

Code of Student Conduct

1) PURPOSE

The student conduct process at the University of Redlands is not intended to punish or discipline students. Rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our core values. These core values, embodied in the *Code of Student Conduct*, include integrity, fairness, respect, community and responsibility (Section 10). Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community values. When a student is unable to conform his/her behavior to community expectations, the student conduct process may determine that he/she should no longer share in the privilege of participating in this community.

The University of Redlands also has an obligation to uphold the laws of the larger community. While the activities covered by the laws of the larger community and those covered by the University of Redlands' rules may overlap, it is important to note that the community's laws and the University of Redlands' rules operate independently and that they do not substitute for each other. Students should be aware that the student conduct process is quite different from criminal and civil court proceedings. Procedures and rights in student conduct proceedings are conducted with fairness to all, but do not include the same due process afforded by the courts.

The University makes no attempt to shield members of the University community from the law, nor does it intervene in legal proceedings against a member of the community. Membership in the University community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all the University of Redlands' policies.

The longer someone waits to report an offense, the harder it becomes for the University of Redlands to obtain information and witness statements and to make a determination regarding alleged violations. Those who are aware of misconduct are encouraged to report it as quickly as possible to the appropriate Dean's Office and/or Public Safety.

2) JURISDICTION OVER STUDENT CONDUCT

Students at The University of Redlands are annually provided access to or upon request given a copy of the *Code of Student Conduct*. Students are charged with the responsibility of having read, and agreeing to abide by, the provisions of the *Code of Student Conduct* and the authority of the student conduct process. The *Code of Student Conduct* and the student conduct process apply to the conduct of individual students and University-affiliated student organizations.

Because the *Code of Student Conduct* is based on shared values, it sets a range of

expectations for the University of Redlands student no matter where or when their conduct may take place (e.g., Study Abroad). Therefore, the *Code of Student Conduct* will apply to behaviors that take place on the campus, at University-sponsored events, and may also apply off-campus, when the Conduct Administrator determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

- A) Any action that constitutes a criminal offense as defined by California law. This includes first time and/or repeat violations of any local, state, or federal law committed in the municipality where the University is located.
- B) Any situation where it appears the student may present a danger or threat to the health or safety of him/herself or others.
- C) Any situation that significantly infringes upon the rights, property, or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- D) Any situation that is detrimental to the educational interests of the University.

The *Code of Student Conduct* may be applied to conduct that takes place during the time a person is enrolled as a student, including all University breaks. Further, the *Code of Student Conduct* applies to guests of community members, whose hosts may be held accountable for the misconduct of their guests. Visitors to and guests of The University of Redlands are also protected by the *Code of Student Conduct*, and may initiate grievances for violations of the *Code of Student Conduct* committed by members of the University of Redlands community against them.

The University of Redlands may also extend its jurisdiction to misconduct that occurs prior to, but is not reported until after the graduation of the offending student. Any such misconduct will not subject the violator to normal conduct proceedings, but will subject him or her to special proceedings for the revocation of a degree (Section 12.A.1).

3) SPECIAL PROVISIONS

In most circumstances, the University of Redlands will treat attempts to commit any of the violations listed in the *Code of Student Conduct* as if those attempts had been completed.

When members of groups, individuals acting collusively, or members of an organization act in concert in violation of any policy, they may be held accountable as a group, and a hearing may proceed against the member(s) of the group who may be involved in the violation as joint respondents.

The University of Redlands community encourages the reporting of crimes by victims. Sometimes, victims are hesitant to report to University officials because they fear that they themselves may be charged with policy violations. To encourage reporting, The

University of Redlands pursues the possibility of offering victims of crimes immunity from *Code of Student Conduct* violations related to the incident.

The welfare of members of our community is of paramount importance. At times, community members on and off campus may need assistance, The University of Redlands encourages all students to offer help and assistance to others in need. Sometimes, a student may be hesitant to offer assistance to others for fear that they may get into trouble. The University of Redlands pursues the possibility of limited immunity for those who offer help to

others in need. While policy violations cannot be overlooked, the University will provide educational options, rather than sanctions, to those who offer their assistance to others in need.

4) DEFINITIONS

A) "*Administrative Hearing*" means a procedure for resolving complaints conducted by the Conduct Administrator or the Conduct Review Board.

B) "*Code*" means the University of Redlands Schools of Business, Education, and Continuing Studies *Code of Student Conduct*.

C) "*Distribution*" means sharing, sale, and exchange, gifting, or giving.

D) "*Organization*" means a number of persons who are associated with each other and have complied with University requirements for registration as an organization.

E) "*Group*" means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.

F) "*University*" means the University of Redlands.

G) "*Reckless and/or negligence*" means conduct which one should reasonably be expected to know could create a substantial risk or harm to persons or property or would be likely to interfere with normal University-sponsored activities.

H) "*More likely than not*" means if the totality of the information indicates a violation of the *Code of Student Conduct* is "more likely than not," the Respondent Party will be found in violation (responsible) for that offense. If the information does not make a violation "more likely than not," the Respondent Party must be found not responsible.

I) "*Discriminatory, Harassment, or Intimidation*" as defined in Section 11.

J) "*Hearsay information*" is information of a statement that was made other than by a witness while testifying at the hearing and that is offered to support the truth of the matter stated.

K) "*Student*" means a person taking or auditing courses at the University either on a full- or part-time basis and the relationship to the University has not been terminated. It also includes any person who has accepted enrollment but who has not yet matriculated, any person on a leave of absence, and any person who is actively enrolled, but is not at present registered for any courses.

L) "*Respondent*" will mean any student formally accused of violating any policy of the University.

M) "*University premises*" means buildings or grounds owned, leased, operated, controlled, or directly supervised by the University.

N) "*University policies*" means:

- 1) Any and all rules and policies set forth or referred to in any publication regularly distributed to students.
- 2) Policies, rules, and values (Section 10) regulating student conduct adopted by the University of Redlands Board of Trustees.
- 3) Policies and rules regulating student conduct adopted by the President or administration.

O) "*Sexual activity*" means:

- 1) Intentional contact with the breasts, buttocks, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.
- 2) Intercourse, meaning vaginal or anal penetration, however slight, by a penis, object, tongue, or finger, or oral copulation (mouth-to-genital contact or genital-to-mouth contact).

P) "*Hazing*" means any method of initiation into a student organization/group or any pastime or amusement which threatens, intimidates, causes, or is likely to cause, bodily, physical, or emotional harm or injury to any student, employee, or guest of the University as part of a new-member process, initiation affiliation or similar activities with respect to the group/organization, regardless of the physical cooperation with or submission to the activities by the victim; hazing does not refer to customary athletic events or similar contests or competitions.

Q) "*Weapon*" means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to firearms, BB/pellet/air soft guns, paint guns, knives with blades 2 ½ or more inches in length, and dangerous chemicals such as "Mace" or tear gas.

R) "*University Official*" means any employee of the University to whom authority has been delegated by an authorized individual.

S) "*Dean*" means the Dean of the Schools for Business, or Education, or for Continuing Studies.

T) "*Conduct Administrator*" means the Associate Dean for Academics in the Schools of Business, Education, and Continuing Studies, or Designee, who is accountable for Student Conduct Affairs.

U) "*President*" means the President of the University of Redlands.

V) "*Designee*" means an administrator assigned by the Dean with responsibility for a student conduct matter.

W) "*Ex-officio*" means an administrator assigned as a non-voting party of a conduct board responsible for ensuring procedural process.

X) "*Presiding Officer*" means the Presiding Officer of the Conduct Review Board.

Y) "*Board*" means the Conduct Review Board.

Z) "*University Student Conduct System*" refers to the system outlined in this *Code of Student Conduct*.

AA) "*Ally*" means an individual who offers moral support to the student. Within the Conduct Review Board process, both the Complainant and the Respondent are entitled, at any meeting or other proceeding which is a part of the investigation and at which such the Complainant or the Respondent are present, to be accompanied by an Ally of his or her choice. Such Ally may be present, but may not participate in the meeting or proceeding in any other manner, and may not serve as an advocate or spokesperson.

BB) "*Procedural fairness*" means the Respondent(s) will have notice of an alleged violation at or before an informal, non-adversarial meeting with the Conduct Administrator, or designee, to respond to any information or jurisdiction pertaining to the complaint filed against them.

5) INTERPRETATION OF POLICIES AND DEFINITIONS

This code and University policies are provided to give students general notice of conduct expectations, This code and University policies should be read broadly and are not intended to define misconduct in exhaustive terms,

6) INHERENT AUTHORITY

Communications from the Schools of Business, Education and Continuing Studies are official communications from the University to the student, and thus, students are expected to respond forthwith to requests, directions, and directives from University

officials acting in the performance of their duties. Sanctions for failure to comply may be implemented where necessary to secure cooperation (Section 12.A.7.d).

7) COMPLAINTS / NOTICE

Any person may make a complaint/notice to the Conduct Administrator and/or Public Safety, orally or in writing, about a student, student group, and/or organization suspected of violating this code or University policies. Persons making such complaints will normally be expected to appear before a Board hearing as the Complainant. The University may stand in lieu of the reporting party as the Complainant at the election of the reporting party, who may still need to share information as a witness.

A) Filing of complaints: Any member of the University community, guest, or visitor, may file a complaint against a student alleging a violation of the *Code of Student Conduct*.

1) At the request of any guest, visitor, student, faculty, or staff member, or acting independently, the University may file a complaint against any student according to the standards established by the *Code of Student Conduct* alleging a violation of the Code.

B) Consolidation: Where more than one student is accused of violations arising out of a single occurrence or out of connected multiple occurrences, a single hearing may be held for all the students so accused. Students may request that their complaint be consolidated with others, or separated from others. The Conduct Administrator will make determinations regarding consolidation; however, the separation of one or more complaints from a group of complaints will not be considered to affect the remaining complaints in the group.

8) APPLICABILITY OF CODE / FOCUS OF INQUIRY

A) This code does not apply to any admissions decision or any decisions made by the University for academic reasons. The University prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Academic Review Board. This code does not govern the activities of the Academic Review Board.

B) The focus of inquiry in student conduct proceedings will be determining whether students accused of violating this code or University policies are "responsible" or "not responsible" as alleged, and to assign any applicable sanctions. Deviations from prescribed procedures (including time deadlines) will not invalidate a decision or proceeding, unless significant prejudice to a student or the University would result.

C) Should a student withdraw from the University with a pending conduct complaint, it is the typical practice of the University to pursue investigation and resolution of the campus complaint, regardless of the fact that the student has withdrawn. If the student is found responsible for violation of the *Code of Student Conduct*, a hold will be placed restricting the ability of the student to re-enroll until all sanctions have been satisfied.

9) VIOLATIONS OF LAW AND THIS CODE

Allegations of violations of federal, state, and local laws are incorporated as offenses under the *Code of Student Conduct*. When an offense occurs over which the University has jurisdiction, the University conduct process will usually go forward notwithstanding any criminal charges that may arise from the same incident. University proceedings will not be subject to challenge because criminal charges involving the same incident have been dismissed or reduced.

When a student is accused, arrested, charged, or indicted for a crime committed off-campus, the University may elect to take action for violations of the *Code of Student Conduct*, which incorporates violation of local, state, and federal laws as code infractions.

When criminal charges are pending for any felony and/or misdemeanor, the University may be delayed or prevented from conducting its own investigation and moving forward with a campus hearing. In such cases, the University may choose to delay its hearing until it can conduct an internal investigation or can obtain from law enforcement sufficient information upon which to proceed. In cases that fall within the protections of Title IX as sex or gender discrimination, delays of no longer than 10-14 days will allow for law enforcement evidence-gathering, but the University process cannot be delayed beyond that unless all parties agree, or when requested by the Conduct Administrator because the evidence-gathering phase by law enforcement extends beyond the timeframe identified above.

The University of Redlands may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third-party sources, such as law enforcement agencies, news agencies, and the courts, to assist in determining whether University rules have been broken.

10) CONDUCT EXPECTATIONS

The University of Redlands community is committed to fostering a campus environment that is conducive to academic inquiry, productive campus life, and thoughtful study and discourse. The University prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Academic Review Board (see University Catalog). A community exists based on shared values and principles. At the University of Redlands, student members of the community are expected to uphold and abide by certain policies, rules, and standards of conduct that form the basis of the *Code of Student Conduct*. These policies, rules, and standards are embodied within a set of core values that include *integrity, fairness, respect, community, and responsibility*. When students of the community fail to exemplify these values, campus conduct proceedings are used to assert and uphold the *Code of Student Conduct*.

A) Integrity

Students are expected to exemplify honesty, integrity, and a respect for truth in all of their dealings. Behavior that demonstrates a lapse of integrity includes, but is not limited to:

- 1) Knowingly furnishing or possessing false, falsified, or forged information such as falsification or misuse of documents, accounts, records, identification (e.g. Identity theft); verbal, written, or otherwise communicated statements; or financial instruments;
- 2) Unauthorized possession, duplication, or use of means of access (e.g. keys, cards, etc.) to any University building;
- 3) Action or inaction by someone in collusion with a wrongdoer, which encourages or fails to discourage a known and obvious violation of University policy or state law;
- 4) Violations of positions of trust or authority within the community;
- 5) Tampering with the election of any University recognized student organization.

B) Fairness

University of Redlands students exemplify fair treatment of each other in their dealings and interactions. Behavior that violates this value includes, but is not limited to:

- 1) Disruption of University operations, including obstruction of teaching, research, administration, other University activities (e.g., invited speakers), or other authorized non-University activities which occur on campus;
- 2) Obstruction of freedom of movement by community members or visitors;
- 3) Abuse, interference, or failing to comply in University processes including Student Conduct hearings (Section 12.A.7.d);
- 4) Abuse of the Student Conduct system, including:
 - (a) Failure to attend meetings scheduled for student conduct administration purposes;
 - (b) Falsification, distortion, or misrepresentation of information;
 - (c) Failure to provide, destroying, or hiding information during an investigation of an alleged policy violation;
 - (d) Attempting to discourage an individual's proper participation in, or use of, the student conduct system;

- (e) Harassment (verbal or physical) and/or intimidation of a member of a student conduct body prior to, during, and/or after a student conduct proceeding;
- (f) Failure to comply with the sanction(s) imposed by the student conduct system;
- (g) Influencing or attempting to influence another person to commit an abuse of the student conduct system;
- (h) Knowingly or negligently violating the terms of any student conduct sanction imposed in accordance with this code.

C) Respect

University of Redlands students show respect for each other, for property, and for the community. Behavior that violates this value includes, but is not limited to:

- 1) Violence, threatening or causing physical harm, actions determined to be of a retaliatory nature, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- 2) Discriminatory harassment, intimidation, and bias-related incidents (Section 11.A);
- 3) Hazing of any kind (Section 11.C);
- 4) Stalking, defined as repetitive, menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family of members of the community;
- 5) Sexual Misconduct (Section 11.A.b.c,i-v), including
 - (a) sexual harassment;
 - (b) non-consensual sexual intercourse,
 - (c) non-consensual sexual contact,
 - (d) sexual exploitation;
- 6) Conduct which incites and/or is intended to provoke imminent lawless action while on campus or at functions sponsored by, or participated in by, the University;
- 7) Conduct which is disorderly, indecent, or obscene while on campus or at functions sponsored by, or participated in by, the University;
- 8) Failure to comply with directions of University officials or law enforcement officers during the performance of their duties and/or failure to identify oneself to these persons when requested to do so;

- 9) Smoking in any University building or in areas of residential buildings designated as non-smoking;
- 10) Unauthorized possession, or use of unapproved pets, creatures, or animals on campus or at University-sponsored activities;
- 11) Interfering with the freedom of expression of others on University premises or at University-sponsored activities;
- 12) Failing to respect the rights of privacy of any member of the University community (e.g., student conduct hearings and records, F.E.R.P.A., student records, personnel records);
- 13) Students are expected to be courteous to the residents of the city and surrounding neighbors in which the regional campus is located (e.g, Riverside, Rancho Cucamonga, etc.). Students are not to litter, loiter, congregate, or disrupt the normal operations of the City.

D) Community

University of Redlands students honor and value their community. Behavior that violates this value includes, but is not limited to:

- 1) Misuse of access privileges to University premises or unauthorized entry to or use of buildings, including trespass;
- 2) Misuse or unauthorized use of University or University-affiliated organizational names and images;
- 3) Knowingly taking possession of stolen property;
- 4) Intentional theft or unauthorized taking of the property of the University or property of another;
- 5) Intentional, reckless, negligent and/or unauthorized destruction or damage to University property or to the property of another;
- 6) Misuse of University computing facilities, equipment, network, passwords, accounts or information. Students who connect their personal computers to the campus network will be held responsible for any violation of this policy that originates from that computer. Examples of misuse include:
 - (a) Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user's account nor specified as public domain information;

- (b) Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security;
- (c) Abuse or improper use of hardware;
- (d) Installing or executing unauthorized or unlicensed software on any University-owned computer resource;
- (e) Causing disruptive noise, displaying abusive behavior toward other users, or creating other disturbances in any campus computing area;
- (f) Sending, displaying, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, racist, or discriminatory images, files, or message either through the University's network or outside networks such as 'Myspace', 'Facebook' or similar network systems.
- (g) Access and/or use of another user's account and the data contained in that account (e.g., invasion of privacy);
- (h) Theft, destruction, or removal of data or University-owned computer resources;
- (i) Unauthorized copying, installation, and/or distributing (Section 4.C), electronic media by any means;
- (j) Physical or electronic interference with other computer systems users;
- (k) Dissemination or distribution of a user account password to any other person;
- (l) Use of computing facilities to interfere with the work of another student, faculty member, University official, or the normal operations of the University computing system;
- (m) Any other practice or user activity that, in the opinion of the Chief Information Officer or the Deans of the Schools of Business, Education, and Continuing Studies, constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems;

7) Gambling on University premises (Section 11.B);

8) Possession of firearms, explosives, other weapons or dangerous chemical (Reference/Definition) while on campus;

9) Violation of state, local, or campus fire policies, including:

- (a) Failure to evacuate a University-owned or managed building during a fire alarm;
- (b) Improper use, misuse, or abuse of University fire safety equipment;

10) Tampering with or improperly engaging a fire alarm in a University building.

11) Intentionally, recklessly and/or negligently causing a fire which damages University or personal property or which causes injury to any member of the community.

E) Responsibility

University of Redlands students are given and accept a high level of responsibility as role models. Behavior that violates this value includes, but is not limited to:

- 1) Use, possession, or distribution of alcoholic beverages except as expressly permitted by law and the University's Alcohol Policy. This includes possession/consumption by those under the age of 21, providing alcohol to those under the age of 21, possession of a common source container (empty or full), driving under the influence, and public intoxication by persons of any age;
- 2) Under the influence and/or use, possession, or distribution of narcotic, other controlled substances, or the use of general products as intoxicants or "means to get high," as well as drug paraphernalia;
- 3) Abuse and/or misuse of prescription or over-the-counter medication. Allowing someone else to abuse and/or misuse your prescriptions, including "distribution" by allowing someone else access to your prescription, whether or not they have a prescription for the medication themselves;
- 4) Assisting in the violation of University policies or public laws;
- 5) Behaviors which could constitute violations of federal, state, or local laws, whether on campus or off campus, with respect to local laws and ordinances regarding prohibiting underage drinking and noise violations (e.g., excessive social gatherings, stereos and/or other electronic equipment being operated at unreasonable levels and/or hours, etc.), on campus, off campus, or with an automobile;
- 6) The knowing failure of any organized group to exercise preventive measures relative to violations of this *Code of Student Conduct* by members;
- 7) Violation of other published University rules or policies.

11) SPECIAL POLICY STATEMENTS

A) Discrimination, Intimidation, Harassment, and Bias-Related Incidents Policy

The University of Redlands affirms the principle that guests, visitors, students, faculty, and staff have a right to be free from any type of discrimination or intimidation by any member of the University community or their guest(s) with respect to nationality, national origin, sexual orientation/preference, racial or ethnic background, religious beliefs, disability, sex, gender, gender identity, or age. Discrimination, intimidation, harassment, and bias-related incidents, in any form, are unacceptable conduct because they create a hostile environment by

depriving the recipient of educational or employment access and/or opportunities, including peaceful enjoyment of our campus.

Any member of the campus community, guest, or visitor who acts to deny, deprive, or limit the educational, employment, [residential] and/or social access, benefits and/or opportunities of any member of the campus community on the basis of their actual or perceived membership in the protected classes listed above is in violation of the University policy on nondiscrimination. When brought to the attention of the University, any such discrimination will be appropriately remedied by the University according to the procedures below.

University Policy on Discriminatory Harassment

Students, staff, administrators, and faculty are entitled to a professional working and educational environment, and University is committed to providing a work and educational environment free of discriminatory harassment. Consistent with the University's policy on academic freedom (see *Faculty Handbook*), University's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane, but controversial or sensitive subject matters. The sections below describe the specific forms of legally prohibited harassment that are also prohibited under University policy.

a. Discriminatory and Bias-Related Harassment

Harassment constitutes a form of discrimination that is prohibited by law. The University's harassment policy explicitly prohibits any form of harassment on the basis of actual or perceived membership in a protected class, by any member or group of the community, which creates a hostile environment, both objectively and subjectively.

A hostile environment may be created by oral, written, graphic, or physical conduct that is sufficiently severe, persistent, or pervasive and objectively offensive so as to interfere with, limit, or deny the ability of an individual to participate in or benefit from educational programs or activities or employment access, benefits, or opportunities. Merely offensive conduct and/or harassment of a generic nature not on the basis of a protected status is not prohibited by University policy, and should be addressed with civil confrontation or effective conflict resolution mechanisms.

b. Sexual Harassment

Sexual Harassment is:

- unwelcome, sexual or gender-based verbal, written, or physical conduct that is,
- sufficiently severe, persistent, or pervasive and objectively offensive that it has the effect of unreasonably interfering with, denying, or limiting employment opportunities or the ability to participate in or benefit from the University's educational, social and/or residential program, and is either
- based on power differentials (*quid pro quo*), the creation of a hostile environment, or retaliation.

c. Sexual Misconduct

State law defines various violent and/or non-consensual sexual acts as crimes (see *Annual Security Report*). Additionally, University has defined categories of sexual misconduct, as stated below, for which action under this policy may be imposed. Generally speaking, University considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and termination for employees. However, University reserves the right to impose any level of sanction, up to and including suspension or expulsion/termination for any act of sexual misconduct or other gender-based offenses based on the facts and circumstances of the particular complaint. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved. Violations include:

i. Sexual Harassment (as defined above)

ii. Non-Consensual Sexual Intercourse

Defined as:

- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, object, and/or body part or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

iii. Non-Consensual Sexual Contact

Defined as:

- any intentional sexual touching,
- however slight,
- with any object and/or body part
- by a person upon another person
- that is without consent and/or by force.

Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

iv. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual

Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent).
- Prostitution and/or solicitation.
- Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

Consent

Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. When there are no words or actions indicating permission or consent, there can be no valid consent.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and

any similar previous patterns that may be evidenced. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

In California, a minor (meaning a person under the age of 18 years) cannot consent to sexual activity. This means that sexual contact by an adult with a person younger than 18 years old is a crime as well as a violation of this policy, even if the minor wanted to engage in the act.

Other Misconduct Offenses

- a.** Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person on the basis of their actual or perceived membership in a protected class (see *Annual Security Report*);
- b.** Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of their actual or perceived membership in a protected class;
- c.** Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another on the basis of actual or perceived membership in a protected class;
- d.** Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the University community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (see *University Policy Handbook: Hazing Policy*) on the basis of actual or perceived membership in a protected class. Hazing is also illegal under California law and prohibited by University policy.
- e.** Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally, on the basis of actual or perceived membership in a protected class;
- f.** Violence between those in an intimate relationship to each other (this includes romantic relationships, domestic and/or relationship violence) (see *Annual Security Report*);
- g.** Stalking, defined as repetitive and menacing pursuit, following, harassment, and/or interference with the peace and/or safety of a member of the community or the safety of any of the immediate family of members of the community (see *Annual Security Report*).
- h.** Any other University rules, when a violation is motivated by the actual or perceived membership of the victim in a protected class, may be pursued using this policy and process.

Retaliation

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity.

Retaliation against an individual for alleging harassment, supporting a complainant, or for assisting in providing information relevant to a claim of harassment is a serious violation of University policy and will be treated as another possible instance of harassment or discrimination. Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. The University is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

Remedial Action

University will implement initial remedial and responsive actions upon notice of alleged harassment, retaliation, and/or discrimination, and will take additional prompt remedial and/or disciplinary action with respect to any member of the community, guest, or visitor who has been found to engage in harassing or discriminatory behavior or retaliation. Procedures for handling reported incidents are fully described below. Deliberately false and/or malicious accusations of harassment, as opposed to complaints which, even if erroneous, are made in good faith, are just as serious an offense as harassment and will be subject to appropriate disciplinary action.

B) Gambling Policy

Students are expected to abide by the federal laws and the laws of the State of California prohibiting illegal gambling. Gambling for money or other things of value on campus or at University-sponsored activities is prohibited.

Such prohibited activity includes, but is not limited to, betting on, wagering on, or selling pools on any University athletic event; possessing on one's person or premises (e.g., room, residence unit, car) any card, book, or other device for registering bets; knowingly permitting the use of one's premises or one's telephone or other electronic communications device for illegal gambling; knowingly receiving or delivering a letter, package or parcel related to illegal gambling; offering, soliciting or accepting a bribe to influence the outcome of an athletic event; and, involvement in bookmaking or wagering pools with respect to sporting events.

C) Hazing

Allegations of hazing will be reported to the University's Department of Public Safety. In the event of a finding of "Responsible", the Department of Public Safety will notify the Police Department, as required by law.

12) SANCTIONS

A) One or more of the following sanctions may be imposed for violations of this code or University policies:

1) **DEGREE REVOCATION:** Students who are expelled post-graduation are subject to having their degree revoked. They lose the right to claim graduation from the University of Redlands, or to hold themselves out as graduates. Notations will be indicated on their transcript accordingly. Students who are suspended post-graduation are subject to having their diploma and/or degree withheld until the suspension is complete. These proceedings will only be convened if the offense alleged would have subjected the violator to suspension or expulsion if reported prior to graduation. These proceedings include notice and a hearing before the Conduct Review Board. The only sanction possible is degree revocation.

2) **EXPULSION:** Permanent separation of the student from the University. Permanent notation will appear on the student's transcript. The student also may be barred from University premises and University-sponsored events.

3) **SUSPENSION:** Separation of the student from the University for a specified time. Notice will appear on the student's transcript during the period of suspension. Formal reapplication to the University also may be required following completion of the suspension period. The meeting of certain requirements may also accompany the suspension, and any readmission can be conditioned on the satisfactory completion and proof of completion of those requirements. The letter of suspension will be held in the student's conduct file for a specified time.

4) **CONDUCT PROBATION:** Conduct probation is a final and formal warning status issued by the University to the student. Further violations of the Code resulting in a finding of "responsible" should result in suspension or expulsion unless mitigating circumstances or information is identified. Additional restrictions or conditions also may be imposed. Notification will be sent to appropriate University offices and will be carried in the student's conduct file for a designated time.

5) **CONDUCT REPRIMAND:** The student is warned that further misconduct may result in more severe sanctions. The reprimand will indicate that continuation or repetition of specific conduct may be grounds for other sanctions. The letter of reprimand will be carried in the student's conduct file for a designated time.

6) **RESTITUTION:** The student is required to make payment to the University and/or to other persons, groups, or organizations for damage incurred as a result of a violation of this code or University policies. Damages will include not only direct costs of items involved but also indirect costs of University personnel involved.

7) **OTHER SANCTIONS:** Other sanctions may be imposed instead of or in addition to those specified in Section 12.A.1 through 12.A.6. Additional or other sanctions include, but are not limited to:

- (a) Loss of privileges, consistent with the offense committed, such as:
- (i) On-campus dining privileges;
 - (ii) Removal from on-campus facilities;
 - (iii) Restrictions from representing the University or participating in any extracurricular activity (e.g. athletic team, student office or organization, social events/functions.);
 - (iv) On-campus site restriction (e.g., class only).
- (b) The assignment of work or research projects.
- (c) Imposition of fines, which will not exceed \$500 for each violation.
- (d) Non-Compliance with the Directives of a University Official: Not responding to a communication from or failing to comply with a University official regarding a conduct matter may result in one or more of the following sanctions:
- (i) The student will be suspended until such time as they comply; and/or
 - (ii) An automatic fine of \$100 will be assessed for each incident of non-compliance; and/or
 - (iii) The student will accept a finding of "responsible" and the Respondent automatically accepts any sanctions determined by the Conduct Authority; and/or
 - (iv) Other sanctions may be imposed as well.
- (e) No student will receive a diploma while a complaint brought against him/her is pending before an Administrative Hearing or the Conduct Review Board. No student will receive a diploma without first fulfilling the terms of a conduct sanction. Participation in the graduation ceremony is at the discretion of the Conduct Administrator.
- (f) Confiscation: confiscation for a specified time, of property or materials used in violation of University policies.
- (g) Recommended sanctions for alcohol, drugs, and student organization alcohol violations (see *University Policy Handbook*).
- (h) Statements of understanding: are signed (or mediated) statements that students will abide by all University rules, and policies or specific practices, with the understanding that violation of any rule, regulation, or agreement will result in further sanctions.
- (i) Referral of student to a recognized professional practitioner for evaluation of behavior. In addition to the assessment, the Conduct Administrator, or an official designate, will interview the student to determine if conduct action is needed. (e.g., suicidal, acts of violence, severe depression, or other emotional distress or concerns),

B) Certain violations of this code or University policies may result in suspension or expulsion unless specific and significant mitigating factors are present. This can include first time and/or repeated violations. (The list of examples follows as an illustration only and is not meant to be exhaustive.) The presence or involvement of alcohol or drugs will not constitute a mitigating factor.

- 1) Incidents of violence, sexual misconduct, and sexual harassment.
- 2) Incidents involving drug possession, under the influence and/or use, distribution or sale; including misuse of legal prescription drugs.
- 3) Incidents of reckless endangerment, misuse of emergency equipment, or any type of smoking or fire resulting from abuse or negligence.
- 4) Incidents of harm brought to oneself or others (including instances when a student knew or should have known such harm might exist or result). This includes instances of hazing, drug involvement, alcohol abuse, driving under the influence, and reckless driving even when the student thought it was a prank.
- 5) Incidents involving theft, stealing, or false statements or reports.
- 6) Repeat offenses.
- 7) Failing to comply with officials in the performance of their official duties.
- 8) Acts that constitute a violation of local, state, or federal laws.

13) INTERIM SUSPENSION

A) The Conduct Administrator, Dean or the Dean's designee may suspend a student for an interim period pending conduct proceedings or medical, psychiatric, or psychological evaluation. Such interim suspension becomes effective immediately whenever there is information that the continued presence of a student on University premises or at University sponsored activities poses a substantial threat to himself, herself or others, or to the stability and continuance of normal University functions. There may also be circumstances in which it is necessary to invoke an interim suspension in furtherance of an ongoing investigation into a conduct code violation and/or a violation of state law .

B) A student suspended on an interim basis will be given the opportunity to appear before the Conduct Administrator within three (3) business days from the effective date of the interim suspension. An informal conference will be held on the following issues only:

- 1) The reliability of the information concerning the student's conduct, including the matter of his or her identity.

2) The question as to whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises or at University-sponsored activities poses a substantial threat to himself, herself, others, or to the stability and continuance of University functions. In any complaints covered by Title IX (sexual misconduct, sexual harassment, stalking, etc.), the complainant will be given the opportunity to address the appropriateness of interim suspension, as well.

3) Respondents who fail to appear at this informal conference are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University official, and will be subject to the sanctions outlined in Section 12.A.7.d.

C) Within three (3) business days after the informal conference (Section 13.B), or in the event there is no such conference within five (5) business days of the effective date of the interim suspension, if a suspension for failure to comply has not been imposed, the accused will have an opportunity to accept responsibility for the alleged violations. If the accused accepts responsibility, the complaint will be referred to an Administrative Hearing (Section 17). If the Respondent denies responsibility for the alleged violations, the Conduct Administrator (or designee) may refer the complaint to an Administrative Hearing or to the Presiding Officer of the Conduct Review Board.

D) If an interim suspension has been imposed, such fact will be disclosed to the Presiding Officer of the Conduct Review Board.

14) CONDUCT AUTHORITIES

The following will exercise authority regarding individual, group, and/or organization student conduct matters:

A) A Conduct Conference (Section 16) is conducted by a School of Business, Education, and Continuing Studies Administrator (or designee) and is appealable to the Dean, or designee, of their respective school. The responsibilities of this University official include, but are not limited to, the following:

- 1) Determine which policies are alleged to have been violated.
- 2) Interview the parties involved.
- 3) Resolve complaint
- 4) Issue sanctions and/or recommendations.
- 5) Maintain conduct records.

B) An Administrative Hearing (Section 17) is conducted by the Conduct Administrator or Dean's designee. The Conduct Administrator will have authority to take action and will execute duties described in Section 17 of this code. Matters decided by the Conduct Administrator or Dean's Designee in an Administrative Hearing (Section 15) are final and not subject to appeal.

C) The Conduct Review Board (Section 18) will hear all cases referred to it by the Conduct Administrator or Dean's Designee, and all cases referred as the result of investigations completed in accordance with the University Discrimination and Harassment Policy (see *University Policy Handbook*). Matters not decided by the Conduct Administrator or Dean's designee may be referred to the Presiding Officer of the Conduct Review Board (Sections 18 and 19). Referrals made to the Presiding Officer will be made in writing, within five (5) business days of the date on which the Conduct Administrator receives a written complaint about a student's conduct, or at the conclusion of an investigation conducted as described above. The Conduct Review Board's responsibilities include, but are not limited to, the following:

- 1) Convene a hearing.
- 2) Hear testimony from parties involved.
- 3) The Board will make a finding of "responsible" or "not responsible." In the event it makes a finding of "responsible," the Board may also impose appropriate sanctions.
- 4) The Board's finding of "responsible" or "not responsible" and imposition of sanctions may be appealed by the Complainant and/or the Respondent or the Conduct Administrator to the Conduct Review Appeals Board.
- 5) There is only one appeal for each complaint. An appeal hearing will be granted only if one or more of the criteria for an appeal is met (Sections 21 & 22).

D) The Mediation Team may be referred complaints (except for cases involving allegations related to Title IX) by the Conduct Administrator (or designee). This team is comprised of trained facilitators who will help students or student groups work toward a mutual resolution.

E) The Assessment Team is reserved for serious conduct cases, which may result in an Involuntary Administrative Leave of Absence.

15) AUTHORITY OF THE CONDUCT ADMINISTRATOR: HEARING REFERRALS

A) Except according to Section 15.B and 15.C, the Conduct Administrator will be authorized to impose all sanctions permitted in this Code except the following: expulsion or suspension.

B) The Conduct Administrator will review all complaints to determine whether alleged misconduct might result in expulsion, suspension, or a permanent conduct record. Students facing expulsion, suspension, or a permanent conduct record may have their complaint determined in an Administrative Hearing or referred to the Conduct Review Board. If the accused accepts responsibility, the complaint will be referred to an Administrative Hearing (Section 17). If the Respondent denies responsibility for the alleged violations, the Conduct Administrator/Designee may refer the complaint to an Administrative Hearing or the Presiding Officer of the Conduct Review Board.

C) In the event the complaint is referred to an Administrative Hearing, the full range of sanctions authorized by this Code may be imposed by the Conduct Administrator. The Conduct Administrator will inform the student the sanctions issued in an Administrative Hearing are not subject to appeal. Respondents who fail to appear for an Administrative Hearing are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University Official, and will be subject to the sanctions outlined in Section 12.A.7.d.

D) The Conduct Administrator has the prerogative on behalf of the University to file a complaint or provide testimony for an individual without the individual appearing or his or her name being known, so long as the Conduct Administrator is not responsible for hearing the case, if:

- 1) The witness is unavailable; or
- 2) If the identity of the information or source of the information is not necessary for the Respondent to fully challenge all the information against him/her;

E) In the absence or inability of the Conduct Administrator to act, or in the event of a reorganization of administrative positions in the University, the Dean will designate another or additional persons to assume the responsibilities of the Conduct Administrator under this Code. In the event such a designee is named, any reference to the Conduct Administrator will apply.

16) CONDUCT CONFERENCE

A) Complaints of a violation(s) of University policy and the *Code of Student Conduct* may be referred to a Conduct Conference by the Conduct Administrator.

B) The Conduct Conference is administered by a School of Business, Education and Continuing Studies Administrator (or designee).

C) Conferences are scheduled by said professional and are to be treated in an appropriate manner.

D) In all Conduct Conferences, a Respondent will be given the opportunity to accept responsibility for violation(s). If he or she does not accept responsibility, the student will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The professional staff member will determine if it is *more likely than not* that the information indicates a violation. If the student(s) accepts responsibility, or is/are deemed responsible, appropriate sanctions will be administered.

E) The Conduct Administrator, or designee, will hear appeals of decisions from Conduct Conferences. A request for an appeal must be submitted in writing by the Respondent within three (3) business days after reviewing the decision letter. Failure

to request an appeal within this time will render the original finding and imposed sanctions final and conclusive. The Conduct Administrator, or designee, is the final appeal and will send written notice of the final outcome and sanctions, if any, to the Respondent within ten (10) days.

17) ADMINISTRATIVE HEARING

A) Any complaint not referred to a Conduct Conference or to the Conduct Review Board will be determined by the Conduct Administrator, or designee, by holding an Administrative Hearing with the parties. Matters decided in an Administrative Hearing are final and are not subject to appeal.

B) Administrative Hearings will be conducted by the Conduct Administrator, or designee. An informal, non-adversarial meeting between the student(s) and the Conduct Administrator, or designee, will initially be arranged to afford the student(s) procedural fairness (Section 4.BB). Upon conclusion of this meeting, a date for the Administrative Hearing (formal) will be established and the student (s) will have signed the Administrative Hearing Acknowledgement.

C) In all Administrative Hearings (formal), Respondents will be given the opportunity to accept responsibility for violation(s). If they do not accept responsibility, the student(s) will then have the opportunity to respond to any information or jurisdiction pertaining to the complaint. The Conduct Administrator, or designee, will determine if it is more likely than not that, the information indicates a violation. If the student(s) accepts responsibility, or are deemed responsible, appropriate sanctions will be administered.

1) The person filing the complaint would not be required to participate unless such person's personal testimony is essential to resolving factual issues in the complaint.

2) Documentary information and written statements can be relied upon, so long as the parties are given access to them and allowed to address them at the Administrative Hearing.

3) The student(s) will be allowed to bring appropriate, relevant, and material witnesses upon notice of such to the Conduct Administrator.

D) Parties referred to an Administrative Hearing are accorded the following procedural protection:

1) Written notice of alleged misconduct at least three (3) business days prior to the scheduled Administrative Hearing.

2) Reasonable access to the complaint files before and during the Administrative Hearing. Personal notes of University employees or of the person filing the complaint are not included in the complaint file to which the parties have access.

3) An opportunity to respond to information and investigation findings.

4) Within five (5) days after holding the Administrative Hearing, the Conduct Administrator will deliver or mail to the parties, a letter informing them of the finding of "responsible" or "not responsible" and the sanction(s) imposed.

E) Determinations made by the Conduct Administrator in an Administrative Hearing are not subject to appeal.

18) CONDUCT REVIEW BOARD

A) The Board will hear complaints that are referred to the Presiding Officer by the Conduct Administrator, investigator, or designee. These include allegations of sexual misconduct, intimate partner/relationship violence, and stalking. Students reporting complaints that fall within the jurisdiction of the Conduct Review Board will be given a written explanation summarizing their rights and the procedures applicable to resolution of their complaint (Section 19.D.).

B) The Board will be composed of the following individuals from the Respondents respective school/program: two faculty members, the appropriate Program Director (if applicable), Campus Director (if applicable), plus the non-voting Ex-officio (a permanent member). Members will be chosen as follows:

1) The faculty members will be chosen by the appropriate Dean. No voting members will be persons who report to the Conduct Administrator;

2) The Conduct Administrator:

(a) Is the Investigator for the University in complaints heard by the Conduct Review Board;

(b) May serve as an Ex-officio member of the Conduct Review Board unless acting as the investigator. The Ex-officio Member presides and renders decisions on *Code of Student Conduct* procedures (e.g., quorum, personal bias, need to know, etc.) and oversees the documentation of the hearing.

C) Members of the Board will be selected as described in Section 18.B as vacancies occur. Members will serve a two-year term following their selection, ending on May 31 of the second year except for the Ex-officio who is a permanent member of the Board.

D) In the event that a member(s) of the Board is unable to hear a complaint, the appropriate Dean may appoint a trained alternate to replace the member(s). The final determination whether a member(s) is "unable to hear a complaint" will be within the discretion of the Dean. Alternate member(s) will be selected as described in Section 18.B.

E) The Board will hold hearings according to Section 20 and will determine whether it is more likely than not that the Respondent violated the policy or policies as alleged in the complaint. In the event of a finding of "responsible", the Board will determine the sanction to be imposed.

19) PRESIDING OFFICER OF THE CONDUCT REVIEW BOARD

The Presiding Officer will be a member of the Conduct Review Board and is appointed from among the members of the Conduct Review Board by the appropriate Dean. Within five (5) business days of receiving the referral from the Conduct Administrator, the Presiding Officer will complete the following duties:

A) Accept referrals for a Board hearing from the Conduct Administrator.

B) Contact the Conduct Administrator to review the complaint.

C) Schedule a hearing of the Board.

D) Contact the parties to review the complaint, advise them of Board hearing rights and procedures, and determine what information needs to be secured and what witnesses should be notified for the Board hearing.

E) Provide written notification for a hearing of the Conduct Review Board within five (5) business days after receiving the referral from the Conduct Administrator to members of the Board, the Complainant and Respondent(s). The Presiding Officer will also ensure that information, as needed, is secured for presentation at the Board hearing.

F) If a student is involved in a complaint, but not currently registered, proceedings may be delayed to a reasonable date as determined by the Conduct Administrator, keeping in mind that promptness as required by Title IX may pertain.

G) Simultaneously, deliver (email or certified mail) written notification of the finding and any imposed sanctions by the Board to Respondents, the alleged victim/Complainant, where appropriate, and the Conduct Administrator.

1) In all complaints involving arson, assault offenses, burglary, criminal homicide, destruction/damage/vandalism of property, kidnapping/abduction, robbery, or stalking, Complainant will be given simultaneous written notice of the outcome and any sanctions;

2) In all complaints involving forcible and non-forcible sex offenses, Complainant will be given simultaneous written notice of the outcome, any sanctions, and rationale therefor;

3) In all complaints where sanctions relate directly to the Complainant, such as a no-contact order or an order of restitution, the University will disclose in writing to

the Complainant only that information about the sanctions which pertains directly to him/her unless 2), above, applies.

4) The University will place no conditions on the parties regarding the release of information in 1), 2), and 3) above.

H) Prepare a written opinion on behalf of the Board as described in Section 20.K.

20) HEARING PROCEDURE OF THE CONDUCT REVIEW BOARD

The following procedural guidelines will apply to conduct hearings before the Board:

A) The Board will hear complaints that are referred to the Presiding Officer by the Conduct Administrator, or designee. Prior to making this referral, Respondents will be given the opportunity to accept responsibility for violation(s). If so, appropriate sanctions will be administered under the procedures for an Administrative Hearing. If not, referral may be made to the Board for resolution.

B) Once a student denies responsibility, the hearing before the Board will commence within ten (10) business days of the date on which the Conduct Administrator refers a complaint to the Presiding Officer, unless an extension is granted, with notice to the parties.

C) All parties will be given written notice of the hearing date and the specific complaints against them at least five (5) business days in advance of the hearing.

D) The written notice may be delivered in person during a meeting with the Presiding Officer or will be mailed to the local or permanent address of the parties. Once mailed, such notice will be presumptively delivered.

- 1) The letter of notice will state briefly a description of the incident alleged.
- 2) Relevant procedures for resolution of the complaint will be referred to in the notice.

E) The parties will be accorded reasonable access to the complaint file, which will be retained in the office of the Conduct Administrator.

F) At least 3 business days before any scheduled hearing, the following will occur:

- 1) The Respondent will deliver to the Conduct Administrator a written response to the complaint;
- 2) The Respondent will deliver to the Conduct Administrator a written list of all witnesses the Respondent wants the University to call on his/her behalf at the hearing, giving the full contact information of any such witness, if known;
- 3) The Respondent will deliver to the Conduct Administrator a written list of all items of physical evidence the Respondent intends to use or needs to have present at the hearing, and will indicate who has possession or custody of such evidence, if known;

- 4) The Complainant will deliver to the Conduct Administrator a written list of all witnesses the Complainant wants the University to call and all physical evidence that will be used by the Complainant at the hearing and will indicate who has possession or custody of such evidence, if known;
- 5) The parties will notify the Conduct Administrator, at least forty-eight hours prior to the hearing, of the name of the Ally who may be accompanying them at the hearing;
- 6) The Conduct Administrator will ensure that this information and any other available written documentation is shared between the Complainant and Respondent at least twenty-four hours before any scheduled hearing. In addition, the parties will be given a list of the names of all the Board Members serving to hear the complaint. Should either party object to any member(s) of the board, they must raise all objections in writing to the Conduct Administrator immediately. Board Members will only be unseated if the Ex-officio Member concludes that their bias precludes an impartial hearing of the complaint.

G) The Conduct Administrator/Designee may interview witnesses upon the request of the parties and/or the Presiding Officer. Requests to appear will be issued by the Presiding Officer and may be personally delivered by staff or sent by campus or certified mail/return receipt requested. University students and employees are expected to comply with requests unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities, of which a good faith determination will be made by the Presiding Officer.

H) Respondents who fail to appear at this informal conference are in violation of the *Code of Student Conduct* for failure to comply with the instructions of a University official, and will be subject to the sanctions outlined in Section 12.A.7.d.

I) Hearings will be closed to the public, except for the student's Ally. Notwithstanding the foregoing, where the investigation involves accusations of domestic violence, dating violence, sexual assault, or stalking, both the Complainant and the Respondent are entitled, at any meeting or other proceeding which is a part of the investigation and at which such the Complainant or the Respondent are present, to be accompanied by an Ally of his or her choice. Such Ally may be present, but may not participate in the meeting or proceeding in any other manner, and may not serve as an advocate or spokesperson.

J) The Presiding Officer will exercise control over the hearing to avoid needless consumption of time and to prevent harassment or intimidation of witnesses. Any person, including the Complainant and/or Respondent, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer, may be excluded from the proceedings.

K) The Presiding Officer, on behalf of the Board, will prepare a written deliberation report to the appropriate Dean detailing the finding, how each body member voted, the information cited by the body in support of its finding, and any information that the body

excluded from its consideration, and why. This report should conclude with any sanctions imposed.

L) Any student party and/or the Conduct Administrator may challenge a Board member on the grounds of personal bias. In addition, the Presiding Officer may disqualify members challenged by any party for good cause.

M) The Presiding Officer will be disqualified from presiding over a complaint if he or she has filed the complaint to be heard or is a witness in the complaint. In the event of the Presiding Officer's disqualification or inability to preside, the appropriate Dean will appoint an acting Presiding Officer who meets the qualifications specified in Section 19.

N) All declarations and testimonies of witnesses must be truthful and will be under penalty of violation of the *Code of Student Conduct*. Persons giving false testimony or declarations and/or intentionally furnishing false information to the University may be subject to a conduct hearing.

O) Witness statements can be requested in writing to expedite hearings. Affidavits will not be included as information unless signed by the affiant and witnessed by the Ex-Officio Member, a University employee, or by a person designated by or acceptable to the Conduct Administrator, or the Presiding Officer.

P) Witnesses other than the Complainant and Respondent will be excluded from the hearing. All parties, the witnesses, and the public will be excluded during the Board's deliberations.

Q) If the totality of the information, supplied by any party or witness or other means, indicates a violation of the *Code of Student Conduct* is "more likely than not," the Respondent will be found responsible for the violation. If the information does not make a violation "more likely than not," the Respondent must be found not responsible.

R) Formal rules of evidence will not apply to conduct proceedings pursuant to this Code. The Presiding Officer will admit all information, from credible sources, which tend to support or not support what is at issue in the complaint. Unduly repetitious or irrelevant information may be excluded. Character witnesses are not permitted, but up to three (3) character statements from each party can be submitted in writing for consideration during sanctioning. Testimony containing circumstantial information may be heard if relevant, but a final determination may not be based on circumstantial information alone.

S) The parties will be able to question all witness and investigators present at the hearing. Additional opportunities to question those testifying may be afforded by the Presiding Officer and/or the Board.

T) Board members may take informational notice of matters which would be within the general experience of the University community or its students, as long as they do so

during the hearing, and give the parties a chance to challenge and question that information.

U) The Board will make a finding of "responsible" or "not responsible".

V) A determination of "responsible" will be followed by a supplemental proceeding in which the Conduct Administrator may submit information or make statements concerning the appropriate sanction to be imposed and may solicit suggestions from either party.

W) Final decisions of the Board will be by majority vote of the board, and will consider evidence of pattern behaviors including previous similar allegations and violations.

X) A record (such as a digital recording) will be made of every Conduct Review Board hearing. The record of the complaint will be maintained for seven years after the final decision on the complaint.

Y) Special Provisions for Sexual Misconduct/Discrimination Complaints

1) For sexual misconduct complaints, and other complaints of a sensitive nature such as relationship violence or stalking, whether the alleged victim is serving as the Complainant or as a witness, alternative testimony options will be offered, such as placing a privacy screen in the hearing room, or allowing the alleged victim to testify from another room via closed circuit.

2) The past sexual history or sexual character of a party will not be admissible by the other party in hearings unless such evidence is determined to be highly relevant by the Presiding Officer. All such evidence sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or subsequent written request, and must be reviewed in advance of the hearing by the Conduct Administrator.

3) The Complainant alleging sexual misconduct will be notified in writing, simultaneously, with the respondent of the outcome, sanction, and rationale. The Complainant will have a right of appeal, and will be kept apprised of the status of any appeal requests. This is considered a final decision, unless appealed.

4) In any complaint where there is a finding of violation of the sexual misconduct policy, the sanctioning, in addition to standard sanctioning principles, will be guided by the following goals:

(a) To ensure that the discriminatory conduct is brought to an end;

(b) To make reasonable efforts to prevent the reoccurrence of the discriminatory conduct in the future:

(c) To restore the alleged victim, as much as possible, to his/her pre-deprivation status and undo the effects of gender-based discrimination upon him/her and the community.

21) APPEALS

A) Within three business days from written notification of a sanction(s), a student, a student group, or an organization may formally request to appeal. The appeal request will first be reviewed by the Conduct Administrator or designee to determine whether all of the following conditions were present:

1) Whether the sanction(s) imposed were appropriate for the violation of the *Code of Student Conduct*.

2) The original hearing was conducted fairly in light of the allegations and the information presented, and in conformity with prescribed procedures giving the parties reasonable opportunity to prepare and to present regarding the allegations.

3) To consider new information sufficient to alter a decision or other relevant facts not brought out in the original hearing that were reasonably unavailable at the time of the original hearing.

B) If all the aforementioned conditions were present, the decision of the Conduct Review Board will be sustained. If, however, any of the conditions are found not to be present, the Conduct Administrator or designee will forward the appeal to the Conduct Review Appeals Board (Section 22).

22) APPEAL PROCEDURE FOR CONDUCT REVIEW BOARD FINDINGS

A) The Appeals Board will be comprised of three faculty members, each of whom will be selected from the Conduct Review Board pool who did not serve in the initial hearing. Members and alternates will be trained annually by the Conduct Administrator. The responsibility of chairing the Appeal Board will rotate among its members.

B) Requests for appeal must be submitted in writing to the appropriate Dean within three (3) business days of mailing the letter notifying the parties of the findings and imposed sanctions of the Board. Failure to request an appeal within the allotted time will render the original finding and imposed sanctions final and conclusive.

C) A written statement in support of the appeal must be submitted to the Appeals Board through the appropriate Dean within five (5) business days from the date notifying the parties of the original findings and imposed sanctions of the Board. Failure to submit a written statement within the allotted time will render the findings and imposed sanctions of the Board final and conclusive.

D) In appealing sanctions, the written protest will set forth mitigating factors (Respondent), aggravating factors (Conduct Administrator or Complainant), or new information which could justify a lesser or greater sanction.

E) Appeals will be decided upon the record of the original proceedings and upon statements submitted by the parties and/or the Conduct Administrator.

F) The student parties and the Conduct Administrator may have an informal conference with the Appeals Board and the appropriate Dean, at his or her discretion, to present their arguments regarding their appeal of findings and/or imposed sanctions. Regardless of which party or parties elect to appeal, and on what basis, all eligible appeal requests will be consolidated into one final appeal reconsideration.

G) On appeal, the Appeals Board, in consultation with the appropriate Dean, may:

1) Affirm the finding and imposed sanctions of the Conduct Review Board.

2) Return the complaint to the Presiding Officer to conduct an abbreviated or new Conduct Review Board hearing if specified procedural errors or errors in interpretation of University policies were so substantial as to effectively deny a fair hearing, or if new and potentially outcome-determinative information became available that could not have been discovered through diligent investigation before or during the hearing. The finding as to responsible or not responsible on the returned complaint will be final and conclusive. Imposed sanctions will be recommended "on appeal" by the Appeals Board to the appropriate Dean for implementation.

3) Modify the sanctions to be more or less stringent or different from those imposed if there is a compelling justification to do so.

H) The appropriate Dean will simultaneously notify the parties and appropriate University personnel (by letter) of the finding regarding the appeal. This decision is final.

23) ACCESS TO INFORMATION AND RECORDS

A) All information pertaining to investigations and hearing proceedings may be shared only with University employees who have a legitimate educational interest in the information.

B) Students who wish to review and examine their files in the School of Business, or Education, or Continuing Studies Dean's Office may do so in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. Students must submit a request at least 24 hours in advance.

C) Any student, who harms him/herself or others, resulting in even minor medical or emergency services, should expect that whoever is listed on the University emergency notification may be contacted without permission from the student.

D) Alleged victims of any crime of violence will be given written notice of the outcome and any sanctions resulting from the complaint they filed (Section 19.G.1-4).

24) CONDUCT FILES AND RECORDS

A) Complaint referrals result in the maintenance of education records which are associated with the names of every student named therein. The file of students found responsible for any complaints will be retained as conduct records for seven years from the time of their creation, At that time, they may be destroyed unless the record relates to the suspension or expulsion of a student, in which case it may be retained indefinitely.

B) An expulsion will be noted on and released with the student's official University transcript. A suspension can be noted on a transcript, but must be removed when the student graduates from the University of Redlands.

C) Conduct records not covered by Title IX may be expunged by the Conduct Administrator for good cause, upon written petition of the Respondent. Factors to be considered in review of such petition include:

- 1) The present demeanor of the Respondent.
- 2) The conduct of the Respondent subsequent to the violation.
- 3) The nature of the violation and the severity of damage, injury, or harm resulting from it.

D) Conduct records retained for less than ninety (90) days or designated as "permanent" will not be expunged without unusual and compelling justification as determined by the Conduct Administrator.

Approved by the Board of Trustees
Approved 05/16/2014

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