



SUBJECT: STUDENT CONDUCT CODE

I. PURPOSE & PHILOSOPHY

Southern Utah University (SUU) establishes high expectations and community standards for its students through its policies and procedures. Students voluntarily assume the responsibility to meet these standards and expectations when they enroll at the University. The University educates students about these standards and expectations, and when those standards and expectations are not met, seeks to hold students accountable for their choices.

To address incidents of student misconduct, the University institutes proceedings to investigate, verify, and, if necessary, issue corrective sanctions to help students repair harm their actions may have inflicted on themselves, others, the campus, or community. Through these proceedings, students are invited to:

- Consider the real or possible impact of their conduct on the community, their world, and future opportunities;
- Reflect on their actions within the context of their personal organizational, educational, and professional goals;
- Evaluate their actions with respect to institutional values, policies, and procedures;
- Contribute to the proceedings with a good-faith effort to provide honest and accurate information.

The University's Student Conduct Code is designed to facilitate an educational process to encourage students to think critically, develop greater self-awareness, and respect the community and its standards.

II. DEFINITIONS

- A. **Advisor** – An accused student/organization may seek the help of an advisor of his/her choosing and invite that individual to attend the disciplinary proceedings. However, the advisor will not be allowed to participate in the disciplinary proceedings other than to consult with the accused student/organization.
- B. **Appeal** – An appeal is an opportunity for a student/organization to challenge a decision made by a Student Conduct Officer. Decisions can only be appealed if 1) there is a violation of due process, as outlined in the Code, if 2) new



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information has been found that was not available at the time of the Conduct Proceeding or Conduct Hearing, or 3) if there is evidence of an inappropriate sanction. Both the Reporting Party and Responding Party request an appeal of the decision to the VPSA or AVP/Dean of Students in writing.

- C. **Code** –The written regulations of the University as found in, but not limited to, Policy 11.2, the Academic Integrity Policy, Residence Life Handbook, the Student Handbook, the Handbook for Student Organizations, the University General Catalog, the University web page, and the computer use policy. Any discrepancies in the University policy will be governed by the Code.
- D. **Conduct Hearing**– A meeting between the responding party and a Student Conduct Officer for the purpose of reviewing reported code violations, determining responsibility, and sharing information about the University’s conduct policies and procedures.
- E. **Conduct Proceedings** – General reference used to characterize all facets of the conduct process at the University including but not limited to: investigation, Conduct Hearings, hearings, and appeals.
- F. **Conduct Record** – Electronic and paper forms and documents containing information about a student’s alleged misconduct and any evaluation, review, decision, sanction and/or appeal. Conduct records are considered a component of a student’s educational record and are subject to the Family Educational Rights and Privacy Act (FERPA). Conduct records are maintained in the Office of the Vice President for Student Affairs (VPSA) and are kept for seven years from the date a student graduates or was last enrolled at the University.
- G. **Intermediary** – The individual designated by the University who assists a student or student organization during, and in preparation of, a Conduct Proceeding.
- H. **Organization** – Any number of persons who have complied with University requirements to register a club or organization with the Southern Utah University Student Association or are organizationally aligned with a University office, department, or program. Any officer within the organization may represent the interests of that organization in the University’s Conduct Proceedings, any references to the “organization” should be read as “a representative of the organization.”
- I. **Reporting Party** – Any person reporting an alleged violation of the Code.



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- J. **Responding Party** – Any student(s) or organization(s) alleged to have violated the Code and who or which is subsequently expected to respond to the allegation of misconduct. At times the terms “accused student or organization” are used as well.
- K. **Sanctions** – Actions or conditions that are required as a result of being found responsible for a code violation. Sanctions are determined by a Student Conduct Administrator, Student Conduct Officer, or UAB.
- L. **Student** – Individuals who have paid the enrollment deposit to attend the University or are enrolled in courses offered by the University.
- M. **Student Conduct Administrator** – A University Official designated and authorized by the Vice President for Student Affairs to direct and supervise student conduct evaluation pursuant to the Code. The Student Conduct Administrator is also authorized to function as a Student Conduct Officer.
- N. **Student Conduct Officer** – A University Official authorized on a case-by-case basis by the Vice President for Student Affairs or AVP/Dean of Students to investigate alleged violations, hear cases, and impose sanctions upon any student(s) or organization(s) found to have violated the Code. **University Appeals Board (UAB)** – Any person or persons authorized by the Vice President for Student Affairs or his/her designee to hear appeal cases of the Student Conduct Administrator or a Student Conduct Officer.
- O. **University Official** – Any person, including students, employed by the University or serving on its governing boards, performing assigned administrative or professional responsibilities.
- P. **University Premises** – All land, buildings, facilities, and other property owned, managed, operated or controlled by the University. These terms also include the University’s domains on the World Wide Web and its intellectual property.
- Q. **Vice President for Student Affairs (VPSA)** – The University employee, designated by the University President, responsible for the administration of the Code; also may serve as an appellate authority for appeals.



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III. STATEMENT OF AUTHORITY

The Utah System of Higher Education (USHE) is led by the Utah State Board of Regents. The Board of Regents is empowered to establish and enforce rules and regulations regarding the conduct of students at the colleges and universities within the USHE through legislative mandate (See UCA 53B-1-101 and UCA 53B-3-103-1). The power to delegate this function to each institution's president and board of trustees is granted in UCA 53B-3-101. According to Regent's Policy R253, with the support and approval of the institution's Board of Trustees, institutional presidents may create policies that guide and govern student conduct. Institutional Presidents may enlist the support of other administrators, faculty, staff and students to advise and supervise "specified institutional matters" such as student conduct (see UCA 53B-2-106).

At Southern Utah University, the President has delegated the authority and jurisdiction for the establishment and enforcement of the Code student conduct policies to the Vice President for Student Affairs (VPSA) and his or her designees. Under the direction of the VPSA, members of the campus community are selected and trained to serve on the University Appeals Board (UAB) or as Student Conduct Officers for the purpose of resolving allegations of misconduct.

IV. SCOPE OF THE CODE

The Southern Utah University Student Conduct Code applies to conduct that occurs on University premises, at University sponsored events and activities regardless of location, and at events or activities sponsored by students or student organizations regardless of location. In addition, student conduct that adversely affects the University, the pursuit of its objectives and interests, or the surrounding community is subject to the Code. These incidents will be reviewed by the Student Conduct Administrator on a case-by-case basis. The Student Conduct Administrator may institute conduct proceedings for off-campus conduct at his/her sole discretion.

Students are individually responsible for their conduct from the time they pay their commitment fee through the awarding of a degree. The University may respond to allegations of student misconduct at any time even if the alleged misconduct occurs before classes begin, after classes end, during breaks within the semester, or during the time between semesters. The University may also institute its conduct proceedings after a degree is awarded in the event misconduct is subsequently discovered. Where warranted, the University retains the right to revoke an awarded degree.



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Student Organizations at Southern Utah University are subject to the same expectations and standards as are individual students. Any violation of the code by a student organization or its members acting in concert, or the failure of the student organization to prevent violations of the Code by its members may result in the University instituting Conduct Proceedings.

Violations of local, state, and/or federal law constitutes violations of this Code. Students/organizations whose behavior violates both the Code and applicable law may be subject to both the University's Conduct Proceedings, , in addition to formal local, state and/or federal administrative proceedings or civil or criminal proceedings in the related courts. The University's Conduct Proceedings may be instituted prior to, concurrently with, or following related civil or criminal proceedings. At his/her sole discretion, the Student Conduct Administrator will evaluate the circumstances regarding the violation and determine the most suitable time to institute Conduct Proceedings.

V. PROHIBITED CONDUCT

A. Academic Misconduct

Southern Utah University expects that all work submitted by a student will represent that student's own ideas and effort. If it does not, the student has engaged in academic dishonesty. Cheating, forgery, plagiarism (the unauthorized use of work belonging to another; except where permission has been explicitly granted by a Copyright Holder, or fair use is exercised and asserted under federal statutory exemptions specified in §107), are all considered academic dishonesty. All cases of academic dishonesty will be governed by *SUU Policy #6.33 – Academic Integrity*.

The authority to resolve allegations of academic misconduct resides with the course instructor(s). The process and procedure is articulated in SUU Policy #6.33. In situations where students also violate the Conduce Code, the Student Conduct Administrator will perform separate hearings to determine non-academic outcomes per the conduct process.

B. Non-Academic Misconduct

The University is committed to helping students develop a sense of community and social responsibility. Even if a student disagrees morally, theologically, or factually with another person, value or idea, the University has emphasized the importance of treating all people with respect and civility, and therefore expects



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all students to conduct their lives consistent with these values. Students achieve a heightened sense of community and social responsibility when they respect the talent, worth, and dignity of others and are considerate of others' interests, opinions, choices, lifestyles, and possessions.

Students living in University Housing are responsible for adhering to SUU Housing policies and the terms of the housing contract. Students are accountable for all actions of their guests. Additionally, students are accountable for all activities and incidents that occur in their assigned housing placements. Disciplinary action will be taken in situations where violations of University housing policy occur. More information regarding the Housing standards can be found at the University Housing website.

1. Sexual Misconduct

Southern Utah University is committed to creating a safe, healthy, and nondiscriminatory environment for all students, staff, faculty, and guests that is free from all forms of sexual misconduct. As part of this commitment, SUU does not tolerate any form of sexual misconduct and has established *Policy #5.60 (Sexual Misconduct)*, which applies to all SUU students, staff, faculty, and guests.

2. Violations Against Others

- a. Physical Abuse, Assault and/or Threats of Physical Abuse – Inflicting physical abuse or injury or threatening to physically abuse or injure another person.
- b. Harassment and Bullying – Words, actions, or behaviors that intentionally distress, demean, intimidate, threaten, or alarm another person and interfere with his/her ability to participate in or derive the benefits from the experiences and activities of University life whether expressed face to face or through a personal, physical, or digital intermediary, specifically including the use of documents, email, instant messaging, chat rooms, cell phones or other forms of communication technology and social media.
- c. Discrimination – Differential treatment that denies opportunities or privileges to others because of their actual or perceived gender,



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race, age, religion, sexual orientation, nationality, or disability which interferes with or impairs their ability to participate or derive the benefits from the experiences and activities of University life.

- d. Hazing – Any action taken or situation intentionally created to produce mental, emotional or physical discomfort, embarrassment, harassment or ridicule as a condition or requirement for any involvement with or participation in any organization, team, program or event associated with or sponsored by the University. Acts defined as hazing can occur at any phase of membership within an organization, not solely during admission, entry or initiation. Examples of hazing may include but are not limited to: use of alcohol, paddling in any form, creation of excessive fatigue, physical and psychological shocks, quests, treasure hunts, scavenger hunts, road trips or any other such activities carried on outside on University Premises; wearing of apparel which is conspicuous and not normally in good taste in public, engaging in public stunts and buffoonery, degrading or humiliating games and activities, and any other activities inconsistent with academic achievement or the regulations and policies of the University or applicable state law. The University evaluates hazing based on how a *reasonable person* would respond to the actions or situations created.
- e. Invasion of Privacy – Using electronic devices (cell phones, cameras, camcorders, etc.) to create images, videos, or audio recordings of persons without their knowledge or consent when and where they have a reasonable expectation of privacy. Students participating in a Conduct Hearing or Conduct Review are prohibited from recording them because the proceedings are considered private and confidential.
- f. Hate/Bias-Related Violations – Violations against a person or organization or their property as specified by this Code that are committed with the intent to harm or debase others because of their perceived or actual gender, race, age, religion, sexual orientation, nationality, or disability.



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- g. False Imprisonment/Detention – Intentionally restraining others, or impairing their ability to freely move without justification or their consent.
 - h. Dangerous Conduct – Deliberate or reckless conduct that jeopardizes the health, well-being and/or safety of others or oneself.
3. Violations Against Property
- a. Theft – Taking or removing another person’s property so as to deprive them of it. Students will also be held responsible for *attempts* to steal, take, or remove another’s property.
 - b. Burglary – Entering any room, office, building or vehicle without authorization or consent from the rightful occupant or owner for the purpose of committing a crime or violation of the Code or other University policy.
 - c. Robbery – Theft or attempted theft in the presence of the owner by force or threat of force.
 - d. Vandalism – Intentionally or recklessly damaging or attempting to damage property owned by the University or another person.
 - e. Arson – The willful or malicious burning or attempt to burn University property or personal property of another.
 - f. Trespassing – Unauthorized or unlawful entry, presence or occupation of University facilities. Additionally, students or organizations that knowingly use campus facilities without receiving written authorization or permission from Centralized Scheduling may be charged with trespassing under this Code.
 - g. Copyright Infringement – Failure to secure permission for stated use prior to using a copyrighted work violate federal law and are subject to sanction under this Code. Students who use the campus computing network to illegally download and share copyrighted works may also lose their privilege to use campus computing resources.



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4. Violations Obstructing Orderly Administration of University Operations
 - a. Misusing University Documents – Unintended or unauthorized use of University documents including student identification cards, whether by forging, altering, falsifying, duplicating, lending, borrowing a document, or by improper possession.
 - b. Unauthorized Use of Facilities – Entry, use, or occupation of campus offices, facilities, or grounds that has not been duly approved by the appropriate administrative unit or authorized by an employment supervisor. This provision includes the unauthorized use of keys or equipment and using University resources or facilities for personal gain.
 - c. Unauthorized Use of Property – Use of equipment, supplies, or materials that has not been duly approved by the appropriate administrative unit or authorized by an employment supervisor.
 - d. Computer Misuse – Use or attempted use of University computing resources inconsistent with the purpose for which they are intended or is unauthorized by campus policies or administrators .
 - e. Disorderly Conduct – Intentional or reckless (without prudent regard) disruption or interferences with the orderly functioning of the University, which disturbs the peace or comfort of other persons, or interferes with or precludes the performance of duties by University employees.
 - f. Abusing the Organization and Event Registration Process – Providing false information or excluding requested information during the organization or event registration process.
 - g. Abusing a Position of Trust – Any act that is not in accordance with the expectations, responsibilities, or privileges that accrue to an individual by virtue of their status or position.
 - h. Failure to Comply– Misrepresentation, furnishing false information, or failure to comply with a request or instructions of an authorized University Official, including failure of a student to present his/her identification card when requested.



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- i. Failing to Adhere to Agreements – Any act or conduct that is inconsistent with the expectations or provisions of a signed waiver, release, or participation agreement.
 - j. Financial Irresponsibility – Any action or attempt to evade financial obligations to the University or misuse of funds provided by the University.
5. Violations Against Public Health and Safety
- a. Fire Safety – An action, attempted action, or inaction, intentionally or recklessly, that impairs the effective use of a fire safety device (fire extinguisher, fire alarm, fire safety doors, etc.) or interferes with the University’s fire safety protocol.
 - b. Firearms and Weapons – In accordance with Utah Criminal Code a person may not possess any dangerous weapon, firearm, or sawed-off shotgun on or about school premises. Use of a dangerous weapon in offenses committed on or about University Premises enhances the penalties. Threatening with or using a dangerous weapon in a fight or quarrel is also unlawful. (See UCA76-10-505.5 and 76-3-203.2)

Concealed weapons are authorized on campus if the carrier has a valid and current concealed weapons permit. Individuals may only open carry as long as they have a valid and current concealed weapons permit. It is recommended to contact the University Police Office about these and other codes regarding weapons to clarify compliance.
 - c. Fireworks and Explosives – The possession, use or attempted use of bombs, explosives, dangerous chemicals, incendiary devices or fireworks.
 - d. Obstruction – Intentional or reckless action or attempted action that interferes with or obstructs another person’s ability to freely enter and exit University buildings or grounds, or obstructing University driveways, walkways or other thoroughfares.



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- e. Traffic Violations – Serious traffic violations on University property or while operating University-controlled vehicles, including operating any vehicle while impaired, texting, speeding, reckless endangerment or reckless driving.
 - f. Smoking – Pursuant to the Utah Clean Air Act, smoking is prohibited in all campus buildings and within twenty-five (25) feet of any public building.
 - g. Obscene Conduct – Any behavior that is obscene, lewd, repulsive, or indecent based on contemporary community standards. When such conduct or expression has significant repercussions on the good name of the University, additional sanctions may apply.
6. Unlawful Conduct – Any act by a student or organization that violates any municipal ordinance of Cedar City, law of the State of Utah, or the United States.
7. Housing Regulations – Violation of any SUU student housing unit policy, rule, or regulation.
8. Interference with the Orderly Operation of the Conduct Process –
- a. Filing a malicious, frivolous or false report/complaint;
 - b. Falsifying testimony or fabricating evidence for a meeting with a Student Conduct Officer;
 - c. Disrupting the procedure of a meeting with a Student Conduct Officer;
 - d. Discouraging or attempting to discourage another student or organization from participating in any part of the Conduct Proceedings;
 - e. Attempting to intimidate or influence the impartiality of a Student Conduct Officer or member of the UAB prior to, during, or after the Conduct Proceedings;
 - f. Failing to comply with any sanction imposed under this code;



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- g. Violating the privacy and confidentiality of any student or University employee with respect to the Conduct Proceedings;
 - h. Influencing or attempting to influence another person or organization to interfere with the orderly operation of the Conduct Proceedings.
 - i. Abusing the Good Samaritan Provision of this Code (Policy 11.2.VI).
9. Shared Responsibility Violations
- a. Conduct of Guests/Visitors – Students/organizations are accountable for the conduct of their guests or visitors and for informing them of the expectations, rules and regulations regarding appropriate conduct at the University or its sponsored events. If guests or visitors violate this Code or other University policies, their student host(s) may be held responsible even in if the host did not participate in the activity or actions that violated policy.
 - b. Failure to Report/Complicity – Students that witness or are aware of violations of this Code, University policies, or of any other dangerous condition or circumstance on campus, and who do not report it to the University Officials, may be held responsible under this Code.
10. Alcohol & Other Drug Abuse (AODA)
- Southern Utah University recognizes that students often need education and assistance because a person significant to them is afflicted with chemical dependency, or because they require support in their own decisions not to use or abuse alcohol and/or other drugs. Since chemical dependency frequently precedes AODA, SUU wishes to provide education and assistance to any student displaying signs of such harmful involvement. Chemical dependency is a serious illness that can be successfully treated if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded those who are in the process of recovery.



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SUU adheres to the laws of the State of Utah with regard to the consumption of alcohol, thereby recognizing that individuals under 21 may not legally consume alcohol.

Public display of signs, posters, collections, or other objects with references to alcohol, or drugs, and accumulations of packaging or containers (i.e., bottles, cans, kegs, and boxes) are prohibited.

All violations of SUU policies or state and federal laws are subject to sanction under the student code. The student rights and responsibilities outlined herein will be adhered to as the standard administrative practice regarding student discipline and student rights. The entire campus community must assume the role of promoting and enforcing a sense of personal responsibility and exhibiting responsible behavior toward the consumption of alcohol.

- a. The possession, manufacture, sale, use, consumption or delivery of alcoholic beverages or controlled substances, or paraphernalia associated with the use of alcohol or other controlled substances is prohibited on campus by SUU policy (see #5.40 – Alcoholic Beverages). This paraphernalia includes but is not limited to: bottles and cans, tappers, kegs; smoking devices or bongs used for drinking or smoking, “bar like” structures or arrangements that mimic or replicate a tavern bar. The rule will be strictly enforced. The University reserves the right to confiscate alcoholic beverages or other controlled substances, and initiate disciplinary procedures or contact SUU Police. SUU respects each student’s right to privacy, but reserves the right to inspect students on campus rooms as outlined in the “Student Room Entry” section of the University Housing License Agreement.
- b. Use or possession of alcoholic beverages or controlled substances by students off campus is governed and controlled by the laws of the state and/or local law enforcement agencies. SUU will cooperate with state and/or local law enforcement agencies and owners or proprietors of bars, taverns, restaurants or other establishments to counteract known violations of University policy and state and local laws by students or groups associated with the University.



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- c. Students not using alcohol or other drugs themselves, but knowingly associating with other students or student groups who are violating the University AODA policy violate the Code (section 11.2.B.9.b) and may be subject to the same disciplinary action as those students who were actually violating the University AODA policy
 - d. Individual and organizational conduct stemming from off-campus AODA use is still subject to disciplinary action by the University, as outlined herein.
 - e. The residence halls at SUU shall be considered Alcohol and Drug-free zones at all times.
 - f. Students are not allowed to transport or consume alcoholic beverages on University-sponsored trips.
11. Student Employment Misconduct – Students who violate this Code within the capacity of their University-sponsored student employment may be subject to discipline under this Code and through their employment supervisor. In some circumstances, a student may receive both disciplinary Student Conduct sanctions and employment sanctions for the same infraction.

VI. GOOD SAMARITAN AODA POLICY

To promote the safety, health, and well-being of SUU students, the University expects its community members and organizations to immediately contact emergency medical services or law enforcement by calling 911 when they have reason to believe a fellow student is too impaired/intoxicated to seek competent professional medical help on their own. Students should not wait for an individual's condition to worsen before calling for help, but should act immediately when they feel another student's life, health or well-being may be in jeopardy.

SUU students and organizations who call for assistance and are subsequently reported to the Student Conduct Administrator as having violated the alcohol provisions of this Code will not be subject to disciplinary sanctions, nor have a conduct file created for an alcohol violation. However if other form so misconduct occur concurrently with the alleged violation, students will be held accountable for those violations. In other words, this



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provision does not preclude disciplinary action for other violations of this Code (e.g. hazing, property damage, sexual violence, etc.)

The Student Conduct Administrator will record the names of students involved in the incident for the purpose of accurate reporting and future evaluation of each student's conduct. In order for this provision to apply, students involved in the incident may be required to participate in an alcohol education program or seek medical treatment for alcohol/drug abuse, but these requirements will not be recorded as sanctions. These actions will be taken to address concerns about a student's health and well-being.

The provision will not prevent students from receiving a citation from local and state law enforcement authorities. Repeated reliance on this provision solely for the purpose of avoiding disciplinary action by the University will be considered interference with the orderly operation of the conduct process.

Students who have been a victim to sexual violence while under the influence of drugs or alcohol may report the incident to University Officials or University Police without held responsible or sanctioned for a drug or alcohol violation of this code.

VII. PROCESS FOR RESOLVING ALLEGATIONS OF MISCONDUCT

A. Administrative Resolution

1. Receipt of an Incident Report

The University maintains an online incident reporting system for collecting information about alleged violations of University policy (herein after referred to as a report). Members of the campus community are encouraged to submit a report by completing an incident report and providing it to the Student Conduct Administrator when they observe or have reason to believe a violation of University policy has occurred. Reports may be based on, but are not limited to, any real or perceived violations of the Code. The Student Assessment and Intervention Team may also refer students to the Student Conduct Administrator for consideration. In addition to reports from members of the campus community the Student Conduct Administrator may also receive information regarding alleged violations of University policies from reports created by the University Police, local law enforcement, local landlords, and members of the surrounding community.



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2. Review of an Incident Report

Reports are reviewed and evaluated by the Student Conduct Administrator. If the information presented in a report provides reason to believe a student(s)/organization(s) named in the report may have violated the Code or another University policy, the student or an officer from the organization will be notified that they must meet with a Student Conduct Officer regarding their alleged involvement in the incident. Students/organizations will be notified in writing through the best available means and provided five (5) business days to respond to the notification by scheduling an appointment with the Student Conduct Administrator or appointed Student Conduct Officer.

3. Status of the Student or Organization Pending Conduct Proceedings

To ensure compliance with the request to meet with a designated Student Conduct Officer, the Student Conduct Administrator may place a hold on the Responding Party's account or the accounts of officers of an organization.

The status of a student or organization will not be changed nor will the student be required or expected to abstain from any component of the University experience UNLESS the Student Conduct Administrator determines that an interim suspension of the student or organization is necessary. An interim suspension is imposed:

- a. To protect the safety of the University community and its members.
- b. To prevent the disruption of, or interference with, the normal operations of the University.

During the interim suspension, a student's/organization's activities may be limited, or prescribed, including being denied unrestricted access to the campus (specifically including residence halls and classrooms) and/or any other University activity or privileges for which the student(s)/organization might otherwise be eligible.

An interim suspension remains in effect until all information has been reviewed and appropriate proceedings have been concluded. An interim



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suspension is not a formal sanction and does not replace or preclude regular Conduct Proceedings.

Students/organizations may request that an interim suspension be reviewed and removed no less than three (3) business days after it is imposed by submitting a written request to the Student Conduct Administrator. The written request should specify reasons why the interim suspension should be removed.

4. **Conduct Hearing**

During a Conduct Hearing between the student(s)/organization(s) and the designated Student Conduct Officer, the parties discuss the details of the reported incident. This meeting provides the Responding Party an opportunity to review the report, respond to the allegation(s), and ask questions concerning the University's conduct process.

5. **Failure to Respond or Appear**

If the student or officer of an organization does not respond to the notification to participate in the Conduct Hearing or responds by scheduling a meeting and does not attend the scheduled meeting, the designated Student Conduct Officer may proceed by determining responsibility without their input and, if applicable, may assess binding sanctions.

6. **Closed Meetings**

All Conduct Proceedings are closed to the public to comply with the Family Educational Rights and Privacy Act (FERPA). Admission of anyone other than the Reporting Party, Responding Party, Intermediary, or their respective Advisors will be made at the discretion of the Student Conduct Administrator or Student Conduct Officer. Students participating in Conduct Proceedings are prohibited from recording because the proceedings are considered private and confidential.

7. **Separated Reviews**

In proceedings instituted to resolve allegations of misconduct naming more than one student or organization, the Student Conduct Administrator



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or Student Conduct Officer may review the allegations and information in a combined proceeding and make separate determinations and assess related sanctions for each student or organization named in an allegation. Any named students/organizations may request a separate review; however, such requests will be at the discretion of the Student Conduct Administrator who will consider the interests of fairness and the alleged degree of involvement as well as procedural expediencies in deciding whether or not to grant the request.

8. Exceptions to the Appearance of Parties

The Student Conduct Administrator or Student Conduct Officer may address reasonable concerns for personal safety, well-being, and/or fears of confrontation by the parties or individuals providing oral information by providing alternative methods for participation (written statements, audio, or video recordings, etc.). Reasonable accommodations will also be provided for participants with documented disabilities.

9. Standards of Information Presented

The Student Conduct Administrator or Student Conduct Officer is not bound by any formal or legal standards for the rules of evidence; rather by fairness and the best means available, to arrive at the most accurate representation of the facts. Consequently, the Student Conduct Administrator or Student Conduct Officer may accept testimonial "hearsay," but will give it little or no probative value if it is contradicted by written or oral information from someone who directly observed a relevant event or was a direct party to a relevant conversation.

Individuals providing oral information must address actual events. Statements of character must be submitted in writing. The Student Conduct Administrator or Student Conduct Officer may limit the number of individuals providing oral information or statements to avoid redundant, irrelevant, or immaterial information.

10. Burden of Proof

The University, acting on behalf of the Reporting Party, is responsible to establish the alleged misconduct by a preponderance of the information shared during the Conduct Proceedings. Preponderance of the information



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is determined by comparing the weight of the evidence for validity, reliability and relevance, toward concluding what was more likely to have occurred than not. In order for the Student Conduct Administrator of Student Conduct Officer to find a student/organization responsible for the alleged misconduct, they must be convinced it is more likely than not that the incident/action does not constitute a violation, after a consideration and evaluating all information introduced to the course of the Conduct Proceedings.

11. Questions of Procedure

All procedural questions are subject to the final decision of the Student Conduct Administrator.

12. Deliberations

The Student Conduct Administrator or Student Conduct Officer is responsible for evaluating all information fairly and impartially. Deliberations regarding the information presented may occur in private without the Reporting Party or Responding Party present. The deliberations will be recorded.

13. Decisions

Based on the information and testimony shared during the Conduct Proceedings, the following will occur:

- a. Responsible by Mutual Consent – The allegation may be disposed of administratively by mutual consent of the designated Student Conduct Officer and the Responding Party. Such resolution, including the decision and any sanctions, will be recorded in writing and upon review and approval of the written decision by all parties, the decision is final and not subject to renegotiation or appeal.
- b. Found Responsible by Student Conduct Officer – The designated Student Conduct Officer may determine it is more likely than not that the student/organization **is** or **is not** responsible for the alleged violation of the Code or university policies. If the designated Student Conduct Officer determines the student/organization is



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responsible for the alleged violation, the designated Student Conduct Officer may assign sanctions commensurate with the type and nature of the misconduct and the student's/organization's conduct history. The Student Conduct Officer's determination of responsibility and assigned sanctions will be provided in writing to the student/organization. The student/organization will have three (3) business days to accept or reject the administrative disposition. If the administrative disposition is not rejected within three (3) days, it will be deemed accepted and imposed as final. If the administrative disposition is rejected, the allegation will be referred to the VPSA for appeal.

- c. Additional Investigation – The designated Student Conduct Officer may conclude and inform the student/organization that additional time, information, or effort is needed to investigate the allegations to determine responsibility and will notify the student/organization that a subsequent meeting will occur once the investigation is completed.
- d. Not Responsible – The Student Conduct Administrator does not find sufficient evidence to hold the student/organization responsible for a violation of the Code.

B. Appeal Process

1. University Appeals Board (UAB)

The University Appeals Board (UAB) exists to hear appeals of the Student Conduct Administrator or Student Conduct Officer's decisions. They may be convened by the VPSA or at the request of the student if requests meet the criteria for appeal.

a. Membership

- i. Selection – The UAB is comprised of SUU faculty, staff, and students. Three faculty and three staff will be recommended by the Faculty Senate President (with approval of department chair and supervisor) and Staff Association President (with approval of supervisor) respectively, and confirmed by the Vice President for



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Student Affairs. The Southern Utah University Student Association (SUUSA) Student Body President will recommend three students to the Vice President for Student Affairs and they will be appointed by the Vice President at his/her discretion.

- ii. Term of Office – Members of the UAB are expected to serve a term of one (1) academic year. Members may be reappointed to successive terms at their discretion with the annual approval of the Vice President for Student Affairs (VPSA).
- b. UAB Chair – Any member of the UAB may choose to be trained to assume the role of Chair and do so accordingly.
- c. Quorum – To hold a Conduct Proceeding, a minimum of three (3) members of the UAB must be present. At least one (1) student must be among the three (3) members. This constitutes a quorum of the Committee.
- d. Vacancies – Vacancies on the UAB may be filled by the VPSA or his or her designee in consultation with the Faculty Senate President, Staff Association President, and the SUUSA Student Body President respectively.
- e. Removal or Disqualification from the UAB – Members of the UAB may be removed from service by the VPSA for the following reasons:
 - i. Failing to respond to meeting notices more than twice in a semester;
 - ii. Violating the rules or statutes governing privacy of anyone involved in a conduct proceeding;
 - iii. Violation of University policies with respect to acceptable conduct for faculty, staff and students, while alleged violations are being investigated and addressed by the University. (See SUU Policies #6.22, 8.35, and 11.2 respectively).



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- iv. Any member of the UAB who believes that his/her personal or professional relationship with Responding Party may impair his/her ability to render an impartial and fair decision, must disqualify him/herself from the appeal process.
- v. Any member of the UAB may decline to serve or recuse themselves from service if they believe there may be an appearance of impropriety by serving on the committee for the scheduled appeal.
- vi. A timely objection to a scheduled committee member by the Responding Party will require the Student Conduct Administrator, in his/her discretion, to determine whether or not the objection will be honored. If not, the committee will remain as originally constituted. If a recusal is held as valid, an alternate committee member will be assigned to the scheduled meeting and the parties will be notified. Any subsequent objection to a specific committee member by either party will be considered in the same way, with the possibility that the appeal will have to be rescheduled once the committee composition is finalized. Where it becomes apparent that objections are being made only to delay the appeal, the Student Conduct Administrator may deny such requests and hold the meeting as scheduled.

2. Appeal Process Procedure

- a. Opportunity to Appeal – An appeal is an opportunity for a student/organization to challenge a decision made by a Student Conduct Officer. Decisions can only be appealed if 1) there is a violation of due process, as outlined in the Code, if 2) new information has been found that was not available at the time of the Conduct Proceeding, or 3) if there is evidence of an unfair and inappropriate sanction. Both Reporting Party and Responding Party must request an appeal of the decision to the VPSA or AVP/Dean or Students in writing.
- b. Appeal Timeline – Requests for an appeal must be submitted in writing to the VPSA or AVP/Dean of Students within three (3)



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business days after the decision was provided to the student or student organization.

- c. Status Pending Appeal – If a request for an appeal is granted, enforcement of the sanctions assigned by the Student Conduct Administrator or Student Conduct Officer will be suspended until the appeal is completed. This provision does not pertain to interim suspensions.
- d. Notice of Process – Upon receipt of a rejected administrative disposition from a student, the Student Conduct Administrator will prepare written notice for an appeal and provide it to both parties. The notice will include:
 - i. A citation of the provision(s) of the Student Conduct Code or other University policy alleged to have been violated;
 - ii. The date, time and location of the appeal meeting. Every effort will be made to schedule the review at a time that does not conflict with student obligations, including classes or established work schedules within fifteen (15) business days from the date the notice was provided, but not fewer than five (5) business days from the same date unless the Responding Party and the University agree to an earlier date;
 - iii. A statement informing the student/organization that s/he may be accompanied by an Advisor of their choosing, subject to the terms of this policy.
 - iv. A statement informing the student/organization that failure to appear and respond to the allegation may allow the UAB to conclude that the allegations are true and valid, and that appropriate sanctions are warranted.
 - v. A statement informing the student/organization that s/he must provide the UAB, any documents or other information, along with the names of those who will provide oral information and brief summary of their expected statement(s), intended to refute the allegations.



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This information must be provided at least 3 business days prior to the appeal meeting. The statement will also advise that the student/organization may, within five (5) business days after receiving the notice, request an opportunity to review documents, or other information including names of those who will give oral information and summary statements which the Student Conduct Administrator or designated Student Conduct Officer intends to offer during the appeal meeting. IN the event new information is discovered after the initial requests have been fulfilled, such new information must be made available to the UAB and respective parties at the time of and prior to the beginning of the meeting.

- vi. The names of those will serve on the UAB Committee, advising that any objection to a specific committee member must be made in writing within five (5) days following receipt of the notice, and that the written objection must be provided a factual basis for any objection.
- e. Failure to Appear – The UAB may proceed in the absence of the student/organization if the UAB committee members are satisfied that the student/organization was given proper notice and where the student/organizational representative failed to appear at the time and place specified.
- f. Closed Appeal Meetings – All appeal meetings will be closed to the public to comply with the Family Educational Rights and Privacy Act (FERPA). Admission of anyone other than the Reporting Party, Responding Party, their respective Advisors, or Intermediary will be at the discretion of the UAB and/or the Student Conduct Administrator.
- g. Decisions by the UAB – Following deliberations the UAB will arrive at a decision by consensus. The decision may result in one of the following findings:
 - i. Not Responsible – The alleged misconduct has not been established by a preponderance of the information



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presented, and sanctions assessed to the student or organization will be lifted.

- ii. Responsible with Upheld Sanctions – The alleged misconduct has been established by a preponderance of the information presented and the initial decision and sanctions made by the Student Conduct Officer will stand.
- iii. Responsible with Modified Sanctions – The alleged misconduct has been established by a preponderance of the information presented but the sanctions are unwarranted or have been inappropriately applied. The UAB will assign new sanctions.

h. Sanctions for Non-Academic Misconduct

The Student Conduct Administrator, Student Conduct Officer, and the UAB may impose any one or a combination of the following sanctions commensurate with the gravity of the Non-Academic Misconduct and the conduct history of the accused student or organization:

- i. Warning Letter/Letter of Censure – The student/organization is notified in writing that their actions have constituted a violation of Code or University policy and are therefore inappropriate. The letter will be included in the student's/organization's conduct file.
- ii. Education Experiences – The student or organization is required to demonstrate their responsibilities within the University community by performing certain reasonable and relevant educational or related service activities. Failure to complete the educational experience in the time prescribed may result in suspension from the University. Failure of student organizations to complete the educational experience in the time prescribed may result in withdrawal of University recognition and cancellation of registration status with SUUSA. Any fees associated with the educational experiences will be the responsibility of the student/organization.



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- iii. Fine – An imposition of a monetary fine to deter behavior.
- iv. Community Service – Students/organizations may be required to perform community service. The assigned community service must be performed at an approved agency within the surrounding community or within the University. The location of the service must be approved by the designated Student Conduct Officer or the Student Conduct Administrator before commencing the service.
- v. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service or be monetary or material.
- vi. Formal and/or Public Apology – A student/organization may be asked to formally, in writing, or with a staff member present, publicly apologize for a violation of the Code where an individual or individuals are affected by the violation.
- vii. No Contact – A student/organization may be directed that they are to have no contact with certain persons involved. The duration of the sanction will be determined by the designated Student Conduct Officer or UAB.
- viii. Parental Notification – A parent/guardian will be notified of the student's misconduct or violation when there is a health or safety concern relevant to that student.
- ix. Disciplinary Probation – This action is given for a stated period of time. A student/organization's further misconduct during this period of time may lead to increased sanctions, including suspension or dismissal. A student/organization on such probation may remain at the University only upon condition that the student complies with regulations or circumstantially indicated restrictions as may be imposed as a condition of the probation.
- x. Social Suspension – Separation of the student from extra and co-curricular activities at the University for a defined



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period of time, after which they are eligible to return. During the period of social suspension, access to the organizations and its meetings are prohibited and a violation may result in further outcomes.

- xi. **Disciplinary Suspension** – Separation of the student/organization from the University for a defined period of time, after which they are eligible to return. During the period of disciplinary suspension, access to campus is prohibited and a violation will be treated as a criminal trespass. Conditions for return or readmission may be specified. In case of students, Disciplinary Suspension may be noted on the transcript.
- xii. **Disciplinary Dismissal** – Separation of the student/organization from the University with the expectation that the separation will be permanent. Dismissal means access to campus is prohibited and a violation will be treated as a criminal trespass. In the case of students, Disciplinary Dismissal will be noted on the transcript. In the case of student organizations, Disciplinary Dismissal results in the cancellation of the organization's registration status with SUUSA and a withdrawal of University recognition.
- xiii. **Facilitated Dialogue** – Student Organizations may be required to participate in a dialogue facilitated by a conflict resolution professional to discuss the nature of its misconduct, the consequences, and the strategies for creating meaningful change. The expense associated with securing an appropriate professional will be the responsibility of the organization.
- xiv. **Mediation** – Students or student organizations may be referred to participate in mediation to resolve conflicts associated with their misconduct if the parties agree to mediate in good faith. Under no circumstances will students be forced to participate in mediation. Mediation is not permitted for violations of Title IX.



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- xv. Future Housing Privilege Relocation – Students found in violation of University policy may have their privilege to live in University housing revoked for subsequent years. Students who have their future housing privilege revoked will not be permitted to participate in the housing registration and selection process. Further violation of University policy may result in additional conduct proceedings and immediate removal from the residence halls.
- xvi. Deferred Housing Registration and Selection – Students found in violation of University policy may have their housing registration and selection privilege restricted. Such a sanction means that the student will not be permitted to participate in the housing and registration and selection process until all other returning residential students have made their selections.
- xvii. Removal from University Housing – A student may be removed from University owned and operated housing. The removal may be for a defined period of time or may be permanent. If the former, conditions for potential return to University housing may be specified but are not a guarantee to future housing.
- xviii. Removal from a Course – A student may be removed or administratively withdrawn from a course.
- xix. Loss of Degree – A student may have his/her degree revoked or rescinded by the University if misconduct warranting such action is discovered after it has been awarded. The University may also postpone the awarding of a degree or withhold the degree all together for misconduct that warrants such action and such misconduct is discovered before the degree has been awarded.
- xx. Loss of Privilege to Represent the University – A student or organization may have its privilege of representing the University removed. This may include positions,



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employment, or attendance at conferences, activities, and events.

i. Delivery of Decisions

The Student Conduct Administrator, Student Conduct Officer, or UAB will prepare a letter that contains the determination of responsibility and, if necessary, any sanctions. A copy of the letter will be emailed, mailed by first class mail, or hand-delivered to the student within ten (10) business days of the hearing. The determinations made by these officers are final and are in force at the time of receipt.

j. Notice of Outcome

In some cases, the University is permitted to share the outcome of conduct proceedings with the Reporting Party and the public. If the alleged misconduct is considered a crime of violence under FERPA, the University may share the outcome with others. Crimes of violence include: arson; assault offenses; burglary; criminal homicide-manslaughter; destruction, damage and vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses.

The outcome of Conduct Proceedings may not always include the sanctions issued to the accused student or organization. More often than not, sanctions will only be shared with the Reporting Party when those sanctions directly relate to the Reporting Party. Some forms of misconduct also warrant the University sharing the outcome of its Conduct Proceedings with the public for reasons of safety. If the University determines that the student or organization is an alleged perpetrator of a *crime of violence* or *forcible sex offense*, and, with respect to the allegation made, the student has committed a violation of the University's policies then the University may disclose the outcome to anyone, as provided by state and federal law. The University will also disclose determinations of responsibility for hazing.



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VIII. Conduct Records

Conduct records are maintained by the Office of the Vice President for Student Affairs and are considered educational records and are subject to the provisions of the Family Educational Rights and Privacy Act (FERPA). Law enforcement records are not part of a student's educational record and are maintained independently by the University Police. Conduct Records are kept for a period of seven (7) years to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*.

Conduct records will not be expunged unless a student/organization can demonstrate with significant information and persuasive argument that their record is deserving of such action. As a general matter, violations of state and federal law will not be eliminated from a records. A decision to expunge a conduct record shall be at the sole discretion of the Vice President for Student Affairs.

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