course due to an alleged violation of the Code once Edinboro University becomes aware of an allegation and before final resolution of a case. In addition, students are not entitled to refunds (i.e., tuition, housing, meal plan, etc.) if they are separated from the University as a result of disciplinary action.

This document is one of the University’s administrative procedures and is not the same as procedures used in civil court, criminal court, or other formal/informal resolution venues external to Edinboro University.
A. Medical Amnesty

Edinboro University's priority is for the safety and well-being of EU students. The EU Medical Amnesty policy has been instituted to encourage students to seek emergency medical assistance in situations that are possibly life-threatening due to alcohol or drug use, without fear of conduct violations for alcohol and/or drug use.

Students should keep in mind that medical amnesty is not intended to shield or protect students from other violations of the Student Code of Conduct related to the incident, or protect students who repeatedly violate the Code. Abuse of amnesty requests can result in a decision by the Director of Student Conduct not to extend amnesty to the same person repeatedly.

Medical Amnesty

In order for a student to receive medical amnesty, the student seeking assistance must:

- Call 911, Police, Emergency Services, or another Authorized University Representative based on a reasonable belief that someone, including themselves, is in need of immediate medical assistance;
- Reasonably believe that they were the first person to make the 911 call or a call to Police, Emergency Services, or other Authorized University Representative and reported that a person needed immediate medical assistance;
- Provide their own name to the 911 operator, Public Safety, Police Emergency Officer, University Staff or other Authorized University Representative; and,
- Remain with the person needing medical assistance until emergency health care providers have arrived and taken care of the person in need of medical assistance.

1. Medical Amnesty For Victims of Non-Sexual Misconduct

Edinboro University provides amnesty to victims who may be hesitant to report to Edinboro University officials because they fear that they themselves may be respondent of minor policy violations, such as underage drinking, at the time of the incident. Educational options may be explored, but no conduct proceedings or conduct record will result.

2. For Those Who Offer Assistance

To encourage students to offer help and assistance to others, Edinboro University pursues a policy of amnesty for minor violations when students offer help to others in need. At the discretion of the Director of Student Conduct, amnesty may also be extended on a case-by-case basis to the person receiving assistance. Educational options may be explored, but no conduct proceedings or conduct record will result.
3. For Those Who Report Serious Violations

Students who are engaged in minor violations but who choose to bring related serious violations by others to the attention of Edinboro University are offered amnesty for their minor violations. Educational options may be explored, but no conduct proceedings or record will result.

4. For a Witness to or Individual who Experienced Sexual Misconduct

A witness to or individual who experience sexual misconduct, acting in good faith, who discloses any incident of sexual misconduct to University officials or law enforcement will not be sanctioned under the University’s Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the incident(s) of sexual misconduct. The University may require the individual attend an approved alcohol or drug education program and without assessing any charges for such program. Amnesty does not preclude or prevent action by police or other legal authorities pursuant to relevant state or federal criminal statutes.

B. Safe Harbor

Edinboro University has a Safe Harbor rule for students. Edinboro University believes that students who have a drug and/or addiction problem deserve help. If any Edinboro University student brings their own use, addiction, or dependency to the attention of Edinboro University officials, outside the threat of drug tests or conduct sanctions and seeks assistance, a conduct complaint will not be pursued. A written action plan may be used to track cooperation with the Safe Harbor program by the student. Failure to follow the action plan will nullify the Safe Harbor protection and campus conduct processes may be initiated.

III. Student Rights and Responsibilities

The University works hard to maintain an environment that respects the dignity, rights, and value of all people and protect freedom of expression, which includes the sharing of individual viewpoints while allowing others to freely do the same. As members of an institution dedicated to fostering an environment of learning opportunities that combine teaching, research, service, and engagement through on-campus, off-campus, online, and international experiences, Edinboro University students have a variety of rights and responsibilities.

Although it is not possible to list all rights and responsibilities, Edinboro University students have the right to (in no specific order of importance):

• Expect treatment as outlined in the United States Constitution, laws of the state of Pennsylvania, and University policies and procedures.
• Exist and participate in an environment that does not discriminate against individuals on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, political affiliation, or veteran status, but instead values and fosters cultural diversity, inclusion, and equal opportunity.
• Engage in a learning environment that promotes and values freedom of expression and evaluates students on their academic performance, not on their opinions, or conduct unrelated to academics.
• Privacy and confidential keeping of their educational records as prescribed by FERPA, and other University, state, and/or federal guidelines.
• As a part of their due process rights, Students have the right to a clear understanding of all options for appeal and the associated procedures.
• Participate in academic and non-academic opportunities which value excellence, scholarship, teaching, and learning.
• Live and learn in an environment of respect for self and others.
• Collaborate within an environment that values the free and open exchange of ideas.
• Express complaints and concerns through established procedures with the expectation they will be investigated to the fullest extent possible and without fear of repercussions and/or acts of retaliation.

Similarly, Edinboro University students have the responsibility to (in no specific order of importance):
• Adhere to University regulations, policies, and procedures as well as obey local, state, and federal laws.
• Understand and adhere to the Edinboro University Student Code of Conduct.
• Take the role of being a student seriously and strive to meet the highest levels of academic integrity. It is an honor and a privilege to be a Fighting Scot.
• Interact with others in a manner that does not discriminate against them on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, political affiliation, or veteran status.
• Understand the Edinboro University email system is the official form of University communication. It should be checked frequently – even during Winter Break and Spring Break.
• Understand that no student shall threaten, coerce, harass, or intimidate another person or identifiable group of persons, in a manner that is unlawful or in violation of a constitutionally valid University policy, while on University premises or at University-sponsored activities based upon the person’s race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, genetic information, political affiliation, or veteran status.
• Understand that all relevant facts and circumstances shall be considered when determining if a violation of the Code of Conduct has occurred while preserving freedoms of speech and expression, as defined in current legal standards.
• Understand that University Officials shall seek advice from University attorneys, as appropriate.
• Report violations of the Code and/or law to an appropriate University Official immediately upon learning about something that may have happened.

IV. Statement of Academic Integrity

In order to create an environment conducive to the legitimate pursuit of knowledge and to promote the highest level of academic excellence, the faculty of Edinboro University hold all students accountable for maintaining the highest standards of academic integrity. Students who engage or participate in any form of academic dishonesty will be considered to be in violation of Edinboro University’s academic integrity statement and will be subject to sanctions, up to and including dismissal from the University.

Students who are found to be in violation of the University’s academic integrity statement will be held accountable for their actions by the faculty member and the academic department and/or may be subject to the imposition of discipline. Such violations can result in the student receiving a lower grade or a failing grade for the assignment and/or the course, and/or other academic sanctions as deemed to be appropriate by the faculty member.
V. Violations of the Student Code of Conduct

A. The following forms of conduct are prohibited by any Edinboro University student or group on or off University property and are subject to disciplinary action:

1. **Infliction of Harm** (Physical Abuse) — Commission of any act which results in or which may result in the infliction of pain, injury, or damage to any person or property by willful and deliberate means or through gross negligence. This offense includes (a) assault, (b) attempted assault, or (c) reckless behavior, which may result in injuries to oneself or others. In the absence of extraordinary or mitigating circumstances, a sanction of suspension or expulsion may be imposed on any student or student group found responsible for this violation.

2. **Threat of Harm** (Harassment/Intimidation) – This includes words or a course of conduct that is reasonably understood to create fear of the infliction of pain, injury, or damage, including conveyance of threats through electronic means, (a) to another person or property; (b) toward any party or witness, or their property, involved in a University conduct violation or law enforcement matter, which can be reasonably understood as attempting to influence outcomes or for retaliation; or (c) toward a University employee related to the performance of their job.

3. **Theft** – This includes; (a) theft or attempted theft of the property or services of the University, any group, or any individual, by means of taking, deceiving, misappropriating, or misusing; and/or (b) possession of stolen property and/or receiving stolen property.

4. **Vandalism** – This includes the intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of University property, or the property of any person or business.

5. **Weapons** – Either of the following (as outlined in the University Weapons on Campus Policy – D049):
   a. The use, possession, or transportation of (i) fireworks, (ii) a knife, (iii) a paintball or BB gun, (iv) explosives, (v) other weapons, except as described in 5b, below, (vi) any item designed or used in such a way to inflict bodily harm or physical damage, or (vii) any item which has been used as a weapon, except those items described in 5b, below.
   b. The unlawful use, possession, or transportation of (i) a firearm or (ii) firearm ammunition. A sanction of suspension or expulsion may be imposed on any student or student group found responsible for a weapons violation.

6. **Safety Violations** (Safety, Health, and Welfare) – Violation of safety regulations including, but not limited to, (a) setting unauthorized fires, (b) tampering with fire safety systems, firefighting equipment and/or defibrillators or rendering such equipment inoperable, (c) turning in false alarms by any means of communication, (d) tampering with or improper use of campus emergency phones, (e) failure to evacuate facilities upon the sounding of an alarm/ drill, or (f) creating any hazardous condition that endangers the health and safety of others. A sanction of loss of housing, suspension or expulsion may be imposed on any student or student group found responsible for these violations.
7. **Alcoholic Beverages** – Use, possession, or distribution of alcoholic beverages or paraphernalia except as expressly permitted by law and Edinboro University’s Alcohol Policy (See Edinboro University’s Alcoholic Beverages and Illegal or Controlled Drugs Policy, [https://www.edinboro.edu/directory/offices-services/hr/policies/documents/A001%20Alcoholic%20Beverages%20and%20Illegal%20or%20Controlled%20Drugs.pdf](https://www.edinboro.edu/directory/offices-services/hr/policies/documents/A001%20Alcoholic%20Beverages%20and%20Illegal%20or%20Controlled%20Drugs.pdf)). Exceptions to the alcohol violation are noted in the Medical Amnesty Policy.

8. **Violation of the Guide to Residential Living and/or Residence Hall and Food Service Agreement** (Residence Halls) — Students living in on-campus housing are required to comply with the Guide to Residential Living and the applicable student occupancy agreements. Violations of this offense include, but are not limited to, the following: (a) guest visitation policy, including but not limited to extended visits, lack of roommate consent, number of allowable guests, and responsibility for actions of guests, (b) cooking, (c) use and/or possession of incendiary or combustible materials and devices (for example, including but not limited to candles, torches, vaping equipment, e-cigarettes), (d) removal or tampering with window screens, (e) Courtesy/Quiet Hours Policy as defined by the Guide, (f) entry or exit of a residence hall through any door or opening other than those so designated at any time, (g) athletic activity that may result in harm or disruption to residents and/or building facilities/fire protection systems, and/or (h) other reasonably publicized housing-related policies. Repeated violations of this agreement may result in a loss of housing which is not subject to financial compensation.

9. **Drugs** – Use, possession or distribution of illegal drugs and other controlled substances or drug paraphernalia except as expressly permitted by law and Edinboro University’s Drug Policy (See Edinboro University’s Alcoholic Beverages and Illegal or Controlled Drugs Policy, [https://www.edinboro.edu/directory/offices-services/hr/policies/documents/A001%20Alcoholic%20Beverages%20and%20 Illegal%20or%20Controlled%20Drugs.pdf](https://www.edinboro.edu/directory/offices-services/hr/policies/documents/A001%20Alcoholic%20Beverages%20and%20Illegal%20or%20Controlled%20Drugs.pdf));

10. **Hazing** — Any violation of the University’s Anti-Hazing Policy shall be considered a violation of this section. A sanction of suspension or expulsion may be imposed on any student or group found responsible for this violation.

11. **Information Technology Violation** — Includes (a) Failure to Protect Secured Data, including but not limited to obtaining passwords, circumventing account security, monitoring another user’s data communications, or attempting to read, copy, change, delete or transmit another’s user files or software, to gain unauthorized access to remote computers, or failure to protect data media by securing them immediately after use. Any person attaching a computer or network device to Edinboro University’s network is responsible for the security of the computer system and for any intentional or unintentional activities from or to those network connections. The use of any type of wireless network equipment including but not limited to wireless switches and wireless routers on the University network is strictly prohibited. Network services and wiring may not be modified or extended by users for any reason. (b) Improper use or access to E-mail, (c) Violation of Ownership and Use of Computing and Information Technology Facilities and Resources: may include computers, accounts, workstations, peripherals, networks, communication devices, switches, software programs, and systems, as well as related devices and hardware and telecommunications equipment, (d) Privately owned devices improperly accessing University resources, (e) Violation of applicable state, federal, and international laws, as well as University policies, (f) Operating a network-intensive application or a
defective computer, which causes network overload. Sanction considerations will include limiting or revoking electronic account privileges, suspension, or expulsion on any student or student group found responsible.

12. **Gambling** — Any form of gambling is prohibited unless a license has been secured and approval to solicit has been granted by the appropriate University office. Gambling consists of a consideration or fee for the chance to win a prize, the winner of which is determined by chance.

13. **Disruptive or Disorderly Conduct** — This includes engaging in conduct that is disorderly, unnecessarily disturbs others, and/or is disruptive to the normal practices, processes, and functions of the University, institution, business, or local municipality.

14. **Academic Integrity** — Violations of the academic integrity standards include:
   
a. **Cheating.** Behaviors including, but not limited to, use of unauthorized notes or reference materials during examinations; copying answers from another student's paper during an examination; the unauthorized possession of academic materials, including exams; the unauthorized exchange of course assessment materials, including exams; the unauthorized exchange of information or collaboration regarding tests, or other course assignments; aiding another to engage in cheating; and/or all other acts of academic dishonesty that any member of this academic community would reasonably understand to be a breach of this academic integrity statement will be considered cheating and an act of academic dishonesty.

   b. **Plagiarism.** Plagiarism may be defined as the act of taking the ideas and/or expression of ideas of another person and representing them as one's own. This includes, but is not limited to, using ideas or passages from a work without properly attributing the source, paraphrasing the work of another without giving proper credit, and/or the sale, purchase, or exchange of papers or research. It is the student's responsibility to know what plagiarism is and to properly cite the work of others. If a student is in doubt, it is their responsibility to resolve any ambiguity prior to submitting the work. Plagiarism is nothing less than an act of theft, and, as such, is subject to University disciplinary action.

15. **Dishonesty** — Making, using, or possessing any falsified document or record; providing false information to University officials or on University documents; altering or forging any University document or record, including identification, meal or access cards, and parking permits; providing false statements during any police or University investigation or proceeding; or the misrepresentation of oneself or of a group as an agency of the University by any of the means identified above.

16. **Trespassing** — Unauthorized entry, use, or occupancy of the property of others, which also includes electronic property.

17. **Community Responsibility** — Students who engage in off-campus behavior that is disruptive to the community, including: a) noise as defined by the local noise ordinance, b) fire, health, zoning, building and safety codes, including occupancy limits as defined by the municipality, c) litter, trash and garbage (refer to the off-campus regulations for trash disposal and be aware of your neighborhood's trash collection schedule), d) failure to take proactive steps to manage the conduct of guests, including measures that reduce the risk of harm, and, e) failure to engage in
mediating and resolving problems or concerns with neighbors in a timely and civil manner.

18. **Failure to Comply** — This includes; (a) willful obstruction and/or failure to comply with the legitimate oral or written directives of properly authorized persons, including police and/or a duly-authorized University official acting in performance of their prescribed duty; (b) failure to provide a valid Edinboro University student identification card or other valid identification upon the request of a duly-authorized University official; (c) failure of the respondent to appear when given advance written notice by a University official, hearing officer, University Hearing Board, Sanctioning Hearing, or University Appeals Board concerning a violation of the Student Code of Conduct; and/or (d) failure to comply with all regulations regarding conduct on or off campus not cited in the Student Code of Conduct when such regulations have been reasonably publicized.

19. **Sanction Violation** — Violations of a University sanction, including (a) violation of the terms of a sanction, which includes failure to complete any specified condition or assignment of a sanction, or (b) violating the Student Code of Conduct while on disciplinary probation, interim suspension, final probation, or suspension.

20. **Guest Policy** — Students may be held responsible when the actions of their guests violate the Student Code of Conduct. Guests are expected to abide by University policies and local, state, federal, or international laws while visiting the campus.

21. **Sexual Misconduct** — The Sexual Misconduct Policy at Edinboro University covers a variety of acts that are perpetrated against another without consent or when an individual is unable to give consent. Please refer to the Sexual Misconduct Policy for additional definitional requirements and examples. Please be advised, that sexual misconduct may also encompass criminal conduct under Pennsylvania and/or federal law. Additionally, sexual misconduct under this Policy may result in civil and/or administrative or legal consequences. Violations of the policy include:

   a. **Dating Violence** — (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

      Dating Violence is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as **Non-Regulatory**.

   b. **Domestic Violence** — (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to
a spouse of the Complainant under Pennsylvania’s domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person’s acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as **Non-Regulatory**.

c. **Retaliation** – Any action, directly or through others, which is aimed to deter a reasonable person from reporting sexual misconduct or participating in an investigation or hearing or action that is done in response to such activities. This includes but is not limited to intimidation, threats, coercion, or discrimination against any individual (A) for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or (B) because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Policy. A finding of retaliation under this Policy is not dependent on a finding that the underlying sexual misconduct occurred.

d. **Sexual Assault** – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent. Sexual Assault may be one of the following categories:

A. **Sexual Penetration Without Consent** - Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when Consent is not present. This includes performing oral sex on another person when Consent is not present.

B. **Sexual Contact Without Consent** - Knowingly touching or fondling a person’s genitals, breasts, buttocks, or anus, or knowingly touching a person with one’s own genitals or breasts, when Consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when Consent is not present, to similarly touch or fondle oneself or someone else.

C. **Statutory Sexual Assault** – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statutes.

Sexual Assault is categorized as **Regulatory** when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at
the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

e. **Sexual Exploitation** – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when Consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

   A. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s Consent;
   
   B. Indecent exposure or inducing others to expose private or intimate parts of the body when Consent is not present;
   
   C. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s Consent;
   
   D. Prostituting another individual; or
   
   E. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual’s knowledge; and
   
   F. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

f. **Regulatory Prohibited Conduct** – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking.

g. **Regulatory Quid Pro Quo Sexual Harassment** – An Employee conditioning the provision of aid, benefit or service of the University on an individual’s participation in unwelcome sexual conduct.

h. **Non-Regulatory Quid Pro Quo Sexual Harassment** – An Official, Volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual’s participation in unwelcome sexual conduct.

i. **Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University’s Education Program or Activity.;

j. **Non-Regulatory Hostile Environment Sexual Harassment** – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any educational, employment, social or residential program in offered connection with the University.

k. **Stalking** – (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

   A. fear for their safety or the safety of others; or
B. suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person’s property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

22. **Aiding a Violation or Failure to Report** – (a) actively assisting in the commission of a violation, or (b) failing to report firsthand knowledge of a violation of the Student Code of Conduct which poses a risk of harm to others’ health and safety or to University property. This includes knowingly being in the presence of such violations.

B. **Principles of Group Responsibility**

Student groups enrich the campus and community by providing a source of intellectual, personal, and social development of students through their programs and activities. The University and off campus partners fulfill an important mission of education by providing the policies and procedures with which to support and guide student groups.

Inherent in the University’s recognition of student groups is the obligation of each group to conduct activities in accordance with University rules and policies. These rules and policies of the University are in addition to other rules and policies that may govern the group by their parent organization, or government laws. Further, any student group advisor, chapter advisor, affiliate advisor, coach or associate of a local, state, national, or international organization (collectively “parent organization”) must provide notice of an alleged conduct violation and details to the Associate Vice President for Student Affairs of Student Conduct within 24 hours of receiving notice of any violation of University policy, international, federal, state, local laws, or other reasonably publicized policy violations.

**Organizational Responsibility for Policy Violations:** Student groups are required to comply with all University policies, including the Student Code of Conduct and all additional policies pertaining to the specific group. A group may be held responsible for the actions and behaviors of its members and guests. The decision to hold a group responsible as a whole is ultimately determined by examining all the circumstances of a situation and by taking into account factors including, but not limited to, whether the actions:

- Were committed by one or more leaders or authorized representatives acting in the scope of their group capacities;
• Were committed by a significant number of group members or alumni, or guests that reasonable people would associate with the group;

• Were condoned by (actively or passively) a significant number of group members, alumni, or guests;

• Occurred at, or in connection with, an activity or event funded, sponsored, publicized, or advertised, by the group or group members;

• Occurred at a location over which the group or its members had control at the time of the action;

• Occurred at, or in connection with, an activity or event that reasonable people would associate with the group;

• Should have been foreseen by the group or its leaders, but reasonable precautions against such actions were not taken;

• Were the result of a policy or practice of the group;

• Would be attributable to the group under the group’s own policies (including local or national risk management guidelines);

• Were taken by individuals who, but for their affiliation with the group, would not have been involved in the incident;

• One or more leaders or members of a group fail to report knowledge or information about a violation to, or otherwise fail to cooperate with, appropriate University or emergency officials;

• The group, or any member acting on its behalf, fail to satisfactorily complete the terms of any disciplinary sanction or outcome.

Student groups, as well as their members and leaders, may be held collectively and/or individually responsible for violations of the Student Code of Conduct or other University policies. It is the responsibility of the student group’s president, leader, or designee to represent the group through the conduct process.

VI. Non-Sexual Misconduct Resolution Process

A. Types of Hearings

The disciplinary process for a student begins when a written report alleging a violation of the Student Code of Conduct or a report of violations of local, state, or federal law is presented to the Director of Student Conduct and Judicial Affairs by any member of the University community and/or outside of the University community. The student alleged to have violated University regulations must then meet with the Director of Student Conduct and Judicial Affairs/designee to discuss the referral.

1. Summary Hearing -- Informal Hearing Process

At an informal hearing, the student waives the right to a formal hearing, the right to an advisor, and presentation of witnesses. A statement admitting some
Responsibility must be signed at the beginning of this hearing. The hearing, which is not recorded, is adjudicated by the Director of Student Conduct’s designee. The student and the adjudicator will review all information concerning the alleged violation, and the student will speak on his/her own behalf. After the informal review, the adjudicator may reach one of the following decisions:

a. Student assumes all responsibility resulting in agreed upon sanctions;
b. Case dismissed; or
c. Case goes to a hearing (usually Administrative) if full responsibility is not assumed by the respondent and/or sanctions cannot be agreed upon.

2. Administrative Hearings and Board Hearings – Formal Hearing Processes

a. General Information
   1. Prior to a formal hearing, a student may make an appointment to review any file information related to the charges.
   2. At a formal hearing, the student or representative(s) of the organization may be advised and accompanied (but not represented) by a member of the University community, friend, family member, or by legal counsel procured at the student’s expense. The advisor may only consult and interact privately with the student.
   3. During the hearing, the burden of proof shall be the responsibility of the University.
   4. The decision rendered by the Board Members or Administrative Hearing Officer during a formal hearing shall be based solely upon the evidence or testimony presented in the hearing.
   5. These are recorded hearings for the purpose of review by the Associate Vice President for Student Affairs, Provost, or their designee if the hearing outcome is appealed.
   6. Witnesses may be called to testify. All witnesses must have pertinent information to the case. (Character witnesses will not be permitted.)
   7. The deliberations of the Board Members or Administrative Hearing Officer are not recorded for review.
   8. Administrative Hearings are conducted (run) by an Administrative Hearing Officer. The Administrative Hearing Officer makes the decision regarding the outcome of the hearing.
   9. Board Hearings (aka Committee of Fact Hearings)
      i. Conducted by a non-participant, non-voting Hearing Officer that is not a decision maker.
      ii. Decisions are made by a board of preferably 3, but at least 2, individuals associated with the University. Optimally, the board is comprised of:
         • A staff member
         • A graduate student
         • A faculty member
b. General Hearing Procedures
1. Any student who is subject to a formal disciplinary hearing must be informed in writing of both the nature of the breach of University regulations and of the time and place for the hearing by the Director of Student Conduct and Judicial Affairs/Designee at least five working days in advance of the hearing.

2. Notification will be to the student’s University (scots.edinboro.edu) e-mail account. Notifications sent using this method will be presumed to have been received.

3. The respondent shall appear at the hearing. If the respondent has had proper notice of the time and location of the hearing, and the respondent chooses not to attend the hearing, the hearing may go forward at the Hearing Officer’s discretion and a decision made based on submitted materials and witness testimony.

4. Students are not permitted to use cell phones or recording devices in the hearing room except when evidence is located on the device (e.g., text message review, recordings of messages, etc.).

5. All evidence and testimony will be admissible at the sole discretion of the Hearing Officer.

6. The respondent is expected to be present throughout the entire proceedings, excluding deliberations.

7. Witnesses may appear for either side at the hearing.

8. The Hearing Officer has the sole authority to determine the appropriateness and number of witnesses appearing.

9. Prior to presenting any testimony, each witness must submit to an oath where the witness swears or affirms the truth of the statements to be made. The following oath will be used: “Do you solemnly swear, or affirm, that the testimony you are about to give is truthful to the best of your knowledge?”

10. The usual order of hearings:
   i. The charge is stated in the presence of the respondent, except in cases where the respondent has chosen not to appear.
   ii. The case shall be presented on behalf of the University by a representative of the Office of Student Conduct and Judicial Affairs, offering all supporting evidence and presenting witnesses providing testimony.
   iii. The respondent shall present his or her case by offering all supporting evidence and presenting witnesses providing testimony.
   iv. Deliberation.
   v. Decision recommended by the adjudicator(s) – the Hearing Officer (Administrative Hearing) or Board (Board Hearing).
   vi. Decision sent to the respondent via Edinboro University email or using the current conduct software system. Once the email is sent, it is assumed to be delivered.

B. Appeals
1. Appeals are reviewed and decided by the Associate Vice President for Student Affairs/designee for non-academic cases or the Provost/designee for Academic Integrity Cases.

2. Appeals must be made in writing by the student and delivered to the Office of Student Conduct within five (5) working days after the decision of the hearing body.

3. Letters of appeal submitted by others on behalf of the student will not be accepted.

4. Upon receipt of the written appeal, the Office of Student Conduct will submit the appeal to the Associate Vice President for Student Affairs or Provost and defer the imposition of the sanction(s) pending the decision on the appeal.

5. Appeals must be based on:
   a. A procedural irregularity under the University policy or procedures that affected the hearing outcome.
   b. New evidence that was not reasonably available through the exercise of reasonable diligence at the time of the hearing or dismissal of the Formal Complaint that could affect the outcome of the matter.
   c. The Title IX Coordinator, Investigator(s), or Decision Maker(s) had a conflict of interest or bias for or against an individual party, or for or against complainants or respondents in general, that affected the outcome of the matter; and/or
   d. The Disciplinary Sanction imposed was arbitrary, capricious, or somehow inappropriate.
   e. After reviewing the evidence, the Associate Vice President for Student Affairs/designee or Provost/designee may recommend the following:
      i. Uphold the decision;
      ii. Alter the decision and/or sanction that has been imposed;
      iii. Return the matter to the Office of Student Conduct for re-adjudication (De Novo hearing); or
      iv. Overrule the decision, and dismiss the case.

6. The Associate Vice President, Provost, or their designees have wide latitude to investigate any matter under appeal.

7. The student appealing consents that as part of the appeal process and the Associate Vice President, Provost, or their designees may request additional information and may have any documents submitted by the student reviewed by third parties (e.g. University Health Services, University Legal Counsel, Counseling and Psychological Services, etc.) as part of the investigation process.

8. Decisions on appeal will be rendered by the Associate Vice President, Provost, or their designees within five (5) working days, unless justifiable circumstances make adherence to this time frame infeasible.

9. The decision of the Associate Vice President, Provost, or their designees will be final and may not be appealed.

C. Sanctions

1. Individual Students
Individual students held responsible for violating the Student Code of Conduct will be subject to one or more of the following sanctions.

If at any time during a disciplinary probationary period the student violates University regulations, they may be subject to additional sanctions which may include suspension from the University.

Failure to complete the sanctions in the time indicated may result in a conduct hold placed on their records which will prevent them from registering and/or amending their class schedule.

a. **Residential Warning:** In instances of less serious deviations from the Office of Residence Life’s Residential Policies, the student(s) may be formally warned of the possible consequences of continuing such behavior.

b. **Residential Reprimand:** This action is a formal admonition on behalf of the Office of Residence Life and is intended to clearly document in a student’s disciplinary file that the behavior as it relates to their residence hall community has been deemed inappropriate.

c. **Residential Probation:** This action signifies that a student is no longer in good standing with the University’s residential living program. The student is also advised that any subsequent violation of the Student Code of Conduct may result in the student’s involuntary relocation or removal from University owned or affiliated student housing for a designated period of time. A student will remain on Residential Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later.

d. **Interim Residential Suspension:** The Associate Vice President for Student Affairs or designee may impose an interim loss of housing wherein the student whose presence in residence constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. The student is involuntarily removed from University owned or affiliated student housing for a designated period of time. During this time, the student is banned from all University owned or affiliated student housing. In such cases, an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. There will be no refunding of housing fees in accordance with University policy.

e. **Residential Suspension:** The action indicates that the student has been temporarily removed from University housing for a specified period of time or until the completion of specific conditions. A residential suspension involves the student’s removal from housing altogether; however, a student may reapply for housing at a later date. Access to all University owned or affiliated student housing is prohibited during the residential suspension. There will be no refunding of housing fees in accordance with University policy. The hearing officer may establish requirements that must be fulfilled to their satisfaction prior to reinstatement in University owned or affiliated student housing. Students eligible to return to University owned or affiliated student housing must apply for consideration to the Dean of Students. No housing or room selection priority will be afforded to the student when returning to University owned or affiliated student housing.

f. **Residential Loss of Housing:** The student is informed in writing that, as a result of the sanction imposed, they are being involuntarily and permanently removed from University owned or affiliated student housing. Access to University owned
or affiliated student housing including visitation is prohibited. Removal from University owned or affiliated student housing means that the student must properly check out of his/her room or apartment in accordance with existing University procedures within the time constraints established by the hearing officer. There will be no refunding of housing fees in accordance with University policy. Arrangements for continuation of the meal plan must be made with the Associate Director of Housing and Dining Administration.

g. **Disciplinary Warning**: The student is informed in writing that their behavior has been in violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior, and to remind the student of their responsibility to the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.

h. **Disciplinary Probation**: The student is informed in writing that they are being placed on disciplinary probation for a specific period of time. Probation is a period of review and observation during which the student must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. Any subsequent violation of University regulations during the probationary period will be evaluated within the context of the student's probationary status. This sanction may specify any conditions with which the individual must comply, any privileges that may be withheld, and/or the loss of privilege to represent the University in an official capacity (e.g., varsity and non-varsity intercollegiate events, plays, holding office, or participation in campus government or related groups). Probation may also include a written agreement between the student and the University, which is in effect for a specific period of time. Students found responsible for any further violation of the Student Code of Conduct while on probation may be suspended from the University.

i. **Final (Career) Disciplinary Probation**: Final probation is imposed only in very serious cases stipulating that a student, in lieu of active University suspension, is being allowed to remain at the University provided that the student adheres to certain conditions, as set by the Board or Administrator. Final probation may include removal from all University housing and loss of visitation privileges to buildings or areas of campus and is imposed for a specified period of time. A student will remain on Final Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later. Students found responsible for any further violation of the Student Code of Conduct while on final probation may be suspended from the University.

j. **Interim Campus Restriction**: The student is immediately BANNED from all or some of the campus facilities and properties as noted in the letter. If the student resides on-campus, they will need to vacate their residence until this matter can be resolved. Failure to vacate and return the key by the due date, or abide by University policies will result in an immediate period of disciplinary suspension until the violations of the Student Code of Conduct can be addressed on-campus. During an Interim Campus Restriction, the student may be permitted to attend classes.

k. **Interim Suspension (aka Emergency Removal)**: The Associate Vice President for Student Affairs or designee may impose an interim suspension including removal from University owned or affiliated student housing upon any student whose presence on-campus constitutes a threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. During an Interim Suspension, a student may not attend classes or
participate in online or distance education courses, participate in University activities, and/or be on University property. The Interim Suspension shall remain in effect until such time it has been modified by the Associate Vice President for Student Affairs or designee. In such cases involving currently enrolled students, an Administrative or Board Hearing will be convened within ten (10) University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. For students who are not currently enrolled, their hearings may take up to 60 University days for scheduling.

I. Disciplinary Suspension: The student is informed in writing that they are being involuntarily separated from the University for a designated period of time. A student may not attend classes or be enrolled in online or distance education, take exams, receive grades, or be on authorized University property except for authorized University business during the suspension period. Authorized University business must be approved in advance by the Associate Vice President for Student Affairs or designee. After this period of suspension, the student must seek written approval from the Associate Vice President for Student Affairs or designee to return to the University as a student or visitor. Students suspended for two or more consecutive semesters must also reapply through the Office of Admissions. The hearing officer may establish additional requirements that must be fulfilled to the Associate Vice President for Student Affairs or designee’s satisfaction prior to reinstatement. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions.

m. Disciplinary Expulsion: The student is informed in writing that they are being expelled from the University. This action is one of involuntary separation from the University. The relationship between the student and this University is permanently terminated. A student is not permitted on University property. There will be no refunding of tuition or fees. The assignment of grades will be in accordance with the policy established for suspensions/expulsions.

2. Individual Educational Sanctions

- The student is assigned an educational task(s) that benefits the individual, campus, or community.

- This task(s) is assigned as a condition of another sanction such as disciplinary warning, probation, or suspension.

- Tasks must be reviewed and accepted by the Office of Student Conduct. Examples of tasks include papers, educational classes, or seminars, attendance at programs or relevant community meetings, mediation sessions, counseling, substance abuse education, alcohol education program/experience, or community service. In cases that include a sanction condition of campus restrictions, fees for restricted services will not be refunded.

Some specific conditions include, but are not limited to, the following:

a. Alcohol and Other Drugs Workshop: Group workshops for students designed to provide information on the effects of alcohol/drugs, self-evaluations for alcohol/drug use, and development of a plan to reduce risks associated with the use of alcohol/drugs. Students sanctioned to the Alcohol and Other Drug Education Workshop will be assessed the Alcohol and Other Drug Workshop Program Fee ($100).
b. **BASICS (Brief Alcohol Screening and Intervention for College Students):** Individualized sessions to address alcohol consumption and its adverse consequences, promote healthy choices, and develop coping skills for risk reduction. Students sanctioned to BASICS will be assessed a $100 BASICS Administration fee.

c. **Counseling:** The student is informed in writing that as a result of the sanction imposed, they are required to engage professional services to assess how their behavior and attitude impact choices, enhance their interpersonal skills, and/or learn ways to reduce stressors that may affect the student’s ability to be successful. When a student agrees to seek counseling as a condition of the sanction, they accept the financial responsibility of fees associated with the counseling arrangements.

d. **Substance Abuse Evaluation:** The student is informed in writing that as a result of the sanction imposed, they must obtain an assessment from a licensed provider to address the use of substances, both legal and illegal, and to examine personal issues that may be impacting decision-making. When a student agrees to obtain the assessment as a condition of their sanction, they accept the financial responsibility of any fees associated with the assessment. They are also notified simultaneously of resources to fulfill this sanction available on campus.

e. **Residential Reassignment:** The student is informed in writing that as a result of the sanction imposed, they are being involuntarily reassigned to a new housing assignment on-campus. If the new housing assignment has a higher rate, the student is responsible for the additional charge. If the new housing assignment has a lower rate, the student will receive a pro-rated adjustment. This action may include restriction from entering specific University owned or affiliated student housing buildings for a designated period of time, which may be permanent.

f. **Residential Nonrenewal:** The student is informed in writing that as a result of the sanction imposed, they will not be permitted to renew their lease for the next or future term in University owned or affiliated student housing. A student will remain on the nonrenewal status at least through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later. Students found responsible for any further violation of the Student Code of Conduct while on nonrenewal status will be immediately removed from University housing.

g. **Loss of Campus Dining Facility(s) Privileges:** The student is informed in writing that they are being involuntarily removed from the dining hall for a designated period, which may be permanent. Removal from the dining hall means that a student may not purchase or use a meal card in campus dining facilities.

h. **Failing Grade:** In cases involving violations of the Academic Integrity Policy, a failing grade, or a grade of zero for either an assignment and/or a course may be administered.

i. **Hold on Records:** The University may withhold transcripts, diplomas, class registration privileges, or other official records pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the University’s ability to enforce its disciplinary rules.
j. **Financial Restitution**: Financial restitution may be imposed on students whose violation of these standards has involved monetary loss or damage. Restitution as imposed by the hearing officer becomes a financial obligation to the University. Either full payment or an agreement for partial payment according to a schedule agreed to by the Office of Student Conduct and Judicial Affairs is required before the student may register for classes again, or in the case of seniors, before the student may graduate.

k. **Other Requirement**: An educational sanction made to order for a specific student and situation. This may be, but is not limited to, research papers, TED Talks, and reflection papers.

l. **Fire Safety Workshop**: Student must watch “After the Fire” DVD, a documentary about the Seton Hall Residence Hall fire, and participate in a group discussion. If there are extenuating circumstances, a student may schedule to view the DVD in the Office of Student Conduct and write a reflection paper.

3. **Student Group Sanctions**

   Student groups held responsible for violating the Student Code of Conduct will be subject to one or more of the following penalties in addition to the Educational Groups Sanctions:

   a. **Disciplinary Group Warning**: The group is informed in writing that the group has been found responsible of a violation of University regulations. It is intended to communicate most strongly both the disapproval of the behavior and to remind the group of its responsibility to the University community. Student groups are thus expected to reflect upon their decisions and to be mindful of how their future choices and actions may impact themselves, others, and the University community. It is an assumption that repetition of the behavior is not likely. However, it is to be understood that further misconduct may result in additional disciplinary action.

   b. **Disciplinary Group Probation**: The group is informed in writing that it is on probation for a specified period of time. Probation is a period of review and observation during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. During this time, the group may be required to complete an educational task or service project. A student group will remain on Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later. Conditions that restrict privileges may also be imposed. If, during this time, the group becomes involved in additional violations of University regulations, further disciplinary action will be taken.

   c. **Interim Disciplinary Group Suspension**: The Associate Vice President for Student Affairs or designee may impose an interim suspension upon any student group whose presence on-campus constitutes a threat to the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel. In such cases an administrative hearing will be scheduled within fifteen (15) University days unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date.

   d. **Interim Group Action**: The Associate Vice President for Student Affairs or designee may impose a loss of privileges upon any student group.

   e. **Final (Career) Disciplinary Group Probation**: The group has a pending disciplinary suspension based on any additional violations of the Edinboro
University Student Code of Conduct. A final probation status means that ANY violation of the Edinboro University Student Code of Conduct by the group, during this time, will result in the group’s immediate suspension from Edinboro University. A student group will remain on Final Probation, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later.

f. **Disciplinary Group Suspension**: The group is prohibited from conducting any and all group activity on- or off-campus. All events should be canceled immediately and not resume until stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs, and socials. During the period of suspension, if the group is found operating without permission from the Office of Student Conduct, they would be subject to additional allegations of violations of the Student Code of Conduct. For reinstatement, within 30 days of the conclusion of the suspension period, a designated group leader will need to make an appointment with the Office of Student Conduct to arrange for the removal of the campus ban and hold on the group’s status. A student group who fails to or submit sanction conditions as directed during this period will be subject to a sanction review for Group Disestablishment.

g. **Revocation of Group Recognition**: The group loses its formal campus recognition and is permanently prohibited from conducting any and all group activity on- or off-campus. All events must be canceled immediately.

4. Educational Student Group Sanctions

   a. **Group Activity**: The required participation by the organization in specified group activity, service projects, educational programs, or other assignments.

   b. **Social Limitation or Suspension**: An organization may be denied formal or informal sponsorship of or participation in one or more of the following for a specified period of time: inter- or intra-organizational social activities, formals, all-Greek or all-University events or activities, or any other event of a social nature.

   c. **Intramural Suspension**: A specific length of time in which the group may not participate in individual or team sports or the intramural league, earn intramural points, or receive any championship titles.

   d. **Loss or Restriction of Privileges or Activities**: The withdrawal of the use of services or privileges as a student group or the loss of the privilege to participate in an activity or event. This sanction is generally for a specified period of time. Examples of privileges that can be lost include, but are not limited to, recruitment freeze, suspension of the student group’s funds, suspension of access to the group’s web space, suspension of the ability to reserve rooms on campus, suspension of the ability to apply for Student Activity Fee funding, suspension of fund-raising activities, suspension of access to office space, and others.

   e. **Membership Review**: The group is required to review and affirm each person’s commitment to the expectations of group membership. This requires a process of one-on-one interviews with each member and a member of the national or international staff, and may also, on occasion, include a University advisor or administrator. All members should welcome this process as an opportunity to excel and discuss any potential deficiencies in group operations.

   f. **Member Intake and Recruitment Review**: Groups are required to submit a plan on how they will emphasize group values during the intake process. The plan should include the expected date and time detailed activities, goals, participant learning outcomes, and the event assessments.
g. **New Member Process Board Election:** After receiving permission from the Office of Student Conduct, the group is to hold an election to identify new leadership to manage the directives in the outcome letter. This election must meet the following criteria:

1. The election process will be facilitated by a non-accused upperclass student in the presence of the University advisor.
2. The sole purpose of this meeting is to elect leaders for the group.
3. Minutes from the meeting, including the outcome of the election, must be emailed to the Office of Student Conduct, and your faculty advisor within 24 hours of the election and include the outcome.

h. **Educational Workshops:** Educational workshops can be assigned for groups that violate policies related to University protocols. Examples include, but are not limited to: workshops regarding the process to reserve University space, budget procedures, the appropriate use of Student Activity funds, and others. Educational workshops may be assigned in conjunction with or in lieu of another sanction.

i. **Document/Policy Development:** The creation of a new internal process or amendment to a group’s by-laws may be assigned to address the absence of a policy and/or continued issues a student group may be facing on a regular basis.

j. **Sanctioned Service:** Service projects or service hours may be assigned to a student group if it is deemed that such an assignment would have the most impact on the group. The service will be related to the kind of violation that occurred. Sanctioned service may be assigned in conjunction with or in lieu of another sanction.

k. **Mandatory Restitution:** Financial restitution could be sanctioned for monetary loss or damage.

l. **Other Requirement:** The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a case.

5. **Standard Sanctioning for Alcohol and/or Drug Violations**

**ALCOHOL:**

First Offense

- One year of disciplinary probation; and
- Alcohol and Other Drug Awareness Workshop, including course registration assessment (up to $100); or
- Enrollment in Brief Alcohol Screening Intervention for College Students (BASICS) if first offense is egregious, including course registration assessment (up to $100).

Second Offense

- Enrollment in BASICS; and/or
- Substance abuse evaluation and/or counseling; and/or
- University suspension will be strongly considered.

**ILLEGAL DRUG USE (Marijuana only):**
First Offense

- One year of disciplinary probation, and
- Alcohol and Other Drug Awareness Workshop, including course registration assessment (up to $100); or
- Enrollment in Cannabis Abuse Screening Intervention for College Students (CASICS) if first offense is egregious, including course registration assessment (up to $100).

Second Offense

- Career disciplinary probation; and/or
- Substance abuse evaluation and/or counseling; and/or
- Suspension from the University will be strongly considered.

ATTEMPT TO SELL/DISTRIBUTEDRUGS or ILLEGAL DRUG USE (Not including marijuana):

- Immediate interim disciplinary suspension pending a judicial hearing to determine whether or not a suspension/expulsion is warranted.
- University suspension/expulsion will be considered.

VII. Sexual Misconduct Resolution Process


VIII. Former Students

A. If an alleged violation occurred while an individual was a registered Edinboro University student, the student will be held responsible for having the case adjudicated.

B. Should the person no longer be considered a current student and fail to participate in the disciplinary process, a hold may be placed on their records until the case is resolved.

C. This hold is known as a “Hearing Before Re-Admit” (HBRA), and a hearing or some form of adjudication must take place prior to re-enrollment.

IX. Standard of Proof

The standard of proof in all disciplinary hearings will be decided by the “preponderance of the evidence” standard, which is commonly known as “more likely than not.”

X. RETENTION OF RECORDS
Students who graduate and receive a degree from the University are considered to be in "good standing" at the time the degree is conferred. All written disciplinary records for cases involving sanctions other than an expulsion will be expunged seven years after the adjudication of the case. University expulsion is permanent and records will be kept indefinitely.

A student may request that his/her judicial records be expunged two years following adjudication. This will only be considered if the student has had no additional infractions, and is not currently on disciplinary probation. This request is made to the Associate Vice President for Student Affairs or their designee, who will respond in writing as to whether or not the request has been granted.

Audio recordings for cases resulting in expulsion may be maintained for an indefinite period of time. Audio recordings of cases that do not result in expulsion will be maintained for six months or until all University appeals are exhausted.

XI. REVISIONS

Revisions of this document must be authorized by the President of the University. When necessary, revisions will be made to the Student Code of Conduct and Judicial procedures on the University website located on the Judicial Affairs homepage. Written versions of the Student Code of Conduct and Judicial Procedures may be revised and available as warranted, but may not include all of the most recent changes. A written version of the document is available for review at the Office of Student Conduct.

XII. RESOURCES AND REFERRALS

Confidential Resources

<table>
<thead>
<tr>
<th>CONCERN</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNSELING SERVICES*</td>
<td>Counseling and Psychological Services</td>
<td>814.732.2252</td>
<td>Individual and Group Counseling; Assessment; All services confidential</td>
</tr>
<tr>
<td></td>
<td>Mc Nerney Hall</td>
<td></td>
<td></td>
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<tr>
<td>SPIRITUAL SUPPORT</td>
<td>Campus Ministry</td>
<td>814.732.2601</td>
<td>Spiritual support and guidance from regional clergy and community members</td>
</tr>
<tr>
<td></td>
<td>Mc Nerney Hall</td>
<td></td>
<td></td>
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<tr>
<td>HEALTH CARE AND ASSESSMENT*</td>
<td>Student Health Services</td>
<td>814.732.2743</td>
<td>Student Health Services</td>
</tr>
<tr>
<td></td>
<td>Mc Nerney Hall</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CRIME VICTIM SERVICES</td>
<td>Crime Victim Center of Erie County</td>
<td>800.352.7273</td>
<td>Reducing the impact of crime through counseling, education and advocacy</td>
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<tr>
<td></td>
<td>Also available through Student Health x2743</td>
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* Licensed physicians and psychological counselors within these two areas can maintain confidential information shared with them.

Other Resources

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<thead>
<tr>
<th>CONCERN</th>
<th>CONTACT</th>
<th>PHONE NUMBER</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALCOHOLICS ANONYMOUS</td>
<td>AA 24 Hour hotline</td>
<td>814.452.2675</td>
<td>Alcoholics Anonymous Services</td>
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<tr>
<td></td>
<td>Meetings held on campus</td>
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<tr>
<td>Services</td>
<td>Contact Information</td>
<td>Phone Numbers</td>
<td>Description</td>
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<tr>
<td>ALCOHOL AND DRUG COUNSELING</td>
<td>Gaudenzia Erie Student Health Services McNerney Hall</td>
<td>814.732.2743</td>
<td>Individual Counseling; Assessment</td>
</tr>
<tr>
<td>CRISIS SERVICES</td>
<td>Safe Harbor Erie, PA</td>
<td>800.300.9558 or 814.456-2014</td>
<td>24-hour a day, 7 day a week crisis services for Erie County</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Telephone; walk-in; mobile; Crisis follow-up</td>
<td>Telephone; walk-in; mobile; Crisis follow-up</td>
</tr>
<tr>
<td>HOUSING</td>
<td>Residence Life Office 215 Pogue</td>
<td>814.732.2818</td>
<td>Temporary or continuous Student Housing OnCampus</td>
</tr>
<tr>
<td>OMBUDSPERSON</td>
<td>312 Reeder Hall</td>
<td>814.732.1710</td>
<td>Provides a safe and neutral place for faculty, staff, students, parents and retirees to discuss conflicts, concerns, or problems.</td>
</tr>
<tr>
<td>SAFENET</td>
<td>CRISIS LINE: 814.454.8161 Student Health Service McNerney Hall</td>
<td>814.455.1774</td>
<td>Provides sanctuary, support, education and advocacy</td>
</tr>
<tr>
<td>SEXUAL MISCONDUCT (TITLE IX)</td>
<td>208A Crawford Center</td>
<td>814.732.1564</td>
<td>For reports of alleged sexual misconduct</td>
</tr>
<tr>
<td>SOCIAL EQUITY</td>
<td>306 Reeder Hall</td>
<td>814.732.2167</td>
<td>Concerned with campus diversity and social equity.</td>
</tr>
<tr>
<td>OFFICE OF STUDENT CONDUCT AND JUDICIAL AFFAIRS</td>
<td>Pogue</td>
<td>814.732.2920</td>
<td>Student discipline, mediation, investigation of Code of Conduct violations</td>
</tr>
<tr>
<td>UNIVERSITY POLICE</td>
<td>911 Scotland Road</td>
<td>814.732.2911 (Emergency) 814.732.2921 (Non-emergency)</td>
<td>24 Hour a day; 7 days a week; Police Services, Investigations, Parking</td>
</tr>
<tr>
<td>VETERANS SUCCESS CENTER</td>
<td>208A Crawford Center</td>
<td>814.732.1568</td>
<td>Aids our student veterans in making a smooth transition to college life.</td>
</tr>
</tbody>
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