



Code of Student Conduct

2017-2018

Purpose

As a private, liberal arts university, the University of St. Thomas has established standards of conduct to foster a safe environment conducive to learning and development. Students and student groups are expected to conduct themselves in a manner that demonstrates respect for the rights and property of others and upholds the integrity of the university community. The standards of conduct outlined in the Code of Student Conduct were developed in consultation with students, faculty, administrators and staff with specific consideration for the well-being, honor and dignity of all who live, learn and work in our educational community.

Definitions

- a. **Code of Student Conduct (“the Code”)** – standards of conduct and procedures established to provide a full and fair opportunity for review of alleged student misconduct.
- b. **Complainant** – an individual who files a complaint with the Vice President for Student Affairs or designee alleging a violation of the Code of Student Conduct.
- c. **Conduct History** – documentation of a student’s conduct and sanctions.
- d. **Conduct Process** – the procedures provided in the Code from the initial complaint through the final resolution to consider whether a student has engaged in misconduct, and whether conduct sanctions should be imposed.
- e. **Consent** – words or actions that show an active knowing and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent cannot be gained by force, by ignoring or acting without regard to the objective of another, or by taking advantage of the incapacitation of another, where the student knows or reasonably should have known of such incapacity. Use of alcohol or drugs may impair an individual’s capacity to freely consent and may render an individual incapable of giving consent.
- f. **Distribution** - any form of exchange, gift, transfer or sale.
- g. **Good Conduct Standing** – status in which a student is fully eligible to participate in university activities and privileges.

- h. **Greater Weight of the Evidence (Preponderance of Evidence)** – standard of review in the student conduct process which evaluates whether allegations are more likely than not to have happened.
- i. **Group** - a number of persons who are associated with each other, but who have not complied with University requirements for registration as an organization.
- j. **Incident Report (Notice of Complaint)** –the initial document in the conduct process that identifies alleged misconduct in violation of the Code.
- k. **Institution and University** - the University of St. Thomas and all of its undergraduate, graduate and professional schools, divisions, and programs.
- l. **Organization** - a number of persons who have complied with University requirements for official recognition and registration as a student club.
- m. **Permanent Student Conduct Record** – documentation of a student’s conduct violation(s) and sanction(s) that are permanently maintained by the Vice President for Student Affairs and subject to the record retention schedule. This record is separate from an academic record.
- n. **Reckless** - conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with normal University or University sponsored activities.
- o. **Responsible Student** – a student who is found or alleged to have engaged in an act or acts in violation of the Code of Student Conduct.
- p. **Student** - any person who (a) is currently enrolled at the University; (b) is accepted for admission or readmission to the University; (c) has been enrolled at the University in a prior semester or summer term and is eligible to continue enrollment in the semester or summer term that immediately follows; (d) is attending an additional program sponsored by the University while that person is on campus; or (e) has engaged in prohibited conduct at a time when he/she met the criteria of (a), (b), (c), or (d).
- q. **The Vice President** – references the Vice President for Student Affairs or designee.
- r. **Title IX Coordinator** – designated agent of the University whose primary responsibility is making sure the University is maintaining compliance with Title IX.
- s. **University Community** – the collective group of students, faculty, staff, university official and any other person employed by or contributing to the University.
- t. **University Premises** - buildings or grounds owned, leased, operated, controlled or supervised by the University.
- u. **University Privilege** – a special benefit that is granted by the University or enjoyed by students, including but not limited to, access to a University building(s), residing in university housing, participating in social events or university sponsored events, election to student leadership positions, memberships in student clubs/organizations, and registration as a student club/organization.

- v. **University Sponsored Activity** - any activity on or off University premises that is directly initiated, supported, or supervised by the University.
- w. **Weapon** - defined in accordance with state law, and includes any object or substance designed to inflict a wound or cause injury.

Policy/Procedure

1. Authority for Student Discipline

Ultimate authority for non-academic student discipline is vested in the Vice President for Student Affairs of the University of St. Thomas. Disciplinary authority may be delegated to University administrators, faculty members, committees, and organizations, as set forth in this Code of Student Conduct, or in other appropriate policies, rules, or regulations adopted by the Board.

2. Student Participation

Students are asked to assume positions of responsibility in the University conduct process so that they may contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the Vice President for Student Affairs, and in the University administration.

3. Interpretation of Regulations

The purpose of publishing disciplinary regulations is to give students general notice of prohibited behavior and their rights and responsibilities during the conduct process. This Code of Student Conduct is not written with the intention of replacing or superseding criminal statutes.

4. Inherent Authority

The Vice President for Student Affairs reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The University reserves the right to pursue disciplinary action for any violation of University policy and/or state or federal law -- on or off-campus -- that affects the University's educational interests.

5. Violations of Law and the Code of Student Conduct

Students may be accountable both to civil/criminal authorities and to the University for acts that constitute violations of law and of this *Code of Student Conduct*. Disciplinary action at the University will normally proceed while awaiting the outcome of civil/criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

6. Academic Integrity

Matters of academic integrity are reviewed and enforced under the direction of the Provost and Academic Affairs. Students engaged in acts which may constitute both academic dishonesty and misconduct as defined by the Code may be subject to sanction under both authorities.

7. Student Group and Organization Responsibility

University student groups and organizations are expected to conduct themselves in a manner consistent with the University's function as an educational institution. Student groups and organizations must observe all international, federal, state and local laws and University policies, including the Code, both on and off campus. A student group/organization will be responsible for the actions and conduct of its members, when one or more of its members, acting in the capacity of their membership, commit a violation of the Code. Student groups/organizations found in violation of the Code will be subject to conduct procedures and sanctions in the same manner as individual students, except that student groups/organization cannot be permanently removed from the University.

A complaint filed against a student group/organization does not preclude the possibility of complaints being filed individually against any or all individual students involved in the alleged misconduct.

8. Interim Suspension

Pending a disciplinary conference, the President of the University, Provost and/or the Vice President may take immediate interim disciplinary action against any student who violates a rule or regulation of the University and/or a law of the Federal or State Government, when such action would be considered necessary to serve the best interests of the student defendant and/or the University of St. Thomas. Such "best interests" include but are not limited to the student defendant's physical or emotional safety and well-being, or the safety of students, faculty, community members, staff, administrators, or University property. A student suspended on an interim basis shall be given a prompt opportunity to appear personally before the Vice President in order to discuss the following issues only:

- a. the reliability of the information concerning the student's conduct, including the matter of his or her identity; and
- b. whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises poses a substantial and immediate threat to himself or herself or to others or the stability and continuance of normal University functions.

9. Records

Documents that are created and maintained as part of the conduct process are subject to the protections of the Family Education Rights and Privacy Act. Conduct records are maintained by the Vice President for Student Affairs in accordance with the University records retention policy.

10. Categories of Misconduct

Students at the University are expected to obey the norms of conduct of the University community, as well as the range of sanctions that can be applied for violating these norms. **Students are expected to act in accordance to the University's core values – goodness, discipline, knowledge and community.**

General Conduct and Principles. Students are expected to ...

- a. Treat others with dignity, civility and respect.
- b. Respect the property of individuals, groups and the University.
- c. Act with honesty, integrity and responsibility, refraining from activities which interfere with the regular operation of the University.
- d. Abstain from lewd, indecent, obscene, mischievous, or malicious behavior.
- e. Refrain from acts that are obnoxious and/or offensive to others.
- f. Respond to the directives of a University official.
- g. Behave in a manner consistent with University policies, mission and core values.

The following conduct is prohibited on University premises or on- or off-campus at University sanctioned events.

A. Acts of Dishonesty, including but not limited to -

- 1) Intentionally furnishing false or misleading information to the University or University official.
- 2) Forging, altering or misusing any University document (including payroll materials) or instrument of identification.
- 3) Intentionally interfering with any election process.
- 4) Misrepresenting oneself as a University official.

B. Acts Affecting the University Community, including but not limited to –

- 1) Interfering with University or University-sponsored activities including, but not limited to, studying, teaching, research, and international travel. This may include off campus behavior deemed to be detrimental to University business or University sponsored activities.
- 2) Interfering with any University emergency or public safety function, such as fire, police or emergency services.
- 3) Engaging in disorderly or obscene conduct, including recording another's image in violation of their reasonable expectation of privacy and without effective consent.
- 4) Breaching the peace, or aiding, abetting or inciting another to breach the peace.
- 5) Failing to comply with reasonable directive of a University official, including university police officers, acting in performance of their official duties.
- 6) Engaging in disruptive activity on campus, including in a classroom setting.
- 7) Failing to abide by signed agreements with the University, including, but not limited to, the Acceptable Use Policy for Technology Resources and Student ID Card Terms and Conditions.

C. Acts Affecting Property or Services, including but not limited to –

- 1) Theft or attempted theft of property, time, or services and/or knowingly possessing stolen property.
- 2) Intentional or reckless destruction or damage to university property or the property of others.
- 3) Unauthorized possession, duplication, or use of access devices to University property.
- 4) Unauthorized entry onto or use of University premises.
- 5) The use or distribution of a trademark, including the University trademark, without the expressed written consent of the owner.

D. Acts Affecting Health, Safety, and Welfare, including but not limited to –

- 1) Engaging in physical and/or verbal abuse, fighting, domestic violence, threats, intimidation, harassment, coercion, hazing, physical or electronic stalking or any other conduct which threatens or endangers the mental, emotional and/or physical health, safety or welfare of any person. (This behavior could include activity on social media outlets.) Speech protected under the First Amendment of the U.S. Constitution is not a violation of this provision, though fighting words and statements which reasonably threaten or endanger the health and safety of any person are not protected speech.
- 2) Engaging in acts of sexual misconduct, sexual abuse, sexual harassment, sexual exploitation, sexual violence, or sexual coercion as defined by state, international or federal law or university policy.
- 3) Arson or unauthorized use of explosives or other flammable objects, including fireworks, that could cause injury or damage by fire or explosion to persons or property.
- 4) Unauthorized use or possession of ammunition, firearms, or other weapons (such as bows and arrows, crossbows, swords, hunting or survival knives, billy clubs, etc.) that are dangerous and could cause injury or damage to persons or property.
- 5) Illegal use, possession, sale, manufacture, or distribution of controlled substances or dangerous or illegal drugs; misuse or possession of a legal drug or other substance which could cause harm to the user; possession of drug paraphernalia; or encouraging, being a party to any of the above or facilitation any of the above.
- 6) Public intoxication; driving under the influence; driving while intoxicated; use, possession or distribution of alcoholic beverages, except as expressly permitted by law and university policy and regulation.
- 7) Tampering with or misuse of security or safety equipment.
- 8) Reporting a false emergency or threat.

E. Violations of International, Federal, State or Local laws (whether convicted or not) or other University Policies.

F. Interfering with the Conduct Process, including but not limited to –

- 1) Failing to comply with a request to attend a conference with the Vice President, Dean of Students or a Student Affairs representative.
- 2) Failing to comply with sanction(s) imposed under the Code or sanction(s) otherwise imposed by the University.
- 3) Falsifying or misrepresenting information at any stage of the conduct process; or knowingly initiating a false complaint to a University official.
- 4) Attempting to discourage a person's participation in, or use of, the conduct process.
- 5) Retaliating or engaging in any threatening behavior against anyone involved in the conduct process, including a complainant and/or witness.
- 6) Harassing or intimidating a University official or any individual involved in the disciplinary process.

G. Committing any other offense that violates UST's General Conduct and Principles or Core Values.

H. Facilitating Acts of Misconduct, including but not limited to –

- 1) Planning or facilitating an act of misconduct.
- 2) Being present during the commission of an act of misconduct and supporting and encouraging the act.

11. Sanctions for Misconduct

Any student found to have engaged in a conduct violation of the Code may be subject to one or more of the following sanctions. Repeated misconduct may result in assignment of more serious sanctions, including but not limited to suspension or expulsion. Sanctions that may be imposed in accordance with this Code of Student Conduct include --

- a. Admonition - a written or verbal reprimand from the Vice President.
- b. Disciplinary Warning - indicates that further violations may result in more severe disciplinary action. The warning shall not exceed a period of one calendar year and shall be removed automatically when the imposed period expires.
- c. Disciplinary Probation - indicates further violations may result in additional disciplinary sanctions, up to and including expulsion. Such probation may last longer than one calendar year.
- d. Restitution - reimbursement for damages, monies owed, or misappropriation of property. Reimbursement may take the form of service in kind.

- e. Fine – a monetary fine applied to the student’s account. Fines are used sparingly, and only if the violation warrants a fine. Fines may also be used if there is a time restraint.
- f. Educational - an assignment designed to educate a student about the potential impact of misconduct and to prevent reoccurrence. May include referral to a campus department, educational workshops or an assignment (i.e. reflection papers, flyer, journal).
- g. Loss of Privileges - a temporary or permanent loss of university privileges, including but not limited to loss of privileges to access a building(s), to hold a leadership position in a student group, to participate in study abroad programs, to hold a part-time job on campus, to register as a student group, or to participate in social or extracurricular events/activities; may also result in withholding of an official transcript or blocking enrollment for a specified period of time. This is a flexible penalty which may impose limitations to fit the particular case.
- h. Residence Hall Suspension – a temporary or permanent removal of a student from a specific residence hall or from all University housing.
- i. Student Group Suspension – removal of privileges and recognitions accorded to student groups for a specified period of time.
- j. Suspension from the University - prohibits the student during the period of suspension from entering the University campus, attending University-sponsored functions, and from registering for or attending classes.
- k. Expulsion from the University - permanent severance from the University.
- l. University Withdrawal – a student may be administratively withdrawn from a class, a course, or all courses. A withdrawn student may also be prohibited from entering University premises and barred from re-enrollment until specific conditions are met. Reasons for University withdrawal include, but are not limited to, (1) to prevent the disruption of the education process; (2) the student failed to respond to an official summons from a University official; (3) the student has been suspended or expelled from the University.
- m. Immediate Suspension – immediate removal from all or part of the University premises while the conduct process is pending when a violation reasonable indicates that the student’s continued presence poses a substantial or immediate danger to the health, safety or welfare of any member of the University community or to the University premises.
- n. No-Contact Order – the Vice President or designee may impose a limited or campus-wide No-Contact Order between parties involved in a conduct matter when the fear of retaliation and/or harassment may be present. Specific instructions will accompany the No-Contact Order outlining expected behavior including face-to-face contact, correspondence, email, social media or telephone. Friends and relatives are also prohibited from contact on behalf of either party.
- o. Removal of Good Conduct Standing – a temporary or permanent removal of good conduct standing, which may prevent the student from accepting / maintaining leadership roles on campus.

Repeated or aggravated violations of any section of this Code of Student Conduct may also result in expulsion or suspension or in the imposition of such lesser penalties, as may be appropriate. Attempts to commit acts prohibited by this Code of Student Conduct may be punished to the same extent as completed violations.

12. Case Referrals

Any person may refer a student or a student group or organization suspected of violating this Code of Student Conduct to the Vice President.

Those referring cases are normally expected to serve as the complainant and to present relevant evidence in hearings or conferences. The complainant may request the assistance of an advisor, as set forth in part 16 of this Code of Student Conduct.

13. Conduct Procedures

Upon receipt of an incident report, the Vice President will investigate all suspected and reported violations of the Code. If the Vice President decides to dismiss the allegation(s) as unfounded, the case will be closed. If the Vice President finds the allegation(s) have merit, a Notice of Complaint letter will be sent to the alleged student(s). This letter will include the alleged Code violation(s) and a meeting request to discuss the alleged violations.

At the time of the initial meeting...

- a. The Vice President will request that the student's response to the allegation(s) be in writing and signed by the student.
- b. Upon receiving the written statement, the Vice President will decide to dismiss the allegation(s) or to proceed with the disciplinary process.
- c. If he proceeds, the Vice President decides whether the matter is a minor or major violation of UST's Code of Student Conduct. A major violation of the Code is defined as any violation that may result in suspension or expulsion from the University, which could include violations of State and Federal law.
- d. If the alleged violation is determined to be a potential minor violation of the Code, an administrative hearing will be initiated.
- e. If the alleged violation is determined to be a potential major violation of the Code, the student will be given a choice between an administrative hearing or a hearing with a disciplinary hearing board. The choice must be made in writing at the time of election and presented to the Vice President. If the student elects an administrative hearing, he must affirm that he is aware of and understands that the full range of sanctions, including suspension or expulsion from the University, may be imposed by the Vice President.

The Vice President may defer proceedings for alleged minor violations of this Code of Student Conduct for a period not to exceed sixty (60) days. Pending charges may be withdrawn thereafter, at the discretion of the Vice President.

14. Administrative Hearing

During an administrative hearing, and based on the preponderance of the evidence, the Vice President may impose any of the penalties listed in part 11 of this Code of Student Conduct.

a. The Vice President presents the administrative disposition to the student in writing, which includes:

- The violation charged
- Whether the student is responsible or not responsible for violations charged
- The sanction(s) imposed
- The right to appeal
- The recording of the penalty on his/her permanent record if it is from part 11 j or k.

(In Title IX cases, all parties will receive the written administrative disposition.)

b. A student defendant has seven (7) calendar days from receipt of the outcome letter to appeal the disposition. (In Title IX cases, all parties have the right to appeal the disposition.) Appeals must be made in writing and submitted to the Vice President. Only appeals requested on the basis of one of the following reasons will be heard. (Compelling examples and reasons for the basis must be given at the time of appeal.)

- Procedures outlined in this Code of Student Conduct were not followed during the conduct process.
- Evidence presented during the conduct process was not given reasonable consideration by the Vice President.
- New evidence has become available in the case.
- The sanctions received were excessive.

c. If the student requests an appeal, and it is received in the allotted timeframe and meets the basis for appeal, the Vice President prepares and files a written summary of the case and forwards it to a disciplinary hearing board, as well as the student.

d. If the student does not elect to appeal the case, the Vice President notifies the appropriate University personnel of the disposition, if needed. This having been done, the case is closed.

15. Disciplinary Hearing Board

The Vice President selects an ad-hoc disciplinary hearing board. This board is comprised of five faculty and/or staff and/or student members, not to exceed two student members. Student members are selected from the Student Judiciary.

The committee members shall select a Chairperson from among their number whose duties will be to:

- See to the proper conduct of the hearing.
- Rule on the admissibility of evidence, motions and objectives. A majority of committee members can override the Chairperson's rulings.
- Prepare a letter listing the outcome of the hearing, including any applicable sanctions, and the procedures for appeal.
- Certify the hearing record, if notice of appeal is given.

Both the findings and the sanctions determined by the Disciplinary Hearing Board shall be regarded as recommendations to the Vice President for Student Affairs. Members of the Disciplinary Hearing Board who are themselves charged with a violation of this Code of Student Conduct or with a criminal offense may be suspended from their position on the board by the Vice President for Student Affairs during the pendency of the charges against them. Members found responsible of any such violation or offense may be disqualified from any further participation in the University judicial system.

Disciplinary Hearing Board Procedures

The following procedural guidelines shall be applicable in hearings conducted by a disciplinary hearing board:

- a. The Vice President shall send a charge letter to the student. The letter can be sent via certified mail, email, or hand delivered. It must state the date, time and place for the hearing. It should be dated no later than a week and no earlier than two weeks before the date of the hearing. The letter should include:
 - Alleged Code violations.
 - An advisory to the student defendant of their rights of due process, which include:
 - the right to a private hearing
 - the right to appear in person at the hearing
 - the right to summon witnesses, to examine documents used in evidence, to offer evidence, to question witnesses, and to present a defense to cross-examine
 - the right to appeal the disposition
 - A list of the names of the Disciplinary Hearing Board members.
 - Instructions on the hearing process.
 - An advisory that the Disciplinary Hearing Board may cross-examine the student defendant, or witnesses testifying on their behalf.

A disciplinary hearing may not be postponed except for a serious reason, as determined by the Vice President. Should the student defendant not appear for the scheduled hearing, the Vice President may decide to proceed with the hearing in his/her absence.

- b. The hearing should be formal with the Chairperson providing ample opportunity for witnesses to be heard. The hearing should be closed and generally proceed as follows:
 - The Vice President reads the complaint.
 - The Chairperson informs the student defendant of their rights to due process as outlined in part 15a.
 - The Vice President presents the University's case, using the testimony of witnesses and/or other evidence.
 - The student defendant presents their defense, using the testimony of witnesses and/or other evidence.
 - The Vice President and the student defendant each are given the opportunity to present rebuttal evidence and question each other and witnesses. Questioning must be directed through the Chairperson.
 - Members of the Board have the opportunity to question the Vice President, the student defendant and the witnesses.
 - The Board deliberates in private and decides, based on the preponderance of the evidence, on a verdict of "responsible" or "not responsible".
 - If the student defendant is found responsible for any or all Code violations, the Board issues a sanction(s).
 - The Board states in writing its findings and any sanction(s) imposed. This disposition is sent to the student by the Vice President, along with information regarding the process for appeal. (In Title IX cases, all parties will receive the written administrative disposition.)
- c. Legal rules of evidence do not apply to these hearings except that hearsay evidence is not acceptable. In hearing evidence, the Board shall be governed by reasonableness. Committee members may freely question witnesses.
- d. The student defendant is presumed not responsible unless the committee decides that he or she is responsible.
- e. The student defendant may not be compelled to testify.
- f. The Board shall determine responsibility based only on testimony given and evidence presented during the hearing. The Committee may consider the student's previous disciplinary record only in determining an appropriate penalty after finding that he or she is responsible of the alleged violation(s).

- g. A recording may be made of the hearing under the supervision of the Chairperson.
- h. A record of the hearing, maintained in the Office of Student Affairs, should contain:
 - A copy of the notice required under part 15a.
 - The recording or typed digest of the hearing, together with all documents and other evidence offered, as certified by the Chairperson.
 - A copy of the Board's decision.
- i. A student defendant has seven (7) calendar dates from receipt of the outcome letter to appeal the disposition. (In Title IX cases, all parties have the right to appeal the disposition.) Appeals must be made in writing. Only appeals requested on the basis of one of the following reasons will be heard (compelling examples and reasons for the basis must be given at the time of appeal.):
 - Procedures outlined in this Code of Student Conduct were not followed during the conduct process.
 - Evidence presented during the conduct process was not given reasonable consideration by the Board.
 - New evidence has become available in the case.
 - The sanctions received were excessive. (Reason for this basis must be given in the appeal letter.)

For disciplinary board hearings, appeals will be heard by the Provost. Both the student defendant and the Vice President may appeal the disposition of a disciplinary hearing board to the Provost.

Upon receipt of a written appeal and verification that the appeal was received in the appropriate time frame and meets the basis for appeal criteria, the notice of appeal and a summary of the case, prepared by the Vice President, will be given in writing to the Provost of the University within ten (10) calendar days of the receipt of appeal. The Vice President shall make available to the Provost the full record of the discipline hearing. The Provost shall determine within fifteen (15) calendar days from the receipt of the appeal to sustain or suspend the decision. The imposition of sanctions will be deferred during the pendency of the Provost's review, unless, in the discretion of the Provost the continued presence of the student on the campus poses a substantial threat to him/herself or to others, or to the stability and continuance of normal University functions.

16. Advisors

A student may be accompanied by an advisor, but the student must represent him/herself at the hearing. The Vice President or Board Chairperson will determine the role of the advisor at the time of the hearing.

In consideration of the limited role of an advisor, and of the compelling interest of the University to

expeditiously conclude the matter, a hearing will not be delayed due to the unavailability of an advisor. Should an accused student elect to have an advisor present at the hearing, the name and credentials of the advisor must be presented to the Vice President at least 48 hours in advance of the hearing. If the accused student elects to have an attorney present as the advisor, the University maintains the right to also have an attorney present and may postpone a hearing to a later date until such an individual can be in attendance.

17. Student Record Encumbrances

In pending cases involving alleged violations of the Code of Student Conduct, a temporary encumbrance may be placed on a student's records by the Vice President. This encumbrance will remain in effect until the case has been adjudicated and any sanction(s) imposed.