

**Case Western Reserve University  
Student Code of Conduct 2017-2018  
Effective August 1, 2017**

**Preamble**

The mission of Case Western Reserve University is to improve and enrich people's lives through research that capitalizes on the power of collaboration, and education that dramatically engages students. This goal is realized through: scholarship and creative endeavors that draw on all forms of inquiry; learning that is active, creative and continuous; and promotion of an inclusive culture of global citizenship.

The University Student Code of Conduct serves to support the overall mission and core values of Case Western Reserve University. This includes civility and the free exchange of ideas, civic and international engagement, appreciation for the distinct perspectives and talents of each individual, academic freedom and responsibility, and ethical behavior.

The scope of the University Code of Conduct is behavioral expectations of all undergraduate, graduate and professional students. This code is not applicable to sexual misconduct or academic integrity violations; both of which are covered under different policies. This code may be used in conjunction with other policies including but not limited to academic program policies, student organization policies, athletic and recreation policies. No policy will automatically pre-empt any other policy and more than one policy may be applied to the same incident in a parallel manner. Any internal behavioral conduct policies for student organizations must be consistent with the University Student Code of Conduct.

Students are expected to be members of the university community who respect others and are committed to personal and academic excellence. The goals of the university conduct process are (1) to promote a campus environment that supports the overall educational mission of the university; (2) to protect the university community from disruption and harm; (3) to encourage appropriate standards of individual behavior and citizenship; (4) to foster ethical standards; (5) to provide fair and consistent due process for students and organizations alleged to have violated the code of conduct.

**Article I: Definitions**

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

4. The term **university official** includes any person employed by the university, on a full-time, part-time or temporary basis, performing assigned administrative or professional responsibilities.
5. The term **member of the university community** includes any person who is a student, faculty member, university official, person employed by the university, guest or visitor. If not clear, a person's status in a particular situation shall be determined by the Vice President of Student Affairs or designee.
6. The term **university premises** includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the university.
7. The terms **student organization** or **student group** means any number of persons who have complied with the formal requirements for university recognition or that would otherwise be considered a student organization or student group. This could include but is not limited to recognized student organizations, Greek life chapters, athletic teams and performance groups.
8. The term **hearing board** means person or persons authorized by the Vice President of Student Affairs to determine whether a student or student organization has violated the student code of conduct and to impose sanctions when violation of the code of conduct has occurred.
9. The term **hearing officer** means a university official authorized by the Vice President of Student Affairs to unilaterally determine whether a student or student organization has violated the student code of conduct and to impose sanctions when violation of the code of conduct has occurred.
10. The term **appellate board** means any person or persons authorized by the Vice President of Student Affairs to consider an appeal from the hearing board or hearing officer's determination whether a student or student organization has violated the code of conduct or from the sanctions imposed.
11. The term **appellate officer** means a university official authorized by the Vice President of Student Affairs to unilaterally consider an appeal from the hearing officer's determination whether a student or student organization has violated the code of conduct or from the sanctions imposed.
12. The term **complainant** means any person or student organization who submits charge(s) alleging that a student or student organization violated the student code of conduct. In the absence of either above, the university will serve as complainant.
13. The term **respondent** means any student or student organization accused of violating the student code of conduct.
14. The term **investigator** means any university official gathering information for a hearing officer or hearing board to determine whether a violation of the code of conduct occurred.
15. The term **business day** means any day the university is conducting normal operations and most offices are open.
16. The term **shall** is used in the imperative sense.
17. The term **may** is used in the permissive sense.
18. The **Vice President of Student Affairs** is the person designated by the university to be responsible for the administration of the student code of conduct.
19. The **Student Conduct Administrator** is the person designated by the Vice President of Student Affairs for daily operation of the student conduct process.

20. The term **policy** means any written regulations of the university as found in, but not limited to, the student code of conduct, the university web page and computer use policy, and undergraduate/graduate/professional school handbooks and catalogs.

## **Article II: Student Code of Conduct Authority**

1. The Vice President of Student Affairs or designee shall determine the composition of hearing boards and appellate boards and determine which hearing board, hearing officer or appellate board shall be authorized to hear each matter.
2. The Vice President of Student Affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are not inconsistent with provisions of the student code.
3. Decisions made by hearing boards or hearing officers shall be final, pending the normal appeal process.

## **Article III: Proscribed Conduct**

### **A. Jurisdiction of the University Student Code of Conduct**

The University Student Code of Conduct shall apply to conduct that occurs on university premises, at university sponsored activities and to off-campus conduct that adversely affects the university community, the mission of the university and/or the pursuit of university goals. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, including periods immediately before classes begin or immediately after classes end, as well as during the academic year and during periods between terms of actual enrollment. This includes conduct which occurred while a student was enrolled discovered even after a degree is awarded. The Student Code of Conduct shall apply to a student even if the student withdraws from the university while a disciplinary matter is pending. The Vice President of Student Affairs or designee shall decide when the Student Code of Conduct may be applied to incidents of misconduct occurring off campus, on a case by case basis.

### **B. Conduct – Policies**

1. Acts of dishonesty, including but not limited to:
  - a. Furnishing false information to any university official, faculty member or office.
  - b. Forgery, alteration or misuse of any university or government issued document, record or instrument of identification.
2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and other university activities including its public service functions on or off campus, or of other authorized non-university activities.
3. Inappropriate treatment of others, including but not limited to:
  - a. Causing physical harm to others
  - b. Verbal Abuse
  - c. Behavior that is threatening

- d. Behavior that is intimidating
  - e. Harassment
  - f. Behavior that is coercive
  - g. Behavior that endangers the physical or mental health or safety of any person
4. Theft or Damage, including but not limited to:
    - a. Theft, defined as attempted or actual theft of property of the university or property of a member of the university community or other personal or public property, on or off campus.
    - b. Damage, defined as attempted or actual damage to property of the university or property of a member of the university community or other personal or public property, on or off campus.
  5. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are a violation of this policy.
  6. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
  7. Unauthorized possession, duplication or use of keys, student identification cards or other means of access, to any university premises or unauthorized entry to or use of university premises. Contributing to or participating in the unauthorized entry of individual(s) into a student room or building facility by transferring or duplicating a key or identification card.
  8. Violation of any university policy, rule or regulation published in hard copy or available electronically on the university website; including but not limited to residence life handbook, the university web page and computer use policy, and graduate/undergraduate handbooks and catalogs.
  9. Violation of any federal, state or local law.
  10. Drugs, narcotics or other controlled substances except as expressly permitted by law:
    - a. Use of drugs, narcotics or others controlled substances
    - b. Possession of drugs, narcotics or other controlled substances
    - c. Use of any substance with the intention of causing illness or injury
    - d. Manufacturing of drugs, narcotics or other controlled substances
    - e. Distribution of drugs, narcotics or other controlled substances
    - f. Possession or use of drug paraphernalia; items that a reasonable person would believe are used in conjunction with drugs, narcotics or other controlled substances.
  11. Alcohol policy:
    - a. Use of alcohol by an individual under the legal drinking age
    - b. Possession of alcohol by an individual under the legal drinking age

- c. Distribution of alcohol to any individual under the legal drinking age
  - d. Public intoxication by any individual
  - e. Use or possession of alcohol in a public space
  - f. Use of alcohol leading to illness or injury
  - g. Use or possession of bulk quantity or common sources of alcohol including but not limited to kegs, large open containers, or a large number of individual servings likely for use as a common source.
  - h. Participating in drinking games or other high risk behavior including funneling
  - i. Use or possession of alcohol in the residential colleges (first year student housing) unless all assigned residents of the room are of legal drinking age.
  - j. Violation of other university alcohol policy.
  - k. Use or possession of alcohol by any individual in substance free university housing.
12. Smoking policy - In compliance with the State of Ohio smoking ban set out in Chapter 3794 of the Ohio Revised Code, the university does not permit smoking in any of its buildings or structures, including in residence halls or in university vehicles. In addition, all outside walkways and grounds of university property are smoke-free. This includes but is not limited to cigarettes, cigars, pipes, bong, e-cigarettes and vape pens.
13. Guest Responsibility – students are responsible for the behavior of their guests when on university property or at any event sponsored by or affiliated with the university. Students may be held accountable for violation of any policy by guests. Students who do not make reasonable efforts to inform guests of policies and control guest behavior will be more likely to be responsible for a violation. The university may take action with guests including but not limited to enacting a ban from campus or filing criminal charges. The definition of guests includes but is not limited to, any person, including other students, that a student allows into his/her room, residence hall or to campus, and/or any person that would be considered the guest of a student by a reasonable person. With approval of all roommates/suitemates, overnight guests may be accommodated in residence facilities for a maximum of three (3) consecutive nights.
14. Weapons Policy - Illegal or unauthorized possession or use of any item considered a weapon on university premises. This includes but is not limited to:
- a. Firearms
  - b. Knives/Swords/Other sharp weapons
  - c. Explosives/Ammunition
  - d. Dangerous Chemicals
  - e. Kitchen utensils not used for their intended purpose
  - f. Blunt weapons
  - g. Tasers, Mace, Pepper Spray
  - h. Simulated Weapons (e.g. airsoft or BB guns)
  - i. Athletic Equipment not used for intended purpose
15. Participating in a demonstration, riot or activity that unreasonably disrupts the normal operations of the university and/or infringes on the rights of other members of the university community; leading or inciting others to significantly disrupt scheduled or normal activities.

16. Gambling – Any kind of betting, gaming or competition where money or other items of value are at stake. This may exclude some raffles, philanthropy events or other events approved by the appropriate university office.

17. Conduct that is:

- a. Disorderly
- b. Lewd
- c. Indecent
- d. Breach of peace
- e. Violation of residence hall courtesy hours
- f. Aiding, abetting, or procuring another person to breach the peace.
- g. Solicitation of materials or services or commercial activities of any type in residence facilities without written permission or registration from the appropriate office(s).
- h. Making an audio, video, photographic or other record of any person while on university premises or at any event sponsored by or affiliated with the university without prior knowledge or effective consent when such a recording may cause harm, injury or distress.
- i. Creating/distributing pornographic material on university premises or at any event sponsored by or affiliated with the university or that uses university property or resources.
- j. Hall Sports - participating in unapproved physical recreational activities inside a residence hall.

18. Violation of the university fire safety policy including, but not limited to :

- a. Setting a fire/Arson
- b. Sounding a false alarm
- c. Falsely reporting fire, bomb threats, serious injury, or any other emergency
- d. Intentionally or negligently activating a fire alarm when no fire is present
- e. Tampering with a fire alarm pull station or fire suppression system
- f. Using a fire extinguisher in a non-emergency situation
- g. Not evacuating the building during a fire alarm
- h. Tampering with a smoke/particle detector; sprinkler heads, or other fire safety equipment
- i. Using cooking appliances except in designated cooking areas. Possessing hot plates, electrical heaters, halogen lighting sources, extension cords or similar electrical equipment or leaving cooking items unattended while in use.
- j. Using candles, incense, or any open-flamed device
- k. Storage of a motor vehicle of any type within a residence facility
- l. The blocking of any inside or outside exit, fire doors, corridors, hallways or tampering with self-closing mechanisms.
- m. Possession or use of hover boards or similar self-balancing scooters on university property.
- n. Other fire safety policies outlined by the Office of Environmental Health and Safety

19. Technology - Theft or other abuse of computer facilities and resources including but not limited to:

- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- b. Unauthorized transfer of a file.
- c. Use of another individual's identification and/or password.
- d. Use of computing facilities and resources to interfere with the work of another student, faculty member or university official.
- e. Use of computing facilities and resources to send obscene or abusive messages.
- f. Use of computing facilities and resources to interfere with normal operation of the university computing system.
- g. Use of computing facilities and resources in violation of copyright laws.
- h. Any violation of the university computer use policy.

20. Abuse of conduct system, including but not limited to:

- a. Failure to obey a notice from a conduct board or university official to appear for a meeting or hearing as part of any student conduct system.
- b. Falsification, distortion, or misrepresentation of information before any student conduct board.
- c. Disruption or interference with the orderly conduct of a student conduct board proceeding.
- d. Participating in a student conduct code meeting, hearing or other disciplinary process in a way that is dishonest.
- e. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
- f. Attempting to influence the impartiality of a member of a hearing board prior to, and/or during the course of, the hearing board process.
- g. Harassment (verbal and/or physical) and/or intimidation of a member of a hearing board prior to, during, or after a student conduct proceeding.
- h. Failure to comply with the sanction(s) imposed under the student code.
- i. Influencing or attempting to influence another person to commit an abuse of the code of conduct or processes associated with it.

C. Violation of Federal, State and/or Local Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the code of conduct (that is, if both possible violations result from the same factual situation or incident) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Affairs or a designee. Determinations made or sanctions imposed under this student code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of the criminal law defendant.
2. When a student is charged by federal, state or local authorities with a violation of law, the university will not request or agree to special consideration for the individual because of his or her status as a student. If the alleged offense is also being processed under the student code

of conduct, the university may advise off-campus authorities of the existence of the student code and of how such matters are typically handled within the university community. The university will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that conditions do not conflict with campus rules or sanctions). Individual students and other members of the university community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

#### **Article IV: Student Conduct Code Procedures**

##### **A. Determination of Conduct Charges and Resolution**

1. Any person may allege that a student or student organization violated the student code of conduct.
2. Upon review of any allegation, the Student Conduct Administrator or a designee will determine the appropriate conduct process for resolution and appropriate conduct charges. Possible conduct policy violations (Article III, Section B), mitigating and aggravating factors and prior misconduct will be considered in determining the resolution path.
  - a. The Administrative Hearing Process (Article IV, B) will be appropriate when there is no possibility of separation or expulsion from the university being imposed as a sanction.
  - b. The Formal Hearing Process (Article IV, C) will be appropriate if there is any possibility of separation or expulsion from the university being imposed as a sanction or if the incident had a significant impact to the university community or other individuals.
  - c. The allegation will be referred to a different resolution process if there are possible policy violations that fall outside the scope of the Student Code of Conduct.
  - d. The allegation will be dismissed if the available information supports that the incident does not fall within the scope of the Student Code of Conduct or any other policy.

##### **B. Administrative Hearing Process**

1. The Student Conduct Administrator or a designee may conduct an investigation to determine if there is sufficient information to find a possible violation. If there is insufficient information then the case will be dismissed. If there is sufficient information, then the Student Conduct Administrator or a designee will determine if the charges can be resolved without a hearing by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. This may include:

- a. Agreement regarding responsibility for alleged violation and imposed sanctions between the university official and the respondent as long as sanctions do not include separation or expulsion from the university.
- b. Agreement to dismiss the case as lacking sufficient evidence to support a violation of the student code of conduct.
- c. Agreement that the University Medical Amnesty policy applies (Article IV, D).

In any of these instances, such disposition shall be final and there shall be no subsequent proceedings or appeals.

- 2. If charges are not dismissed, if charges are not admitted to, if charges cannot be resolved by mutual consent, or if sanctions are not agreed to, the case will be referred to the Office of Student Conduct for resolution through the administrative hearing process.
- 3. A time shall be set for an administrative hearing, at least five business days after the student has been notified of the hearing date, time and location. A respondent may choose to waive this notice in the interests of expediting resolution of the case.
- 4. The complainant and respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.
- 5. Administrative Conduct Hearings shall be conducted according to the following guidelines:
  - a. Administrative Conduct Hearings shall be conducted in private.
  - b. A single hearing officer will determine responsibility for the alleged policy violations and possible sanctions.
  - c. The respondent and complainant (if any) have the right to be assisted by an advisor of their choice, at their own expense. The respondent and the complainant are each responsible for presenting relevant information to the hearing officer. Advisors may advise their advisee but are not permitted to speak or participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.
  - d. The hearing officer, respondent, an advisor of the respondent's choice (if any), complainant (if any), an advisor of the complainant's choice (if any), and the investigator (if any) shall be allowed to attend the entire portion of the administrative conduct hearing except for the hearing officer's deliberation.
  - e. The respondent, the complainant (if any) and the investigator (if any) will have an opportunity to present information relevant to the allegations.
  - f. The respondent, complainant or investigator may request witnesses to present pertinent information to the hearing officer. The Student Conduct Administrator or designee will determine relevancy of witnesses. Normally, hearings will not be delayed or rescheduled to accommodate witnesses.
  - g. Approved witnesses shall be allowed to attend a portion of the hearing where they will present relevant information and answer questions.
  - h. The hearing officer, the respondent, and the complainant (if any) may ask questions of the respondent, the complainant, the investigator and witnesses.

- i. After all appropriate parties have had an opportunity to present information to the hearing officer and ask questions, the hearing officer will deliberate to determine responsibility for alleged violations. Deliberations will be in private.
  - j. If responsibility for any violation is determined, the hearing officer will deliberate to determine appropriate sanctions. Sanctions will be determined based on the violations for which the respondent is found responsible, prior misconduct, factors considered aggravating and factors considered mitigating.
  - k. In hearings involving more than one respondent, the Student Conduct Administrator or designee may permit the students to participate in the hearing separately or together. Respondents may request to have decisions rendered separately or together.
  - l. Pertinent records, exhibits and written statements (including student impact statements) may be accepted as information for consideration by the hearing officer at the discretion of the Student Conduct Administrator or a designee. All relevant information must be submitted by the complainant and respondent at least 2 business days before the scheduled hearing.
  - m. All procedural questions are subject to the final decision of the Student Conduct Administrator or designee.
  - n. The hearing officer's determination of responsibility for each violation shall be made on the basis whether there is a preponderance of the evidence, or whether it is more likely than not, that the respondent violated the student code of conduct.
  - o. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in a criminal or civil court, are not used in the student conduct proceedings.
6. If with proper notice the respondent, complainant and/or investigator, do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present.
7. The hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Student Conduct Administrator or designee.

### C. Formal Hearing Process

- 1. The Student Conduct Administrator or a designee may conduct an investigation to gather information and determine if there is sufficient information to find a possible violation. If there is insufficient information then the case shall be dismissed. If there is sufficient information then the case shall proceed to a formal hearing.
- 2. A time shall be set for a formal conduct board hearing, at least five business days after the student has been notified of the hearing date, time and location. A respondent may choose to waive this notice in the interests of expediting resolution of the case.
- 3. The complainant and respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.

4. Formal Conduct Hearings shall be conducted according to the following guidelines:
  - a. Formal Conduct Hearings shall be conducted in private.
  - b. A hearing board normally consisting of three individuals who will determine responsibility for the alleged policy violations and possible sanctions as well as a non-voting board chair. For Greek Student Organizations, normally five individuals will serve on the hearing board.
  - c. The respondent and complainant (if any) have the right to be assisted by an advisor of their choice, at their own expense. The respondent and the complainant are each responsible for presenting relevant information to the hearing board. Advisors may advise their advisee but are not permitted to speak or participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.
  - d. The hearing board, respondent, an advisor of the respondent's choice (if any), complainant (if any), an advisor of the complainant's choice (if any), and the investigator (if any) shall be allowed to attend the entire portion of the administrative conduct hearing except for the hearing board's deliberations.
  - e. The respondent, the complainant (if any) and the investigator will have an opportunity to present information relevant to the allegations.
  - f. The respondent, complainant or investigator may request witnesses to present pertinent information to the hearing board. The Student Conduct Administrator or designee will determine relevancy of witnesses. Normally, hearings will not be delayed or rescheduled to accommodate witnesses.
  - g. Approved witnesses shall be allowed to attend a portion of the hearing where they will present relevant information and answer questions.
  - h. The hearing board, respondent, and complainant (if any) may ask questions of the respondent, the complainant, the investigator and witnesses.
  - i. After all appropriate parties have had an opportunity to present information to the hearing board and ask questions, the hearing board will deliberate to determine responsibility for alleged violations. Deliberations will be in private.
  - j. If responsibility for any violation is determined, the hearing board will deliberate to determine appropriate sanctions. Sanctions will be determined based on the violations for which the respondent is found responsible, prior misconduct, factors considered aggravating and factors considered mitigating.
  - k. In hearings involving more than one respondent, the Student Conduct Administrator or designee may permit the students to participate in the hearing separately or together. Respondents may request to have decisions rendered separately or together.
  - l. Pertinent records, exhibits and written statements (including impact statements) may be accepted as information for consideration by the hearing board at the discretion of the Student Conduct Administrator or a designee. All relevant information must be submitted at least 2 business days before the scheduled hearing.
  - m. All procedural questions are subject to the final decision of the Student Conduct Administrator or designee.
  - n. The hearing board's determination of responsibility for each violation shall be made on the basis whether there is a preponderance of the evidence, or whether it is more likely than not, that the respondent violated the student code of conduct.

- o. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in a criminal or civil court, are not used in the student conduct proceedings.
5. There shall be a single verbatim record, such as a digital recording, of all formal hearings before a student conduct board. Deliberations shall not be recorded. The record shall be the property of the university.
  6. If with proper notice respondent, complainant and/or investigator, do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present.
  7. The Student Conduct Administrator or designee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Student Conduct Administrator or designee.

#### D. Greek Student Organization Hearing Process

1. When an allegation against an entire chapter occurs, the chapter president will meet with a Vice-President of Administration (VPA) from the Panhellenic Council or the Interfraternity Council and a representative from the Greek Life Office to discuss the allegations, resolution options and possible sanctions.
  - a. If the chapter accepts responsibility for all allegations, and possible sanctions do not include Disciplinary Probation or a more serious sanction, sanctions will be agreed upon among the participating VPA, the Greek Life Office representative and the Chapter President.
  - b. If the chapter does not contest the violations but does not accept responsibility, and possible sanctions do not include Disciplinary Probation or a more serious sanction, an informal hearing will occur (IV, D, 2).
  - c. If the chapter pleads not responsible, and possible sanctions do not include Disciplinary Probation or a more serious sanction, a formal Greek Life hearing will occur (IV, D, 3).
  - d. If Disciplinary Probation or a more serious sanction are possible outcomes, regardless of whether responsibility is accepted, a Formal Conduct Hearing will occur (IV, C).
2. Informal Greek Life Hearing
  - a. The Panhellenic Council/Interfraternity Council Judicial Board will review the available information and determine responsibility and possible sanctions.
  - b. The chapter may have an advisor but witnesses may not be requested.
3. Formal Greek Life Hearing
  - a. The Panhellenic Council/Interfraternity Council Judicial Board will review the available information and determine responsibility and possible sanctions.
  - b. The chapter may have an advisor and witnesses may be requested.

#### E. Non Greek Student Organization Hearing Process

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

#### F. Medical Amnesty:

Case Western Reserve University seeks to promote a community of care through providing Medical Amnesty for individuals and organizations who seek medical attention related to medical emergencies for alcohol and drugs. To ensure that a student obtain the help they need for these potentially life-threatening emergencies, CWRU seeks to reduce barriers to seeking assistance.

Case Western Reserve University's Medical Amnesty Policy eliminates judicial consequences for students and/or organizations seeking assistance, for the assisted individual and for others involved. The policy applies when the allegations under the code of conduct or other policies involve underage consumption of alcohol, use of drugs or disorderly conduct. The policy does not preclude disciplinary action regarding other violations, such as causing or threatening physical harm, sexual violence, damage to property, fake identification, unlawful provision of alcohol or other drugs, harassment or hazing.

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

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

#### G. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Warning – A written notice to the respondent communicating that a violation of the code of conduct has occurred and that a conduct record is on file within the university.

- b. Deferred Disciplinary Probation – A written notice to the respondent that a violation of the code of conduct has occurred, that a conduct record is on file within the university and that any additional violations of the code of conduct will likely lead to Disciplinary Probation. Deferred Disciplinary Probation is for a set period of time.
- c. Disciplinary Probation – A written reprimand to the respondent communicating that a serious violation of the code of conduct has occurred and/or multiple violations of the code of conduct have occurred; that a conduct record is on file within the university and that any additional violations of the code of conduct will likely lead to some level of separation from the university. Disciplinary Probation is for a set period of time and may lead to a loss of privileges including, but not limited to, being ineligible to represent the university in intercollegiate activities, hold an elected or appointed office or committee chairmanship in any campus organization, and/or pledge a fraternity or sorority for the duration of the probationary period.
- d. University Housing Separation – Separation of the student from university housing for a defined period of time, after which the student is eligible to petition to return to housing. Conditions for readmission to housing may be specified.
- e. University Housing Expulsion – Permanent separation of the student from university housing. A ban from visiting, entering or being in the vicinity of any university housing is included as part of this sanction unless otherwise specified.
- f. University Separation – Separation of the student from the university for a defined period of time, after which the student is eligible to petition to return to the university. A separated student may not enroll in classes or be a part of any university related activities. A ban from the university campus and from participation in university related activities and events is included as part of this sanction unless otherwise specified. Upon completion of separation period and approval of petition by the university, readmission to the university may occur.
- g. University Expulsion – Permanent separation of the student from the university. A ban from the university campus and from participation in university related activities and events is included as part of this sanction unless otherwise specified.
- h. Persona Non Grata – A ban from entry to specified areas of university premises, including the entire campus if directed, for a specified or permanent period of time.
- i. No Contact Directive – Directive banning contact with another university community member while one or both are members of the university community.
- j. Loss of Privileges – Denial of specified privileges for a designated period of time or permanently.
- k. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- l. Discretionary Sanctions – assignments, essays, service to the university or outside community or other related discretionary or educational assignments.
- m. Revocation of admission and/or degree – Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- n. Withholding Degree – The university may withhold awarding a degree otherwise earned until the completion of the process set forth in the code of conduct, including the completion of all sanctions imposed.

- o. Mental Health Evaluation – The university may require the student to complete a specified mental health evaluation. Being allowed to return to the university or return to other specified activities may be contingent on successful completion of such an evaluation.
2. More than one of the sanctions outlined above may be imposed for any single violation.
3. Prior misconduct and other factors may be taken into account when determining sanctions.
4. Other than university expulsion, revocation of a degree or withholding of a degree, sanctions shall not be made part of the student’s permanent academic record. Instead they shall become part of the student’s disciplinary record.
5. The following sanctions may be imposed upon student organizations:
  - a. Those sanctions outlined above in Article IV(B)(1);
  - b. Loss of selected organizational rights and privileges for a specified period of time.
  - c. Loss of recognition and all student organization privileges for a specified period of time.
  - d. Discretionary sanctions that some or all members of the organization must complete.

#### H. Interim Measures

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

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

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

## I. Appeals

1. A decision reached by a hearing officer or hearing board may be appealed by the respondent and/or complainant within five business days (days the university is open including student breaks) from the time the hearing decision is made available. Appeal petitions shall be submitted in writing and delivered to the Student Conduct Administrator or designee.
2. The complainant, the respondent, board chair and hearing officer will have an opportunity to review the appeal petition and submit a brief response within three business days.
3. For cases heard by a formal hearing board, the appeal board shall consist of three members of the University Student Affairs leadership team or their designees.
4. For cases heard by a single administrator, the appeal board shall consist of a single member of the University Student Affairs leadership team.
5. An appeal shall be limited to a review of the appeal petition, responses to the appeal petition, information available in the hearing, the verbatim record of the conduct hearing and supporting documents for one or more of the following grounds:
  - a. Evidence that established procedures were not followed in a manner that would have significantly affected the hearing outcome.
  - b. New information not available at the time of the hearing which would have significantly affected the hearing outcome.
  - c. The sanctions are substantially disproportionate to the severity of the violation.
6. The role of the appeal board or appeal officer is not to adjudicate the case as a second hearing board. The appeal board will limit the scope of the review to the grounds outlined above. If an appeal is granted by the appellate board based on appeal grounds 5a or 5b, the case may be returned to the original conduct hearing board for re-opening of the hearing to allow reconsideration of the original decision. If an appeal is granted by the appellate board on appeal ground 5c, the appellate board may render new sanction(s). If an appeal is not granted, the matter shall be considered final and binding upon all involved.
7. Independent of the normal Appeal Process, the university reserves the right to rehear a case if the Vice President of Student Affairs or designee determine that established procedures were not followed in a manner that significantly affected the hearing outcome.

## **Article V: Interpretation and Revision**

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