

Robert Morris University Code of Student Conduct 2012-2013

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Robert Morris University

Code of Student Conduct

All students at Robert Morris University, both undergraduate and graduate, are expected to conduct themselves in a manner supportive of the missions, processes, and functions of the institution. Integrity, respect for the person and property of others, and a commitment to intellectual and personal growth in a diverse population are values deemed fundamental to membership in the University community.

Through voluntary entrance to the University, students assume obligations of performance and behavior imposed by the University. The following disciplinary rules, although not all-inclusive, are provided as behavioral standards and are designed to help ensure order in the University community, to protect the rights of community members, and to create an environment which can enhance the opportunity for personal growth and development.

Robert Morris University considers the following behavior, or attempts thereof, by any students or student group, whether acting alone or with any other persons, to violate the Code of Student Conduct. Culpability is not diminished for violations that are committed in ignorance of the Code of Student Conduct or under the influence of alcohol, illegal drugs, or improper use of controlled substances.

1. Knowingly and willingly being in the presence of a violation of part of the Code of Student Conduct
2. Acts of incivility or irresponsible and/or disrespectful social conduct
3. Acts of dishonesty, including but not limited to the following:
 - a. Cheating, plagiarism, or other forms of academic dishonesty
 - b. Furnishing false information to any University official, faculty member, or office
 - c. Forgery, alteration or misuse of any University document, record, or instrument of identification
 - d. Tampering with the election of any University recognized student group
 - e. Violation(s) of the Academic Integrity Policy
4. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, including its public-service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises
5. Physical abuse, verbal abuse, threats, intimidation, coercion, bullying, conduct which threatens or endangers the health or safety of any person, and/or acts which are contrary to the ideals of civility and respect for others
6. Sexual misconduct; sexual contact without consent; sexual acts or exploitation committed either by force, intimidation, or through use of the victim's mental incapacity or physical helplessness; sexual harassment

7. Attempted or actual theft of and/or damage to or vandalism of property of the University or property of a member of the University community or other personal or public property
8. Acts which constitute a fire safety hazard including but not limited to the following:
 - a. Failure to evacuate when fire alarms are activated or as instructed for reasons of personal safety by a member of the University staff
 - b. Tampering with fire safety equipment
 - c. Discharging a fire extinguisher without reasonable cause
 - d. Use of fireworks or other items which pose a fire safety threat to the community
 - e. Failure to abide by published room occupancies
9. Hazing, defined as any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, admission into, or affiliation with, or as a condition for continued membership in a group, team, or organization – with or without consent from the individual(s) being hazed
10. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so
11. Unauthorized entry, use, or occupation of University facilities that are locked, closed, or otherwise restricted as to use
12. Unauthorized possession, duplication, distribution, or use of keys to any University premises
13. Violation of published University policies, rules, or regulations
14. Violation of federal, state, or local law on University premises, off campus, or at University sponsored or supervised activities
15. Use, possession, or distribution of narcotics, other controlled substances including, but not limited to synthetic drugs, or paraphernalia associated with the use of illegal substances except as expressly permitted by law and Robert Morris University regulations; receipt of a positive result from random athletic department drug testing
16. Use, possession or distribution of alcoholic beverages except as expressly permitted by the law and Robert Morris University regulations
17. Possession of weapons or other dangerous items including but not limited to firearms, knives, pellet guns, paint guns, BB guns, stun guns, tasers, bows and arrows, fireworks, explosives, or dangerous chemicals on University premises
18. Participation in a campus demonstration which disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any

campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus

19. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored functions or events
20. Conduct which is disorderly, lewd, or indecent; public intoxication; breach of peace; aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by, the University
21. Permitting guests, knowingly or by negligence, to violate any portion of the Code of Student Conduct
22. Theft, abuse, or misuse of technology, including but not limited to
 - a. Accessing any system with another person's credentials (typically an id and password), whether someone gave the information to you or it was hacked.
 - b. Illegally downloading copyrighted material.
 - c. Sharing anyone's login or other confidential information.
 - d. Acting as anyone other than yourself online, whether through someone's account or a false account
 - e. Communicating false information as if it came from an authoritative source
 - f. Interfering with the work of another student or RMU employee
 - g. Harassing or bullying, which includes but isn't limited to sending or posting obscene, false, threatening, or abusive messages
 - h. Hacking or attacking any computer system
23. Abuse of the Student Conduct Process, including but not limited to:
 - a. Failure to obey the summons of a Student Conduct Advisor or University official
 - b. Falsification, distortion, or misrepresentation of information before a Conduct Advisor, Conduct Board or other University official.
 - c. Disruption or interference with the orderly conduct of a student conduct proceeding
 - d. Institution of a student conduct proceeding knowingly without cause
 - e. Attempting to discourage an individual's proper participation in, or use of, the Student Conduct Process
 - f. Attempting to influence the impartiality of a member of a Conduct Advisor, board member witness, accused person, or complainant prior to and/or during the course of the Student Conduct proceeding
 - g. Harassment (verbal or physical) and/or intimidation of a Conduct Board member or Conduct Advisor prior to, during, and/or after a student conduct proceeding
 - h. Failure to comply with the sanction(s) imposed by a Conduct Advisor or board.
 - i. Influencing or attempting to influence another person to commit an abuse of the student conduct process.
24. Harassment or discrimination based on race, color, religion, disability, national origin, sexual orientation, political affiliation, gender, age, marital status or inclusion in any group protected by law.

Robert Morris University Student Conduct Process 2012-2013

Introduction

When a large number of people live and work together in a campus community with concern for one another; it becomes necessary to formulate procedures and regulations to provide for an orderly environment. Consistent with these objectives, the University recognizes an obligation to provide an atmosphere that is conducive to meeting the academic, living/learning, and social goals established by the University and to stimulate an atmosphere of civility and civil discourse where learning and living in a secure environment can flourish.

Certain procedures and regulations have been developed by Robert Morris University to assure quality of opportunity for each student and each student group in attainment of their objectives. For many individuals, becoming a student in the University community represents the first serious challenge to accepting major responsibility. Robert Morris University considers students to be mature individuals who are responsible for establishing and accepting standards for personal and group conduct in accordance with the regulations of the University and laws of the county, state and federal government. The University Student Conduct Process was developed in accordance with the Civility Code, Code of Student Conduct and published University policies that may be found on the Robert Morris University web site at www.rmu.edu.

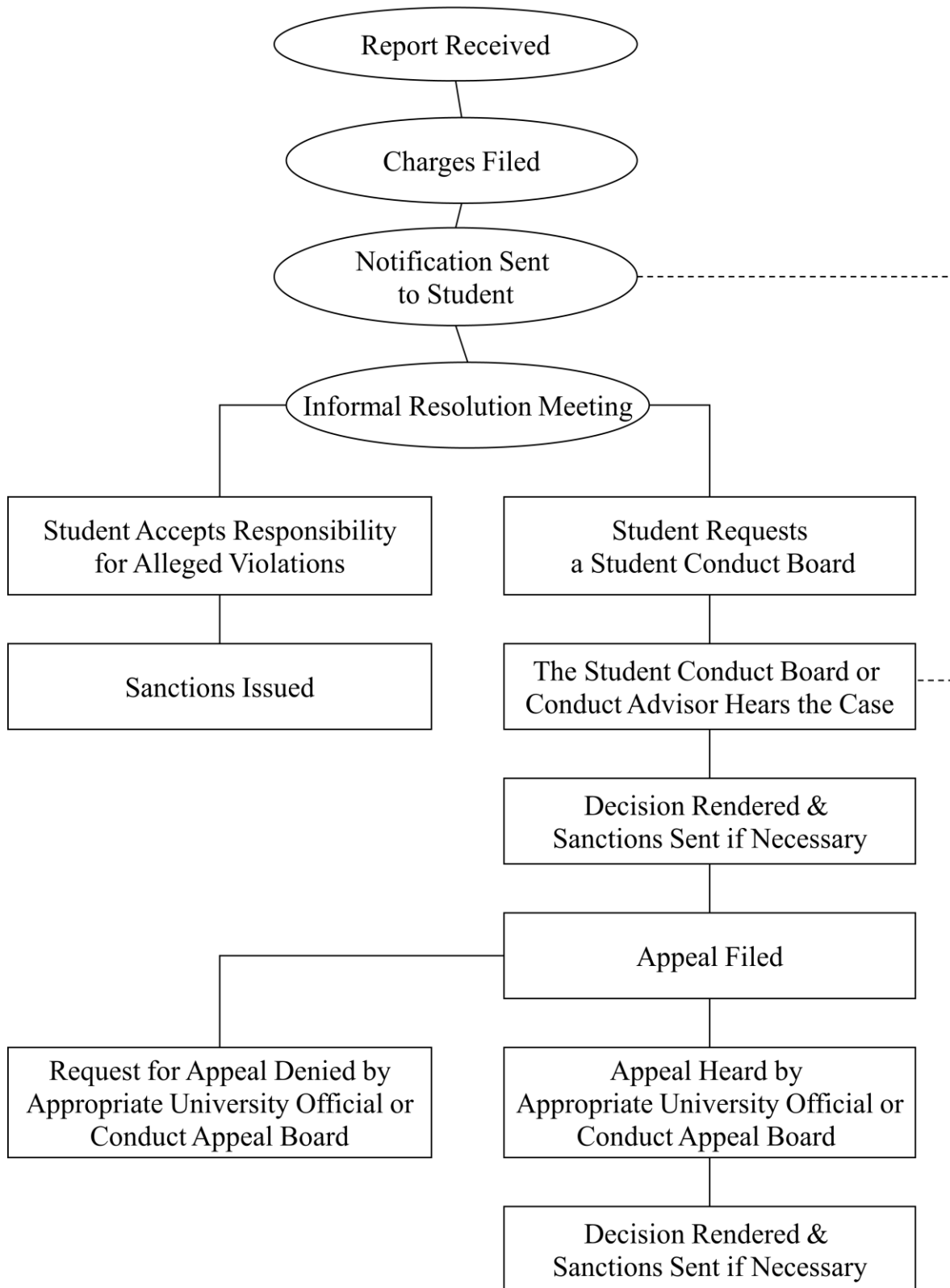
The following description and explanation of the University Student Conduct Process is being provided so that all students, both undergraduate and graduate, will be aware of their individual rights, as well as to assist individuals in their personal growth and development.

Student Conduct Philosophy

In order to protect the welfare and freedom of its students, faculty and staff as well as University property from destruction and misuse, Robert Morris University has formulated the University Student Conduct Process. The University has an obligation to clarify those standards of behavior that it considers essential to its educational mission and its community life. These general behavioral expectations and the resultant specific regulations represent a reasonable standard of student conduct.

Operating a student conduct process in a university environment requires careful investigation and consideration of many factors. Each student will be regarded in light of his/her individual character, his/her actions, and the amenability of that student to the ideals of civility and respect for others. The university believes that each case and each student is unique. The decisions rendered in a particular case will be made from an educational perspective. The decisions will be based on whether or not the individual is fulfilling the responsibilities expected of a student at Robert Morris University.

Student Conduct Process Flowchart



Section 1. Organization/Philosophy

- 1.1 The Trustees and President of Robert Morris University have delegated authority to the University Student Conduct Process to adjudicate cases alleging violations of the Code of Student Conduct by Robert Morris University students.
- 1.2 The procedures included herein apply to the resolution of matters of academic misconduct, social misconduct and related matters. Matters of academic conduct may be resolved via the University Academic Integrity Policy guidelines and/or referred to the University Student Conduct Process as deemed appropriate.
- 1.3 Supervision of the University Student Conduct Process is the responsibility of the Dean of Students and the Office of Student Life. Implementation of these procedures is the responsibility of the Dean of Students or his/her designee, in cooperation with appropriate representatives of the University community.
- 1.4 Robert Morris University is an institution of higher learning where individual growth and development are fostered, excellence is pursued, and the highest standards of integrity are expected in all areas of life. Robert Morris University is committed to providing an environment where persons are safe, property is secure, individual rights of all persons are respected and education of the highest quality is achieved.
- 1.5 The Code of Student Conduct outlines the behavior expected of all students at Robert Morris University, both undergraduate and graduate. Having voluntarily enrolled at Robert Morris University, all students have entered into an agreement to abide by the rules and regulations set forth in the Code of Student Conduct. Each student is responsible to modify his or her behavior to adhere to the requirements of this code and applicable federal, state and local laws.
- 1.6 Violations of the Code of Student Conduct will be adjudicated by the University Student Conduct Process, which is designed to reflect and support the educational mission of the institution and to ensure the fair and equitable treatment of all individuals and groups charged with or victimized by student misconduct.
- 1.7 The decision to pursue allegations of student misconduct through the University Student Conduct Process will be consistent with the philosophies and guidelines outlined in this publication. Sanctions of the University Student Conduct Process are designed to be educational and to develop citizenship, responsibility and accountability in our students.
- 1.8 Robert Morris University considers its Code of Student Conduct as a statement of minimal expectations and seeks to foster a commitment to the highest standards of ethical behavior by the coherent, consistent, and fair manner in which it enforces its rules and regulations. The University views its Student Conduct Process as a learning experience that is intended to result in the growth and understanding of individual responsibilities on the part of all persons.

Section 2. Jurisdiction

- 2.1 The University Student Conduct Process has jurisdiction over all alleged violations of the Code of Student Conduct by any student or recognized student group that may be brought to its attention. Jurisdiction of the University Student Conduct Process extends to alleged misconduct that takes place on University owned or controlled property or on property close to the University, including off campus housing; alleged misconduct that takes place at any University sponsored event; alleged misconduct that takes place at internship sites, student teaching placements, or any site of designated academic activity; and alleged misconduct that has a significant impact on the educational mission and well-being of the University community that takes place at any location off campus.
- 2.2 University Student Conduct proceedings are administrative in nature and independent of any criminal and/or civil proceedings that may be concurrently in process. University student conduct proceedings are intended to enforce the Code of Student Conduct at Robert Morris University although the behavior in question may be simultaneously in violation of federal, state or local laws. The University may notify local and federal authorities when a crime is alleged to have been committed, but such notification will not modify the University's authority to address the alleged misconduct through its own conduct process.
- 2.3 The findings of the University disciplinary process are independent, and, therefore, are not affected by the findings of any criminal or civil proceedings. Students whose charges have been reduced/dismissed in criminal proceedings may be held wholly accountable in the Student Conduct Process,
- 2.4 Violations of the Academic Integrity Policy may be referred to and processed by the Academic Integrity Council, the University Student Conduct Process, or both. The Academic Integrity Council and the University Student Conduct Process are administrative in nature and operate independently of one another. For a detailed description of the Student Conduct Process for Violations of the Academic Integrity Policy by the Academic Integrity Council, please refer to the Academic Integrity Policy at www.rmu.edu/academicintegrity .

Section 3. Overview of the Student Conduct Process

- 3.1 A University Student Conduct complaint may be filed against any student or recognized student group by any member of the University community. Complaints may be filed by a student, faculty member, or staff member by providing a statement to the Dean of Students, Office of Student Life, University Police or with an appropriate University office. All documentation and other evidence associated with the complaint, e.g., University Police or police reports and witness statements, should be included with the statement and submitted to the Office of Student Life. More than one complaint may be filed arising out of the same incident.

- 3.2 Complaints regarding academic dishonesty or abuse of University technology resources will be handled according to specific department/school policy and may be referred to the University Student Conduct Process or Academic Integrity Council at the discretion of the appropriate department director or dean of the school.
- 3.3 The Dean of Students or his/her designee will determine whether a complaint concerns students and/or recognized student groups and whether the complaint concerns subject matter falling within the jurisdiction of the University Student Conduct Process. The Dean of Students or his/her designee further will determine whether the complaint demonstrates sufficient evidence of wrong-doing to warrant further investigation and/or commencement of the conduct process.
- 3.4 The standard of proof applied within the University Student Conduct Process is a preponderance of the believable evidence, which requires a demonstration that it is “more likely than not” that the accused student or recognized student group has violated the Code of Student Conduct.
- 3.5 It is the responsibility of each party to investigate, prepare, and present his or her case before a Conduct Board or other Conduct Advisor. This responsibility includes identifying and presenting any witnesses or witness statements. The University Student Conduct Process is not authorized to mandate the appearance of any witness at a university Student Conduct proceeding. Similarly, neither parties nor their representatives are authorized to mandate or attempt to force the appearance of any person at a University Student Conduct proceeding.
- 3.6 Complainants are permitted to withdraw their complaints subsequent to filing if the Dean of Students and/or his/her designee are satisfied that the complainant’s decision has not been influenced by pressure or intimidation. In the event that the complainant is determined to have been influenced by pressure or intimidation, or in other extenuating circumstances, or where the University’s interests would be served by continuation of the case, the Dean of Students may appoint a University complainant to continue the case.
- 3.7 Upon determining that a complaint meets the technical standards required by the University Student Conduct Process, the investigating office will contact the accused student or recognized student group. The accused student or recognized student group will be invited to participate in an Informal Resolution Meeting with a Conduct Advisor to discuss the allegations. At the discretion of the Dean of Students a complaint may also be sent directly to a University Student Conduct Board.
- 3.8 An accused student or student group must schedule an Informal Resolution Meeting with his/her/its Conduct Advisor within three (3) University business days of receipt of written notification of charges. Failure to schedule or attend an Informal Resolution Meeting will result in the case being heard without the student or student group being present and the right to appeal any decision shall be considered forfeited.

- 3.9 At an Informal Resolution Meeting, the accused student or student group will be advised of his/her/its rights and responsibilities under the Robert Morris University Student Conduct Process. An Informal Resolution Meeting consists solely of the accused student or student group and his/her/its assigned Conduct Advisor. The accused party will also be given the opportunity to assume responsibility for the charges filed or to request that the complaint be considered by a University Student Conduct Board or Conduct Advisor. The accused student or student organization may also be asked to supply a written statement responding to the charges.
- 3.10 If the student or recognized student group accepts responsibility for the alleged violation(s), then the case will be considered resolved. The Conduct Advisor will then notify the accused party in writing of the outcome of the complaint and any sanctions issued as a result. Notice will be sent to the student or student group within five (5) University business days of the completion of the meeting. In cases where multiple parties must meet with a Conduct Advisor in connection with a single complaint, completion of the investigation will be considered the Informal Resolution Meeting with the last accused party. Once an informal resolution is reached, the decision is final and will be revisited only where new information becomes available that tends to demonstrate that a substantial error has occurred. In such a case, the accused student or the complainant may submit a written petition for reconsideration of the case to the Dean of Students or his/her designee. The decision of the Dean of Students or his/her designee regarding the reconsideration is final.
- 3.11 If an informal resolution cannot be reached, the complaint will be reviewed by the Dean of Students and/or a designee. The case will be assigned to a Student Conduct Board for formal resolution or returned to the original Conduct Advisor for consideration. The conduct board process is described in Sections 7 through 9 herein.
- 3.12 A student who chooses to withdraw from the University rather than participate in the conduct process will be classified in the Student Conduct files as having been withdrawn for disciplinary reasons. This status will be noted on the student's transcript as a voluntary withdrawal. A student who withdraws under these circumstances is not permitted to enter onto Robert Morris University owned, operated, or controlled property nor to participate in any class or program offered by Robert Morris University until the pending matter is resolved.
- 3.13 Robert Morris University may seek to notify parents or guardians of student conduct issues involving their dependant as follows:
- a. In all emergencies;
 - b. In all serious cases, including all drug-related matters;
 - c. After finding of responsibility in all cases of repeated (more than one) violations of the Code of Student Conduct; and,
 - d. After final consideration as dictated by sanctions issued.

Robert Morris University may seek to notify parents or guardians of conduct issues involving non-dependent students as follows:

- a. In all emergencies
- b. After finding of responsibility in all drug-related matters;
- c. After finding of responsibility in repeated (more than one) alcohol offenses; and,
- d. After final consideration as dictated by sanctions issued.

Other disclosures of student discipline records not described will be handled consistent with Section 13.

Section 4. University Student Conduct Board

- 4.1 The University Student Conduct Board is comprised of students, administrators, staff, and faculty. A minimum of three (3) and a maximum of five (5) representatives may serve on the board. When the accused student lives in a University residence, at least one (1) of the board members will be a Residence Life staff member. In all cases including those involving non-consensual sexual activity or a felony arrest, the complainant or the accused student may request that a non-student University Student Conduct Board comprised of three (3) members drawn from the faculty, staff, or administration be appointed by the Office of Student Life. The University Student Conduct Board is advised by the Office of Student Life or, in cases of non-consensual sexual activity or felony arrest, by the Dean of Students under the consultation of the University attorney. The individual who assumes the role of advisor to the University Student Conduct Board shall be referred to herein as the Conduct Board Chairperson.
- 4.2 The University Student Conduct Board may hear any case of alleged violation of the Code of Student Conduct filed against individual students, student groups, or cases of academic dishonesty. The University Student Conduct Board may impose sanctions up to and including expulsion from the University and may design sanctions that are educational in nature. The Dean of Students and/or his/her designee will confirm the applicability of such sanction. In some instances, the Dean of Students or his/her designee may adjust the sanctions if it is in the best interest of the student or the university community.
- 4.3 Appeals of decisions made by the University Student Conduct Board that meet the criteria set forth in Section 11 are heard by the Dean of Students and/or his/her designees, or in specific cases, a University Conduct Appeal Board.
- 4.4 A University Conduct Appeal Board typically consists of the Dean of Students and the Assistant Dean of Students and/or a designee appointed by the Dean of Students. The Dean of Students can appoint any combination of University staff, faculty and

students to stand in as the Conduct Appeal Board to consider an appeal on his behalf. A University Conduct Appeal Board has authority to hear appeals from decisions of any Student Conduct Board that meet the criteria set forth in Section 11. In addition, the University Conduct Appeal Board has authority to review the decision rendered by any Conduct Advisor described within these procedures. Members of the University Conduct Appeal Board are appointed by the Dean of Students from members recommended by the University community. The University Conduct Appeal Board is advised by the Dean of Students, or if these persons have been involved in the original board meeting, by a designee of the Dean of Students. The individual who assumes the role of advisor to the University Conduct Appeal Board shall be referred to herein as the Conduct Board Chairperson.

- 4.5 The Dean of Students or the University Conduct Appeal Board may re-hear cases or limit the proceedings to the specific issues outlined in the appeal, depending on the nature of the case. The board considering the appeal may change lower board decisions, increase or decrease sanctions, or return cases to the respective Conduct Board for further process. The University Conduct Appeal Board or other board considering the case may impose sanctions up to and including expulsion from the University and may design educational sanctions appropriate to a given case. The Conduct Board considering the appeal also determines whether substantial mitigating or exacerbating circumstances warrant reduction or enhancement of the standard sanction.
- 4.6 Decisions of the University Conduct Appeal Board or other board considering the appeal are final when reviewed and confirmed by the Dean of Students.

Section 5. Roles of Administration

- 5.1 The Office of Student Life is responsible for the coordination of support and advisory resources that are available to complainants and accused students involved in the University Student Conduct Process. The Office of Student Life will guide parties to resources for on-campus counseling, procedural advice or personal support as necessary.
- 5.2 The Dean of Students and the Office of Student Life are responsible for the overall supervision of the University Student Conduct Process, the appointment of University Conduct Appeals Board members, and the confirmation of their decisions, except as otherwise provided herein.
- 5.3 The Dean of Students or his/her designee directs all case resolution and data collection activities of the University Student Conduct Process; provides case management services; assigns Conduct Advisors; and, provides training, advising, and educational programming to members of the University community concerning the University Student Conduct Process. The Dean of Students and/or his/her designee administrates the University Student Conduct Process, approves informal

resolutions to conduct complaints; appoints University Student Conduct Board Members and Chairpersons; confirms University Student Conduct Board decisions; advises or arranges for the legal advisement of the University Student Conduct Process consistent with applicable laws and regulations.

- 5.4 The Conduct Advisors are professional staff members who educate complainants and accused students with regard to University Student Conduct Process procedures; act as case managers in reaching informal resolutions of conduct complaints; and, manage referrals to University and community resources designed to assist in fulfilling conduct sanctions. The Conduct Advisors will also offer follow up support for students subsequent to the resolution of their conduct cases.
- 5.5 The Conduct Board Chairperson is a professional staff member assigned to advise a University Student Conduct Board or University Conduct Appeals Board. He/she will preside over the formal board meeting process to ensure that all policies and procedures are followed correctly. When a case is remanded to a board, the assigned Conduct Board Chairperson will also assume the role of Conduct Advisor to the complainant and the accused party. The Conduct Board Chairperson will be a non-voting member of the board except in cases where a tie vote must be broken.

Section 6. Interim Suspension and Other Administrative Actions

- 6.1 The status of an accused student will not be changed while a case is pending against him or her, unless the Dean of Students, or his/her designee, determines that an interim suspension is required to promote the safety and well-being of the University community or the accused student. In all cases involving felony charges, the accused student will face interim suspension.
- 6.2 Where an interim suspension is imposed in a case involving the arrest of the accused student, the University may require the associated criminal matter to be resolved in full prior to the University Student Conduct Process hearing the case. In circumstances where a criminal matter remains pending or in other unusual circumstances, including those described in Section 6.3, students who seek to have their cases heard on the merits prior to any criminal proceeding may file a written request for a meeting with the Dean of Students or his/her designee who will act in the role of Conduct Advisor in deciding the case. The University reserves the right to conduct proceedings under the University Student Conduct Process prior to, simultaneously with, or following civil or criminal proceedings off campus.
- 6.3 Certain administrators have been granted authority by the Dean of Students to take specific administrative actions to promote the safety and well being of members of the University community and to enforce other administrative policies.

- a. The Director of Residence Life or his/her designee is permitted to respond on an emergency basis to behavioral incidents alleged to violate the Code of Student Conduct occurring within or otherwise impacting the safety of any housing on a temporary basis pending a fulfillment of specific conditions and/or review of the matter by the University Student Conduct Process.
- b. The Director of Student Health Services, Crisis Counselor, Psychologist, or his/her designee, may advise the Dean of Students as to student use of illegal substances or abuse of any substance; student failure to produce proof of immunization; or any other student behavior that poses a health or safety risk to the student or others. He/she may further recommend that the student's participation in an assessment, educational program, and/or other intervention designed to respond to the student's or others needs should be required. A student who fails to attend and actively participate in the assessment, educational program, and/or other intervention as required or who engages in behaviors that pose a significant health or safety risk to the student or others may be withdrawn from the University for medical reasons. This withdrawal will extend until the student demonstrates completion of an equivalent assessment, educational program and/or other intervention satisfactory to the Director of Health Services, Crisis Counselor, Psychologist and/or his/her designee. The Dean of Students will determine whether and under what conditions the student will be permitted to return to the University.

In emergency medical or physiological circumstances, students may be removed immediately from the University pursuant to Section 14 of these procedures.

Section 7. Rights of Complainants and Accused Students

- 7.1 Prior to a conduct board, on the merits of a case, each party (i.e., the complainant(s) and accused student(s)) will be given written notice of the charges stating: the alleged facts upon which the charges are based, the sections of the Code of Student Conduct alleged to have been violated, the procedures to be used in resolving the charges, and the date, time, and location of the meeting. Notice will be delivered at least three (3) University business days prior to the meeting and will be considered complete when placed at the door of the address last given by the student to the University, delivered to the student's University email account or in any other manner reasonably designed to give notice to the student.
- 7.2 Each party will be given an opportunity to be heard before an impartial University Student Conduct Board or Conduct Advisor in a timely manner – usually within thirty (30) days of the filing of the written complaint. Attendance at board meetings is limited to the board members and its advisor and the parties immediately involved and their advisors. Witnesses are permitted access to the meeting room solely for the purpose of and duration necessary to provide testimony. Individuals not directly

involved with the meeting in progress will not be permitted in the immediate vicinity of the meeting room.

- 7.3 Each party may have the opportunity to face the opposing party and/or to ask questions indirectly through the University Student Conduct Board. The Student Conduct Board has the discretion to determine the manner in which and to what extent questioning of witnesses may occur.
- 7.4 The University Student Conduct Board may be advised at all times by the Conduct Board Chairperson. No attorney will be permitted to participate in the Student Conduct Process on behalf of the complainant or the accused student. Students are permitted to have one (1) self-selected Advisor present. The Advisor must be a student, faculty member or administrator at Robert Morris University, or the student's parent or legal guardian. Advisors, when permitted to participate, are limited to the role of advising the student as described in Section 9.5. If an Advisor fails to abide by our policies, he/she will be removed from the proceedings and barred from acting as an Advisor in future University Student Conduct proceedings. In such circumstances the board will determine whether to proceed with the board meeting without the presence of the Advisor or to forward the case to the Dean of Students for resolution before a Conduct Board Advisor.
- 7.5 Each party will have the opportunity to present relevant testimony and/or evidence to the Conduct Board Members on his/her behalf and the opportunity to respond to testimony or evidence presented by other parties. The Conduct Board Chairperson will determine the relevance of testimony.
- 7.6 An audio recording will be made of all board meetings involving violation of the Code of Student Conduct. This recording is the sole property of Robert Morris University and is only permitted for review by appropriate University officials as designated by the Dean of Students.
- 7.7 Each party will receive written notice of the Conduct Board's confirmed decision within five (5) University business days after the meeting is concluded. A board is considered concluded at the point the University Student Conduct Board's deliberations are complete.

Section 8. Responsibilities of Complainants and Accused Students

- 8.1 Each party must appear at the meeting as specified. If either party fails to appear at the meeting, the University Student Conduct Board may proceed and consider the case in the absence of the student(s), dismiss the complaint, or reschedule the board meeting, as the facts and circumstances of the case indicate.
- 8.2 Each party must act in a manner that is respectful of the proceedings and the rights of all individuals involved. It is the responsibility of each party to assure that their Advisor, witnesses and other affiliates act in a manner that is respectful of the proceedings and

the rights of all individuals involved. The Conduct Board Chairperson shall retain the option to discontinue the board meeting and forward the case for administrative resolution by the Dean of Students and/or his/her designee, when the behavior of any person has become an encumbrance likely to have a detrimental impact on the outcome of the board.

- 8.3 Each party must answer pertinent questions truthfully during the board meeting or choose to remain silent. The board may draw inferences from the statements and silence of any person with respect to the pertinent question. False testimony by any person may give rise to further disciplinary action or an enhancement of sanction at the discretion of the board members.
- 8.4 At the board meeting each party must offer all information known or available to him/her that he/she desires to be considered. Each party is responsible for calling witnesses to testify on his/her behalf and for providing a list of potential witnesses, including witness names and whether a witness will testify to facts in issue or to the character of the offering party. This list must be submitted to the Office of Student Life at least 48 hours in advance of the meeting. The Office of Student Life will make witness lists available to the opposing party. The Conduct Board Chairperson will have the discretion to limit the number of witnesses to be called by either party, taking into consideration the following guidelines:
 - a. All fact witnesses will be heard, unless the Chairperson determines evidence is cumulative or irrelevant, or would unnecessarily compromise the confidentiality of the board meeting.
 - b. Each party will be limited to one character witness but may submit, in lieu of additional character testimony, one or more statements signed by other persons who must certify to the truth of the statements.
 - c. Witnesses who have not been disclosed to the Office of Student Life at least 48 hours in advance will be heard only if the board votes to allow their testimony.

Section 9. Student Conduct Board Procedures

- 9.1 The purpose of the meeting is to provide the opportunity for complainants and accused students to present all relevant facts and other evidence with regard to alleged violations of the Code of Student Conduct. It is the responsibility of the University Student Conduct Board to consider impartially all relevant testimony and other evidence, determine the facts, and impose appropriate sanctions. Decisions of the respective Student Conduct Boards are subject to review and confirmation by the appropriate University officials, as outlined in Section 4.2.
- 9.2 The University Student Conduct Process is an internal, administrative process in which the rules of evidence used in criminal and civil proceedings do not apply. The standard of proof used to decide matters within the University Student Conduct Process is a preponderance of believable evidence as described in Section 3.4.

- 9.3 University Student Conduct Process meetings are confidential and closed to persons not directly related to the case. The results of University Student Conduct proceedings are held confidential in accordance with applicable law. The University reserves this right to correct any misinformation with regard to University Student Conduct Process actions that may be circulated in the media when the well being of the community so requires. The University will publish data related to the activities of the University Student Conduct Process on a periodic basis consistent with constraints imposed by law.
- 9.4 Complainants, accused students, and the University, as represented by the respective Conduct Board Members, are the principal parties in University Student Conduct proceedings. All parties, advisors, witnesses, and Conduct Board Members are expected to maintain the confidentiality of University Student Conduct Process proceedings.
- 9.5 Advisors to the students, as defined in Section 7.4, have no standing in University Student Conduct proceedings, except to provide assistance to their respective parties in a quiet, non-disruptive manner. Advisors do not represent or speak for their respective parties, except at the request of the Conduct Board Chairperson.
- 9.6 Conduct Board Chairpersons appointed by the Dean of Students or his/her designee, will preside at each board. The chair of the board serves as the Conduct Advisor to students involved in the case.
- 9.7 The order of presentation at the board will be as follows:
- a. Introductions and reading of the complaint/appeal by the chairperson;
 - b. Opening statements- confirmation of complaint by complainant;
 - c. Presentations of statements/evidence/witnesses by the complainant;
 - d. Presentation of statement/evidence/witnesses by the respondent;
 - e. Closing statement by the complainant;
 - f. Closing statement by the respondent.

In cases involving nonconsensual sexual activity, felony arrest, or in other appropriate circumstances, the order of presentation at the board meeting may be changed at the discretion of the Conduct Board Chairperson.

- 9.8 The University Student Conduct Board Members may ask questions at any time subject to limitations of relevance, as determined by the Chairperson. The parties may ask questions directly or indirectly through the Chairperson subject to reasonableness and relevance, as determined by the Chairperson. In cases of alleged nonconsensual sexual activity, evidence of the complainant's prior sexual conduct will not be admissible, unless it proves or tends to prove specific instances of the complainant's prior sexual

conduct with the accused student. Admissibility of evidence regarding the past sexual behavior of either party will be resolved prior to the board meeting at the discretion of the Chairperson consistent with Section 7.5.

- 9.9 University Student Conduct Board decisions are made in private and by a majority vote of the board members. Decisions may be withheld pending further information gathering or as time constraints dictate. All University Student Conduct Board decisions are subject to confirmation by the appropriate University official.
- 9.10 All parties will be informed of the confirmed University Student Conduct Board decision in writing within five (5) University business days after the conclusion of the meeting. A board is considered concluded when all board deliberations are complete and a final decision is rendered. All deliberations of the University Student Conduct Board are considered confidential.

Section 10. Sanctions

- 10.1 University Student Conduct Process sanctions are official actions of the University. Failure to comply with sanctions that are imposed by the University Student Conduct Process, or with specific conditions related to the safety and security of any persons or property while a case is pending, may result in a hold on the student's academic records, indefinite suspension or expulsion of the student or group from the University without benefit of further process.
- 10.2 The following sanctions, or any combination thereof, may be applied to any individual student, group of students, or recognized student groups, for violations of the Code of Student Conduct and related University policies.
- a. **Warning** - In instances of less serious deviations from the University norms of conduct, the student(s) may be formally warned of the possible consequences of continuing such behavior. No other specific action is required unless further misconduct occurs. Final warnings are issued when students have established a pattern of violating the Code of Student Conduct. A future violation may result in suspension from the University and/or University housing.
 - b. **Educational Intervention** - The primary goal of the University Student Conduct Process is education. Respective boards and Conduct Advisors may design sanctions that are specific to an individual case when it is determined that educational value may result and the interests of the University community are maintained. Examples of educational sanctions include, but are not limited to: community service, presentations, alcohol/drug education, research tasks, intervention meetings, and writing assignments.
 - c. **Residential Relocation** - This status indicates that a student is not eligible to live in and/or visit some of the University's residential facilities. A residential

relocation involves the reassignment of a student's living unit within University housing and usually prohibits the student from returning to the residential area associated with the former living assignment.

- d. **Disciplinary Probation** -The sanction of probation means that a student must prove him/herself to be a responsible member of the University community. Engaging in violations during the probationary period will result in more severe disciplinary action. The student or student group is permitted to remain enrolled at or retain recognition by the University under stated conditions, depending upon the nature of the violation and upon the potential learning value that may derive from specific restrictive measures. Further violations may result in immediate suspension, or expulsion from the University.
- e. **Restitution** – This sanction requires repayment to the University and/or complainant(s) and/or victim(s) for loss, damage, or injury occurring as a result of a violation of the Code of Student Conduct. Restitution may take the form of appropriate service and/or monetary or material replacement.
- f. **Restriction of Privileges** – For the designated period of time the student may not participate in specified activities of the University and/or may have specific privileges revoked at the discretion of the board or advisor.
- g. **Persona-Non-Grata - Residence Halls** – During a time frame designated by the Conduct Advisor or board, the student may not enter the residential corridor. The student is also restricted from any University activity or program that occurs within the residential corridor of campus. The residential corridor is the residential facilities and the lawns, parking spaces and roads, between the residence halls on the Moon Township campus.
- h. **Persona-Non-Grata - Campus** – During a time frame designated by the Dean of Students or Student Conduct Board, the student is not permitted on Robert Morris University property or at events on or off campus sponsored by Robert Morris University.
- i. **Residential Suspension** - A residential suspension involves the student's removal from housing for a period of time specified by the Dean of Students or a Student Conduct Board. Completion of specific conditions and any additional sanctions may be required in order for the student to return to housing. During the period of suspension, the student will automatically be listed as Persona-Non-Grata from all residential facilities and the residential corridor.
- j. **Residential Expulsion** - A residential expulsion involves the student's permanent separation from all residential facilities at Robert Morris University. The student may not reapply at any point for re-admission to University residential facilities. The student will automatically be listed permanently as Persona-Non-Grata from the residential facilities and corridor.

- k. **Interim Suspension** - This action by the Dean of Students, or his or her designee, is a temporary suspension from the University while a student conduct case is pending. An interim suspension may be broad and inclusive or may be restricted to a specific location and/or function and is based on the determination that the safety and well being of the University community and/or specific persons are at risk.
- l. **Suspension** - This action results in the involuntary withdrawal from the University, or loss of “recognition” for a recognized student group, for a specific amount of time or until specific conditions have been met. A suspended student or student group is prohibited from any presence or activity on University owned, operated, or controlled property and from participation in any class or program offered by Robert Morris University.

A student or student group placed on a status of suspension is permitted, after a prescribed period of separation, to submit a petition demonstrating his/her/its good citizenship in the time away from the University and potential for making positive contributions in the future. Individual student petitions are required to include: a personal essay evidencing the learning the student has gained from the incident that led to the suspension; the manner in which the student has been occupied since his/her departure from the University; and, the specific commitments the student will make to contributing positively to the University community if offered the opportunity for readmission; documented evidence of the student’s completion of substantial service to the community; documented evidence of gainful employment and/or completion of or documented evidence of completion of any special assignments identified for the student by the Dean of Students at the time of or subsequent to the student’s departure. This petition is reviewed by the Dean of Students who will determine whether and under what conditions a student may be permitted to return to the University in a future semester. Petitions on behalf of student groups will include elements specific to the type of student organization, as determined by the Dean of Students and the Office of Student Life.

- m. **Expulsion** - This action is the permanent separation of the student, or student group, from the University, its programs and facilities. It is the most severe disciplinary action that the University Student Conduct Process can impose. An expelled student is prohibited from any presence or activity on University owned, operated, or controlled property and from participation in any class or program offered by Robert Morris University.

10.3 Standard sanctions have been adopted by Robert Morris University to respond to specific violations of the Code of Student Conduct. The University seeks to provide meaningful consequences for violations of University expectations and to ensure that students are provided opportunities to access education, counseling, and support.

Standard sanctions apply only to those offenses described in the Sanctioning Guidelines listed herein. Incidents falling within the Code of Student Conduct but not described in the Sanctioning Guidelines will be handled on a case-by-case basis in light of all the circumstances.

Other specific situations to which standard sanctions do not apply are as follows:

- a. Where a student or student organization is found to have engaged in multiple violations of the Code of Student Conduct in a single incident, rather than solely in the violation addressed by the standard sanction;
- b. Where a student or student organization is already on a conduct sanction status equal to or greater than the standard sanction for a subsequent offense;
- c. Where a specific incident presents exacerbating circumstances, an ongoing risk to persons or property, or other serious concerns; and/or
- d. Where the student or student organization is on current disciplinary probation thus the violation may be subject to more severe penalty consistent with stipulations issued by a previous Conduct Board or Conduct Advisor.

In these situations, the appropriate sanctions will be determined on a case-by-case basis in light of all the circumstances. Generally, these situations will result in sanctions in excess of the standard sanction.

The presence of substantial mitigating or other appropriate circumstances may result in the reduction of a standard sanction at the discretion of the Dean of Students or his/her designee, or the University Conduct Appeal Board.

SANCTION GUIDELINES			
Category	1st Violation	2nd Violation	3rd Violation
Violation of the Alcohol Law or Alcohol Policy: Under 21 or Over 21 & supplying alcohol to minors	Probation – 1 year from the date of occurrence Alcohol 101 Educational Intervention Parent Notification	Warning Probation - remainder of academic career Educational Intervention 5 Hours Community Service Parent Notification	Suspension from RMU and/or Housing for a year PNG from Housing Educational Intervention Parent Notification
Violation of the Alcohol Law or Alcohol Policy: Over 21 and not supplying to minors*	Educational Intervention Alcohol 101 Parent Notification	Probation – 1 year from the date of occurrence Educational Intervention 5 Hours Community Service Parent Notification	Probation - remainder of academic career Warning Educational Intervention Parent Notification
Use or possession of illegal drugs or controlled substances or drug paraphernalia Receipt of a positive result from Athletic Department drug testing	Suspension from housing for a minimum of 1 academic year PNG from Housing Probation – remainder of academic career Educational Intervention Parent Notification	Suspension from the University for a minimum of 1 academic year PNG from University Parent Notification	Expulsion from the University PNG from University Parent Notification
Violation of IT Usage Policy	Two day suspension from internet access from res. hall network Educational Intervention Parent Notification	Two week suspension from res. hall network Warning Educational Intervention Parent Notification	One month suspension from res. hall network Warning Educational Intervention Parent Notification

The Department of Athletics will be notified of any incident involving a student athlete.

*A fourth alcohol violation for a student who is over 21 years old and not supplying to minors may result in suspension from the university and/or Housing; PNG from Housing; Educational Intervention; Parent Notification.

SANCTION GUIDELINES			
Category	1st Violation	2nd Violation	3rd Violation
Manufacture or distribution of illegal drugs or controlled substances	Suspension from the University for a minimum of 1 academic year PNG from University Parent Notification	Expulsion from the University PNG from University Parent Notification	N/A
Possession and/or use of weapons on University property or at a University function	Suspension from the University for a minimum of 1 academic year PNG from University Parent Notification	Expulsion from the University PNG from University Parent Notification	N/A
Tampering with or false activation of fire safety equipment	Suspension from the University for a minimum of 1 academic year PNG from University Parent Notification	Expulsion from the University PNG from University Parent Notification	N/A
Theft of identity and/or taking action under another person's account Hacking or attacking any computer system	Suspension from RMU for a minimum of 1 academic year PNG from University Parent Notification	Expulsion from the University PNG from University Parent Notification	N/A

The Department of Athletics will be notified of any incident involving a student athlete.

Section 11. Appeals

- 11.1 Decisions of University Student Conduct Boards or Conduct Advisors are effective immediately, unless a written request for an appeal is received by the Office of Student Life within three (3) business days after the confirmed decision is made available. Written requests should include the basis for the appeal consistent with Section 11.2, and any evidence to support the request.
- 11.2 Appeals may be filed by any party involved in a conduct proceeding and must be based on one or more of the following:
- a. New evidence not reasonably available at the time of the original board meeting, the absence of which can be shown to have had a detrimental impact on the outcome of the board meeting.
 - b. Procedural error that can be shown to have a detrimental impact on the outcome of the board meeting.
 - c. Errors in the interpretation of University policy so substantial as to deny either party a fair board meeting.
 - d. Grossly inappropriate sanction having no reasonable relationship to the charges.
- 11.3 The Dean of Students and/or his/her designee will determine whether the grounds for appeal have been satisfied and whether further process is necessary to resolve the appeal.
- 11.4 Findings of fact will be accepted as determined by the original University Student Conduct Board or Conduct Advisor, unless the Dean of Students or University conduct appeal board determines that the original board acted in an arbitrary, capricious, or unfair manner.
- 11.5 The board or advisor hearing the appeal, as defined in Section 4.3, will make a decision based on the written request for an appeal within ten (10) business days, or indicate in writing what further process is necessary for final resolution.
- 11.6 The board or advisor hearing the appeal may re-hear or limit the proceedings to the specific issue(s) outlined in the appeal, depending on the nature of the case. The specific decision may be affirmed or overturned, the sanction may be increased or decreased, or the case may be returned to the previous Student Conduct Board for additional process. Standard sanctions may be altered where substantial mitigating or exacerbating circumstances are found to warrant reduction or enhancement of the standard sanction.
- 11.7 Decisions of the University Conduct Appeal Board or other Conduct Advisor considering an appeal, as defined in Section 4.3, will be final when reviewed and confirmed by the Dean of Students.

- 11.8 The Dean of Students, or the University Conduct Appeal Board, as appropriate, may interview any participant in an earlier proceeding, change the decision, increase or decrease the sanction, or return the case to another Student Conduct Board for further process. Decisions of the Dean of Students are final. Review and confirmation by the Dean of Students will be made within ten (10) University business days after the decision of the University Conduct Appeal Board is complete. Parties will be informed of the outcome of any appeals only upon confirmation by the Dean of Students.

Section 12. Modification of Procedures

- 12.1 Robert Morris University reserves the right to modify its student conduct procedures and appeals process, with written notice to the complainant and the student, when classes are not in session, during the summer session, when safety and security issues so demand, when special expertise is needed to ensure fairness, or in other circumstances where, in the University's sole discretion, the procedures described herein are deemed insufficient to meet the objectives of educating and protecting members of the University community.

Section 13. Disciplinary Records

- 13.1 Access to disciplinary records is provided in accordance with the Family Educational Rights and Privacy Act of 1974, as amended.

Disciplinary records maintained by Robert Morris University are retained for seven years from the date of the most recent incident in the student's file or until one year after the student has graduated from the University, whichever is longer. Records of students who are suspended, expelled, prohibited from future enrollment, or otherwise withdrawn for disciplinary or medical reasons, are retained indefinitely.

Section 14. Involuntary Medical Withdrawal

- 14.1 Robert Morris University reserves the right to withdraw a student temporarily from the institution for misconduct that has its basis in a psychological or medical condition. Such action of the Dean of Students, or his or her designee is not automatic, will be done with appropriate professional consultation, and will be subject to a case by case evaluation based on the specific facts and circumstances existing at the time, plus any available medical information and/or documentation. The student will be provided with written notice of the reason(s) for the withdrawal and an opportunity to be heard by the Dean of Students or his/her designee(s), in accordance with his/her direction.

Alcohol Policy

Alcohol may be consumed on campus under the following guidelines:

1. The presence of alcohol in the residence of students over the legal age of 21 is acceptable if not publicly displayed and if not used in the presence of or provided to those who are underage.
2. Unless expressly approved by the University, possession, consumption or display of alcoholic beverages in any public area of the University buildings or grounds or at University events is strictly prohibited.
3. Public drunkenness or disorderly behavior while under the influence will result in appropriate disciplinary action.
4. Students who are underage may not possess or drink alcoholic beverages on campus. Students who are underage may not be in the presence of others consuming alcohol, even if a room or apartment is shared by students on both sides of the legal drinking age.
5. Substantial quantity of alcoholic beverage or common source containers (e.g., beer kegs, beer balls or punch bowls) may not be brought into the residence halls.
6. Alcoholic beverage bottles, cans, empty kegs, beer balls, taps, etc. may not be used for decorative purposes in the residence halls.
7. Individuals or groups sponsoring formal or informal events off-campus are responsible for upholding the Pennsylvania alcohol law.
8. Students are responsible for removing containers of alcohol for a room, suite, or apartment, when asked by a residence life staff member. Housekeeping staff are not responsible for cleaning or removing alcohol related container trash.
9. No residence hall room, lounge, common area, space or assigned student organizational suite may contain paraphernalia or equipment for drinking games. Students are prohibited from participating in drinking games in the residence halls. The definition of drinking games includes but is not limited to the consumption of shots of alcohol, liquor or alcoholic beverages, the practice of consuming shots equating to one's age, beer pong, century club, dares or any other activity involving the consumption of alcohol which involves duress or encouragement related to the consumption of alcohol.

Resident students who violate the Alcohol Policy can be disciplined under the University Code of Student Conduct Process and may be prosecuted under the Pennsylvania criminal statutes. Even if the criminal justice authorities choose not to prosecute, the University can pursue disciplinary action, which may result in dismissal from the University.

Drug Policy

The use, possession, manufacture or distribution of narcotics and other controlled substances is prohibited and is considered contrary to the Code of Student Conduct. Any exception will only be for instances expressly permitted by law. Paraphernalia associated with the use of illegal substances is not permitted on University property or at University sponsored events. Hookah pipes and/or other legal smoking devices are prohibited in the residence halls. Athletes should be aware as well that a positive drug test constitutes a violation of the University drug policy. The University encourages all members of the Robert Morris community to be aware of the consequences of the use, possession or distribution of narcotics or other controlled substances.

Individuals charged with use, possession, manufacture or distribution of narcotics or other controlled substances can be disciplined under the University Student Conduct Process and may be prosecuted under Pennsylvania criminal statutes. Even if the criminal justice authorities choose not to prosecute, the University can pursue disciplinary action, which may result in dismissal from the University.

Hazing Policy

The practice of hazing in any organization at Robert Morris University is prohibited and in violation of the laws of the Commonwealth of Pennsylvania. The University defines hazing as any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, harassment, or ridicule for the purpose of initiation, admission into, or affiliation with, or as a condition for the continued membership in a group, team, or organization – with or without consent from the individual(s) being hazed.

Smoking Policy

It is Robert Morris University policy that no smoking is permitted at any time inside University buildings, residence halls, offices, University vehicles or any other interior space. Smoking is not permitted within 15 feet of any entrance door, open window or air intake. Individuals desiring to smoke may do so in the designated areas where ash receptacles are located. Violators of this policy are subject to appropriate disciplinary action.

Sexual Misconduct Policy

The University is a community of trust whose existence depends on strict adherence to standards of conduct set by its members. Sexual misconduct is a serious violation of these standards and will not be tolerated.

The University encourages all members of the University community to be aware of both the consequences of sexual misconduct and the options available to both the accuser and the accused. The University urges the accuser to seek assistance using any appropriate resources.

A student charged with sexual misconduct can be disciplined under the University Student Conduct Process and may be prosecuted under Pennsylvania criminal statutes. Even if the criminal justice authorities choose not to prosecute, the campus can pursue disciplinary action. This disciplinary action could result in dismissal from the University.

Sexual misconduct is defined as sexual contact without consent. To constitute lack of consent, the acts must be committed either by force, intimidation, or through use of the victim's mental incapacity or physical helplessness. Verbal misconduct may constitute sexual harassment, which is also prohibited under University regulations and is specifically addressed in University policies outlined on the RMU web page.

The University has an obligation to uphold the laws of the state of which it is a part. While activities covered by the laws of the Commonwealth of Pennsylvania and those covered by the University's rules may overlap, the Commonwealth's laws and the University's rules operate independently and do not substitute for each other.

The University 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 and the courts, to determine whether University rules have been broken. The University will make no attempt to shield members in the University community from the law, nor would it intervene in legal proceedings on behalf of 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 of the University's regulations.