

# Mansfield University

# Student Code of Conduct

(Revised: 12/2014)

**Note:** Students are accountable for the information contained in this Student Code of Conduct as electronically published at [www.mansfield.edu](http://www.mansfield.edu). The University reserves the right to change or modify the contents listed herein. Check your Mansfield University email on a regular basis for updates about this document.

Find the Student Code of Conduct on the Student Affairs web site at:

<http://www2.mansfield.edu/student-affairs/>

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# Welcome to Mansfield University!

Thank you for selecting Mansfield University as your University of choice. On behalf of the staff of the Student Affairs Division, it is our pleasure to welcome you to Mansfield. Our goal is to promote student development by creating a supportive environment challenging to lifelong learning both in the classroom and beyond. We hope that we will be able to positively contribute to your education. The experiences and skills you acquire at Mansfield will benefit you the rest of your life.

The Student Code of Conduct is a guide to the standards of conduct required for a learning community in which members pursue their goals. This code provides most of the behavioral guidelines students are responsible for knowing. Other policies applicable to students can be found on the Mansfield University website <http://www.mansfield.edu/policies-procedures/>. You are specifically directed to review the Sex Discrimination and Misconduct Policy <http://www.mansfield.edu/hr/title-ix/> on the University (Title IX) Website. The policies included in this book and published on Mansfield University's Website supersede all previous Student Codes of Conduct. Read the contents and become familiar with the information; students are responsible for knowing the material in this book. For more information contact the Vice President for Student Affairs & Enrollment Management at 570.662.4342.

The Code of Conduct is a companion to the University Catalog, which contains academic policies, financial information, and other policies. Mansfield reserves the right to change this document and the statements within as necessary and will provide appropriate notice to the students via campus email.

The Vice President for Student Affairs & Enrollment Management has designated the Community Conduct Officer and Service Coordinator as the principal administrator of this document and the Chief Conduct Officer. Students with questions or comments about these policies should consult with the Community Conduct Officer Frank Crofchick at 326 Alumni Hall or by phone at 570.662.4981

We look forward to serving you. Best of luck with your studies!

Student Conduct and Student Affairs and Enrollment Management

# Student Code of Conduct

## Introduction

The University has established this Student Code of Conduct to ensure the safety and welfare of the Mansfield University community. Students admitted to the University agree to adhere to the rules and policies set forth in this Code. Students voluntarily assume the obligation to fulfill the responsibilities set forth here and to bear personal responsibility for their actions. The University has developed other policies, procedures, and standards which endeavor to protect the rights of each member of the university community which are found at <http://www.mansfield.edu/policies-procedures/> and <http://www.mansfield.edu/hr/title-ix/>

The Mansfield University President had assigned responsibility for the implementation of the Student Code of Conduct to the Vice President for Student Affairs & Enrollment Management or his or her designee. The student conduct process in this Code is different and separate from criminal and civil court proceedings.

Mansfield University is committed to providing a safe and secure educational, residential and employment environment, free from discrimination and harassment, including discrimination based on sex. Sexual discrimination encompasses all forms of sexual misconduct: sexual harassment, sexual assault, sexual violence, domestic violence, dating violence, sexual exploitation, stalking and any sexual activity conducted without consent. Accordingly, Mansfield University will not tolerate any form of sexual misconduct and provides this policy to ensure its employees, students, and other members of the University community are not subjected to sexual discrimination in any form. **“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”**

For information regarding civil rights or grievance procedures and for inquiries concerning the application of Title IX and its implementing regulations, contact The University Title IX Coordinator Ms. Dia M. Carleton, J.D., Executive Director for Employee and Leadership Services, 118 Alumni Hall, Mansfield University, Mansfield, PA 16933, Phone: 570.662.4892, Email: [dcarleto@mansfield.edu](mailto:dcarleto@mansfield.edu). Additionally, inquiries concerning Title IX and its implementing regulations can be made to the U.S. Department of Education, Office of Civil Rights, Lyndon Baines Johnson Department of Education Building, 400 Maryland Avenue SW, Washington DC 20202-1100, Phone: 800.421.3481, Fax:202.453.6012, TDD: 800.877.8339.

## Expectations of Students

Students are expected to:

- Accountable for being aware of information contained in the University Course Catalog <http://catalog.mansfield.edu/>, Student Code of Conduct, and any other policies relating to student responsibilities.
- Be respectful of the rights of others.
- Comply with reasonable verbal and written directions of University officials.
- Respect others' freedom to teach and freedom to learn.

## Our Goals:

1. Educate students, faculty and staff on issues related to student conduct, responsibilities, and behavioral expectations in the Student Code of Conduct.
2. Protect the rights of students and the University community.
3. Provide fair and impartial processes for students charged with violating the Student Code of Conduct.
4. Educate students who have violated the Student Code of Conduct by assigning purposeful sanctions that foster learning, ethical development, and personal integrity.

5. Encourage respect for members of the University community.

#### **Desired Outcomes Through the Conduct Process:**

1. Students involved in the student conduct process will demonstrate knowledge of the Student Code of Conduct and the rights of others.
2. Students involved in the student conduct process will be able to identify their rights as students.
3. Students involved in the student conduct process will be able to analyze their responsibilities as University community members.
4. Students involved in the student conduct process will demonstrate a greater awareness of their own developing identity.
5. Students found in violation of the Student Code of Conduct will demonstrate insight into their abilities for ethical decision making.
6. Students found in violation of the Student Code of Conduct will be able to predict consequences for their future actions.
7. Students found in violation of the Student Code of Conduct will demonstrate a change in their behaviors.

## Definitions

**Administrative Conduct Hearing Process** — A process in which the facts of an alleged violation of the code are presented to a Chief Conduct Officer, or designee, who will determine if a violation(s) took place and what sanction(s) are appropriate.

**Complainant** — A student who makes an allegation against another student of a violation of the Student Code of Conduct

**Chief Conduct Officer** — A professional staff member trained to determine if a violation of the Student Code of Conduct has occurred. The Chief Conduct Officer receives training on diversity, student development theory, and due process. Any action required to be performed under this Code by the Chief Conduct Officer may be performed by his or her designee.

**Consensual** — Any act or pattern of behavior between two parties that is conducted with consent.

**Consent**- Words or actions that demonstrate an affirmative, unambiguous, knowing and voluntary agreement to engage in activity. Consent must be informed and freely given. Someone who is incapacitated as a result of alcohol or other drug consumption (voluntarily or involuntarily), or who is unconscious, unaware or otherwise helpless, is incapable of giving consent More information on, and further definition of, consent to

sexual activity is set forth in the Sexual Discrimination and Misconduct Policy- Title IX Policy and Complaint Procedures (<http://www.mansfield.edu/hr/title-ix/>)

**Parties** — Both the person lodging a complaint and the person about whom the complaint is made.

**Preponderance of Evidence** — A standard of proof in which evidence is presented that is sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.

**Prohibited conduct** — Any behavior that is inconsistent with the standards of the University community encompassed in the Student Code of Conduct.

**Reasonable Person** — A hypothetical person in society who exercises average care, skill, and judgment in conduct and who serves as a comparative standard for determining a preponderance of the evidence.

**Respondent** — A Student who has allegedly violated the Mansfield University Code of Conduct

**Sanction** — An outcome imposed for the violation of the Student Code of Conduct. Generally, sanctions are educational in nature and intended to modify the student's behavior and build an awareness of personal responsibility and community standards.

**Student** — Any person enrolled in a credit or non-credit course at Mansfield University.

**Student Conduct Hearing Board Process** — A process in which the facts of an alleged violation of the code are presented to a Student Conduct Hearing Board which will determine if a violation(s) took place and what sanction(s) are appropriate.

**Student Conduct Hearing Board Member** — Any person or board member in addition to the Chief Conduct Officer authorized by the University to determine whether a student has violated the Code of Student Conduct.

**University community member** — Any person associated with Mansfield University through enrollment in classes, employment or participation in University programs.

## **Jurisdiction**

The Student Code of Conduct shall apply to any conduct occurring on any and all land owned or leased by the University, as well as to any conduct occurring any location where a student is engaged in a University-related activity. The Student Code of Conduct may also apply to conduct occurring off-campus, when the administration determines that the off-campus conduct affects a substantial interest of Mansfield University. The Student Code of Conduct shall apply to activities of University teams traveling to events off campus, recognized clubs/organizations, any student or University sponsored group engaging in an event or activity on or off campus; on or off campus internships, on or off campus community service and study abroad.

Students will be responsible for their conduct from the time of application for admission until the award of a degree. This code also applies to behavior that is a violation of local, state, or federal laws and any behavior that may have, or has had, an adverse impact upon the University community.

All complaints alleging a violation of this code are subject to the student disciplinary procedures. Any student who is found to have committed an act of misconduct may be disciplined in accordance with the rules of this

code. If a student is suspected of violating a state or federal criminal law, the incident may be reported to the Mansfield University Police or appropriate law enforcement agency. Civil or criminal proceedings may occur simultaneously with code of conduct charges.

Mansfield University reserves the right to initiate conduct proceedings without a formal allegation by the victim or witnesses of alleged misconduct.

### **University Organizations**

If a University organization is charged with a violation of University policy, such charges shall be brought against the appropriate officer of that organization who shall respond as the representative of the organization. Additional members of the organization may be charged to respond as additional representatives of the organization following the procedures in this Code

### **Sanctions on University Organizations**

If an organization is found to be in violation of University policy, sanctions may be levied against the organization itself or upon individual members of the organization. Sanctions against an organization may include loss of University recognition (<http://www.mansfield.edu/student-organizations/organizations-clubs.cfm>) establishment of a probationary period, or loss of the privilege to use University facilities.

# Student Code of Conduct Prohibited Behaviors

The following acts of misconduct are prohibited

## **1. Violations of the Rights of Others**

- 1.1 Physical assault or abuse, verbal abuse, threats, intimidation, coercion or conduct that injures, threatens or endangers the health and safety of any person;
- 1.2 Any act, display or communication that constitutes sexual discrimination or sexual misconduct which includes harassment, sexual assault (non-consensual sexual contact or intercourse), domestic violence, dating violence, sexual exploitation, stalking, retaliation and intimidation **as defined and as prohibited in the Sexual Discrimination and Misconduct Policy-Title IX Policy and Complaint Procedures)** <http://www.mansfield.edu/hr/title-ix/>
- 1.3 Harassment.
  - a. Any act, display, or communication that would cause a reasonable person to fear for his or her personal safety. This includes, but is not limited to, physical coercion or restraint.
  - b. Any act, display, or communication that causes substantial injury or distress to the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities.
  - c. Any attempt to repeatedly make contact with a person when asked to stop. This includes, but is not limited to, intentionally following another person in or about a public place or places.
- 1.4 Retaliation against another person for filing a complaint or relating to a proceeding under this Code.

## **2. Violations of Health, Welfare and Safety**

- 2.1 Disruption of, or interference with, any University activity, including teaching, administration, or other public service functions, or other authorized non-University activities, whether the act occurs on or off campus;
- 2.2 Violation of any University policy, local state or federal law.
- 2.3 Public intoxication or the use, possession, sale, attempted sale, barter, exchange, gift or distribution of alcoholic beverages except as expressly permitted by law and University policy.
- 2.4 Use, possession, sale, attempted sale, barter, exchange, gift or distribution of narcotic or other controlled substances, or drug paraphernalia, except as expressly permitted by law;
- 2.5 Unauthorized use, alteration or in any way tampering with fire equipment, safety devices or safety equipment;
- 2.6 Hazing of any individual or organization as prohibited by the Antihazing Law of Pennsylvania which defines hazing as any action or situation which recklessly or intentionally endangers the mental or



physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education.

- 2.7 Use, possession, or carrying of firearms (including, but not limited to, pistols, rifles, shotguns, or ammunition), incendiary devices, smoke devices, dangerous knives, explosives or other dangerous weapons while on University owned or controlled property, or at University sponsored or supervised activities, except by University and other police officers and other persons specifically authorized by the University;
- 2.8 Any action that causes or attempts to cause a fire, explosion, including bomb threats, or any intentionally false reporting of a fire, or the failure to leave University buildings during a fire alarm;
- 2.9 Creation of any health or safety hazards on the grounds of Mansfield University or the surrounding community

### **3. Violations of the Operation of the University**

- 3.1 Attempted or actual theft of, or damage to, property of the University or property of a member of the University community or other personal or public property on or off campus.
- 3.2 Gambling, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name on or off campus;
- 3.3 Violation of traffic rules while on University property;
- 3.4 Failure to comply with the directions of University officials or law enforcement officers acting in the performance of their duties, or failure to identify oneself to these persons when requested to do so;
- 3.5 Participation in a campus demonstration or unauthorized assembly that 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 activities in any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;
- 3.6 Permitting another to use his or her University identification card, impersonating another, or misrepresenting authorization to act on behalf of another;
- 3.7 Knowingly instituting a false charge against another person. Failure to prove a claim of a violation of a prohibited conduct is not the same as making a false accusation.
- 3.8 Acts of dishonesty, including, but not limited to, the following:

- a. Cheating, plagiarism, or other forms of academic dishonesty,
- b. Furnishing false information to a University official or faculty member,
- c. Forgery, alteration, or misuse of any University document, record, or instrument of identification,
- d. Tampering with the election of any University recognized student organization.

3.9 Theft or abuse of computers, including, but not limited to:

- a. Unauthorized entrance into a file to intentionally damage, disable, or impair computing or telecommunications equipment or software,
- b. Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with University computer use policies, including a major instance (multiple files, subsequent offense, receipt of multiple infringement notice or legal subpoena) of unauthorized acquisition, use, or distribution of copyrighted works, including but not limited to, music, video, software, images, files, trademarks, and logos, through Mansfield University information technology resources and services;
- c. Introduction of viruses or other destructive software in University computer facilities,
- d. Use of computing facilities to interfere with the work of another student, faculty member, or University official,
- e. Use of computing facilities to send or view obscene or threatening messages,
- f. Use of computing facilities to interfere with the normal operation of the University computing systems.
- g. Any violation of the Mansfield University Acceptable Use Policy or related Campus Technologies policies. For more information, visit the IT Home Page at <http://ct.mansfield.edu/>
- h. Any violation of the North Hall Library Policies and Services. <http://lib.mansfield.edu/library-info/policies-services/>

3.10 Unauthorized or fraudulent use of the University name, seal, emblem, nickname, or motto;

3.11 Unauthorized entry or occupancy of University facilities, including unauthorized possession, duplication, or use of keys to any University facility;

3.12 The denial of services or access to activities to an individual because of his or her race, sex, religion, age, national origin, gender identity/expression, veteran's status, sexual orientation, ancestry, marital status, or disability;

3.13 Online harassment by e-mail blogs, web pages, social networking sites, and other modes of electronic communication. Online speech by students not involving University networks or technology is protected free expression except when it is a threat a reasonable person would interpret as a serious

expression of intent to inflict bodily harm upon specific individuals,

## Potential Sanctions for Violations of Prohibited Behaviors

- A. **Restitution:** A written directive to replace, repair or make specific compensation for property of the University or member of the University community which was destroyed, damaged, misused or lost.
- B. **Educational Sanctions:** Educational Sanctions typically include one or more of the following: work assignments, essays, community service, behavioral contract, administrative referral, and other related educational assignments. *Examples include: Papers, written apologies, meetings, Reflection essays, film reviews*, designed to promote self-awareness of behavior, awareness of appropriate/inappropriate behavior, awareness of institutional expectations, and to educate the student in the specific area of their violation.
- C. **Disciplinary Warning:** Formal Warnings emphasize to the student that further violations would result in progressive sanctioning. A student receiving a Formal Warning shall continue to exercise the rights and privileges of a student in good standing.
- D. **Disciplinary Probation:** Conduct Probation serves as a warning to students that they are not in good standing with Mansfield University. Further violations of the Code of Conduct could result in suspension or dismissal. A limitation is placed upon selected privileges for a specified period of time. During the probationary period, a student may be excluded from utilizing campus facilities, denied program funding, have a hold placed on their records, excluded from participation in co-curricular activities, and may not participate in any University sponsored events. Additional stipulations that are consistent with the nature of the offense shall also be imposed. A violation of disciplinary probation may lead to suspension or dismissal.
- E. **Facility Suspension:** The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.
- F. **Facility Expulsion:** Facility Expulsion entailed the permanent loss of privileges to use a building or facility for an unlimited period of time.
- G. **Loss of Privileges:** Loss of Privileges entails denial of specified privileges for a designated period of time.
- H. **Removal from Class:** The student is barred from attending a particular class or may be reassigned to a different section of the same class. Details will be coordinated between the Chief Conduct Officer or designee and the appropriate academic dean and faculty member.
- I. **Revocation of Admission:** The student loses their admitted status to Mansfield University. The sanction and all appropriate information will be added to the students file.

J. **Suspension:** The termination of a student's right to register or attend classes for a period of one (1) to three (3) semesters, after which the student may return following completed sanctions, documentation, and review as set forth in Readmission Process below. A violation the restrictions imposed during a suspension may lead to further discipline including dismissal. Suspended students may not be present on University property, or at University sponsored events during the suspension period.

K. **Dismissal:** Dismissal entails the termination of a student's enrollment with Mansfield University. Dismissed students are prohibited from re-enrolling as a student, being present on University property, or at University sponsored events unless permitted in writing by the Vice-President of Student Affairs and Enrollment Management.

L. **Counseling Referral:** Though not a sanction, a student may be referred to Counseling Services for an evaluation.

## Reporting and Investigation

1. There is no time limit to make a complaint of about a violation of the Student Code of Conduct; however, the longer someone waits to make a complaint, the harder it is for University officials to obtain information and witness statements and to make determinations and take action on alleged violations.
2. Anonymous complaints are permitted, but an anonymous report may limit the University's ability to investigate and respond to the complaint. University community members who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct or Campus Police.
3. The University will promptly investigate all allegations of violations as privately as possible.
4. Allegations of faculty and staff misconduct should be reported to Human Resources or the Title IX Coordinator

## Student Conduct Complaint and Hearing Procedures

Violations of the Student Code of Conduct will be handled in accordance with the procedures described herein:

### Complaint

1. Any student, faculty member, staff member or University administrator may file a formal complaint against a student alleging a violation of the Student Code of Conduct.
2. A victim or witness who is under the influence of alcohol or drugs at the time of the sexual misconduct incident generally will NOT face disciplinary charges from the University or from the University's Police Services and Safety department for underage drinking or drug use. A student who admits to violating the provisions of the Student Code of Conduct relating to alcohol, drugs and other controlled substances in the course of reporting an incident as a victim of sexual misconduct or when seeking

medical assistance will not be charged for those violations. This includes those reporting on another's behalf and who stay with that individual. Limited amnesty may also be given, at the sole discretion of the Chief Conduct Officer, to students admitting to other violations in these circumstances. The University may follow up on such admissions in an informal manner.

3. All formal complaints will be referred to the Chief Conduct Officer for investigation or possible resolution. If the complaint does not involve sexual discrimination or sexual misconduct, the Chief Conduct Officer will conduct an investigation. The Chief Conduct Officer will endeavor to complete the investigation within twenty (20) calendar days of receiving the complaint, barring extenuating circumstances which will be communicated to the parties.
4. If the complaint involves sexual discrimination or sexual misconduct, it will be referred to the Title IX Coordinator. The Title IX Coordinator or assigned Title IX investigator will complete an investigation within 30 days of receiving the complaint, barring extenuating circumstances which will be communicated to the parties. For more information on the role of the Title IX Coordinator and Title IX investigation go to the Sexual Discrimination and Misconduct Policy-Title IX Policy and Complaint Procedures (<http://www.mansfield.edu/hr/title-ix/>). Once the investigation is completed, the Title IX investigator will forward the investigative report to the parties and to the Chief Conduct Officer. The Chief Conduct Officer will determine if the complaint will go to a Student Conduct Hearing Board.
5. After a complaint has been investigated, the Chief Conduct Officer may:
  - A. Determine that no grounds or insufficient grounds exist to believe that a violation occurred and dismiss the complaint; or
  - B. Determine that grounds exist to believe that a violation occurred and notify the student that an Administrative Conduct Hearing with the Chief Conduct Officer will be held or that a hearing before a Student Conduct Hearing Board will be held. If the complaint involves sexual discrimination or sexual misconduct, both parties will receive notice that a Student Conduct Board Hearing will be held.
6. If the Chief Conduct Officer decides that an Administrative Conduct Hearing will be held, the student may request a hearing before the Student Conduct Hearing Board. This request must be made 24 hours prior to the scheduled Administrative Conduct Board Hearing.
7. If the Chief Conduct Officer determines that grounds exist to believe that a violation occurred, the Chief Conduct Officer will prepare a written summary of the complaint and the violations, and a list of potential witnesses and supporting documentation.
8. Both the Complainant and the Respondent may have one other support person or an attorney present at the Administrative Conduct Hearing or Student Conduct Board Hearing, but this person's participation is limited to observing the proceeding and advising the student he or she is supporting. The student must inform the Chief Conduct Officer at least two days prior to the Administrative Conduct Hearing or Student Conduct Board Hearing if a support person or an attorney will be present.

## Administrative Conduct Hearing Process

1. Administrative Conduct Hearings may be overseen by Residence Life staff for first time and minor offenses. The Chief Conduct Officer will hear all other violations except those involving Sexual Discrimination or Sexual Misconduct which will go before a Student Conduct Hearing Board
2. The Respondent will be sent, via campus or US mail and campus e-mail a notice which includes the following:
  - a. The date, time and location of the Administrative Conduct Hearing. The student will be given reasonable advance notice of when the hearing will be conducted to allow the student to prepare a defense;
  - b. Summary of the complaint and violations notifying the student of the alleged acts of misconduct including the time, date and place of occurrence and the rule(s) of conduct alleged violated by the student;

- c. Tentative list of potential witnesses;
  - d. Website link to the Student Code of Conduct.
3. At the Administrative Conduct Hearing, the student will be asked to respond to the complaint and will have the opportunity to submit written, physical and testimonial evidence and conduct reasonable questioning of witnesses of both parties.
  4. If the student does not appear for the Administrative Conduct Hearing, the Chief Conduct Officer may make a decision based on the information gathered during the investigation in the student's absence.
  5. Following the Administrative Conduct Hearing, the Chief Conduct Officer will decide whether the student violated the Student Code of Conduct. The decision will be based on a preponderance of the evidence standard.
  6. If the Chief Conduct Officer determines that the student violated the Student Code of Conduct, he or she will also determine a sanction, up to and including dismissal.

## **Conduct of Hearings before Student Conduct Hearing Boards**

The University has established a Student Conduct Hearing Board. The Hearing Board consists of 4-6 faculty or staff members, 1-2 students, a **Hearing Board Chair** and the Chief Conduct Officer or designee. The members are selected by the Chief Conduct Officer. Two members of the Hearing Board will be designated to serve as Hearing Board Chairs. For a hearing to take place, a minimum of one (1) student, three (3) staff members and a Chairperson of the Student Conduct Hearing Board must be present (5 in total)

A member of the Hearing Board must withdraw from any procedure if he or she has a **conflict of interest** at any time. Either party may present just cause why a member of the Hearing Board should be withdrawn because of a conflict of interest. The Chief Conduct Officer will determine if a conflict of interest is present. If the conflict involves the Chief conduct Officer, The Vice President of Student Affairs and Enrollment Management will make the determination.

The Hearing Board will be allowed to request written, physical and testimonial evidence it deems necessary to make a fair and just decision. The board may decide by majority vote to recess the hearing in order to obtain such evidence.

The chairperson of the Student Conduct Hearing Board shall be responsible for maintaining order and decorum during the hearing.

Any person who interrupts the proceedings of the Board, and any person who refuses to comply with a reasonable order of the board may at the request of the chairperson, be removed from the hearing room and may face conduct violation charges.

Meetings of the hearing board shall be closed to the public.

The hearing will be recorded, and the recording will remain the property of the University. If the respondent does not appear for the hearing, the Student Conduct Hearing Board may receive written, physical and testimonial evidence and conduct reasonable questioning of witnesses and a verbal summary by the Chief Conduct Officer of the complaint and violations.

The access of the respondent and the complainant to information about the other may be limited by the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g or other laws relating to confidentiality or privacy, and in some cases, these procedures may be adjusted to comply with such laws.

The Chief Conduct Officer will provide information to the Hearing Board about any prior determinations of

violation of the student code of conduct by the student for the sole purpose of determining the appropriate disciplinary penalty, not to establish if a violation occurred.

At the conclusion of the hearing the Student Conduct Hearing Board will decide, by majority vote, outside the presence of the student and any non-members, whether the student violated the Student Code of Conduct. The decision will be based on a preponderance of the evidence standard. In the result of a tie, the Hearing Board Chair will then cast his or her vote. The Chief Conduct Officer does not vote during deliberation.

If the Student Conduct Hearing Board determines that the student violated the Student Code of Conduct, it will also determine a sanction, up to and including dismissal. The decision of the Student Conduct Hearing Board will be placed in writing, and the Chief Conduct Officer will review the decision. While Student Conduct Hearing Board's determination that a violation occurred is a final decision, the Chief Conduct Officer may modify the sanction(s) imposed. The Chief Conduct Officer will deliver a copy of the written determination with sanctions via campus email to the respondent and to the Vice President for Student Affairs and Enrollment Management.

### **Student Conduct Hearing Board Process (except in cases Involving Sexual Discrimination or Sexual Misconduct)**

1. The Chief Conduct Officer will schedule a date and time for the hearing, taking into consideration the class schedules of the parties and the availability of potential witnesses and Hearing Board members. Barring extenuating circumstances, which will be communicated to the parties, the hearing will take place within twenty (25) calendar days following the referral of the complaint to the Chief Conduct Officer.
2. The student will be sent, via campus mail and campus e-mail a notice which includes the following:
  - a. The date, time and location of the Conduct Hearing. The student will be given reasonable advance notice of when the hearing will be conducted to allow the student to prepare a defense;
  - b. Summary of the complaint and violations notifying the student of the alleged acts of misconduct including the time, date and place of occurrence and the rule(s) of conduct allegedly violated by the student
  - c. Tentative list of potential witnesses;
  - d. Web site link to the Student Code of Conduct.
3. The Chief Conduct Officer will make arrangements with both the Complainant and Respondent for the presentation of witnesses and information at the hearing. The Chief Conduct Officer and the students will have the opportunity to submit written, physical and testimonial evidence and conduct reasonable questioning of witnesses of both parties. Witness statements may be submitted if witnesses are not available. Witness statements or other hearsay shall not be used as the sole evidence to establish any fact necessary to establish if a violation has occurred.
4. The Hearing Board members and the parties will be permitted to question each witness, and to inspect all documents and other information. Both the Chief Conduct Officer and the parties may make closing statements.

### **Additional Procedures if Complaint Involves Sexual Discrimination or Sexual Misconduct**

If the complaint relates to conduct involving alleged sexual discrimination or sexual misconduct, the following additional procedures apply:

1. The Complainant and Respondent will both be contacted by the Mansfield University Title IX Coordinator, Deputy Coordinator or another designated Title IX investigator to conduct an investigation. Both parties will have the opportunity to be interviewed and to supply witnesses to be interviewed in the investigation as well as written and physical evidence.
2. The Chief Conduct Officer will review the Title IX investigation. The complainant and the respondent will both be informed if the Chief Conduct Officer determines that no grounds or insufficient grounds exist to believe that a violation occurred and dismisses the complaint.
3. The complainant and respondent will both be informed if a Student Conduct Hearing Board is scheduled for the student against whom the complaint has been made and both may attend the hearing. Both parties will be sent via Campus mail and campus e-mail a notice which includes the following:
  - a. The date, time and location of the Student Conduct Board Hearing. The students will be given reasonable advance notice of when the hearing will be conducted to allow the student to prepare for the hearing;
  - b. Summary of the complaint and violations notifying the students of the alleged acts of misconduct including the time, date and place of occurrence and the rule(s) of conduct alleged violated by the responding student;
  - c. Tentative list of potential witnesses;
  - d. Web site link to the Student Code of Conduct and the Sexual Discrimination and Misconduct- Title IX Policy and Complaint Procedures.
4. Both the complainant and respondent will be informed that he or she may have one other support person or an attorney present at the hearing, this support person's participation is limited to observing the proceeding and advising the student he or she is supporting. The students must inform the Chief Conduct Officer at least two business days prior to the hearing if a support person or an attorney will be present.
5. If the complainant or respondent believes that there are witnesses in addition to those listed in the tentative list of potential witnesses provided by the Chief Conduct Officer, who should testify at the hearing, he or she must notify the Chief Conduct Officer in writing of the identity of those witnesses and the expected nature of their testimony. Both parties may request to review copies of all written evidence that the Chief Conduct Officer has which may be presented at the hearing. If either party has additional written evidence that he or she desires to be presented at the hearing, he or she must provide copies to the Chief Conduct Officer. Any notice regarding witnesses or copies of written evidence must be provided to the Chief Conduct Officer at least five business days prior to the scheduled date of the hearing.
6. The report of the investigation completed by the Title IX Coordinator, Title IX Deputy or other designated Title IX Investigator may be presented by the Title IX Coordinator or his/her designee at the Student Conduct Board Hearing to the Hearing Board. This report or other hearsay shall not be used as the sole evidence to establish any fact necessary to establish if a violation has occurred.
7. If the complainant or respondent are witnesses at the hearing, the students will not be permitted to directly question or cross-examine one another. If one of the parties wants to present questions to the other party, he or she must write the questions down and ask the Chair of the Student Conduct Hearing Board to ask them. The decision of whether to ask any questions shall be made by the Chair.
8. A determination will be issued within 60 days after the University was made aware of the complaint. Both parties will be notified of the reason for any delay.
9. The complainant and the respondent will simultaneously be sent notice of the decision of the Student Conduct Hearing Board in writing. This notice will include the determination and in the case of the complainant the sanctions that concern the complainant as well as the process for appeal.



10. Appeal process:
  - a. both the respondent and the complainant have the ability to appeal the decision and sanction of the Student Conduct Hearing Board;
  - b. both students have the opportunity to provide a written statement setting forth why the decision or sanction should or should not be upheld;
  - c. appeals shall be in accordance with the same time periods, procedures, and grounds for appeal set forth below;
  - d. notice of the results of the appeal will be provided to both parties.

Additional information about Title IX investigations and related topics can be found in the Sexual Discrimination and Misconduct Policy- Title IX Policy and Complaint Procedures (<http://www.mansfield.edu/hr/title-ix/>)

## Appeal Process

If the student wants to appeal the decision of the Student Conduct Administrative Hearing or the Student Conduct Hearing Board, the following process applies:

1. The respondent and, in a case involving sexual discrimination or sexual misconduct both the complainant and respondent, must deliver a written letter of appeal to the Vice President for Student Affairs and Enrollment Management. The letter of appeal must set forth why the student(s) believes the decision or sanction should be over turned or modified, based on one or more of the grounds set forth below. The letter of appeal must be postmarked or hand delivered within ten (10) days after the decision of the Student Conduct Hearing Board or the Student Conduct Administrative Hearing results were delivered to the student.
2. Appeals are limited to the following grounds:
  - a. Whether the decision is in accordance with the facts presented.
  - b. Whether the decision was reached through a procedure in accordance with the Student Code of Conduct.
  - c. Whether the sanction is appropriate for the conduct violation.
  - d. Whether new information not available at the time of the Administrative Conduct Hearing or Student Conduct Board Hearing should be considered, and if so, what impact does the new information have on the decision.
3. The Vice President for Student Affairs and Enrollment Management will review all of the materials submitted by the student(s), will review the University file on the matter, may review the recording of the Hearing Board, and may interview the student and/or other relevant persons. If the student(s) submitted new information allegedly not available at the time of the Administrative Hearing or Student Conduct Hearing, the Chief Conduct Officer will receive a copy of the new information and may present a response or other additional information related to the new information. The student(s) will receive a copy of or be present for the presentation of any such information from the Chief Conduct Officer.
4. The Vice President for Student Affairs and Enrollment Management will determine whether the decision of the Administrative Conduct Hearing or Student Conduct Hearing Board will be upheld, whether there should be a reduced sanction, or whether the case should be remanded to the Chief Conduct Officer or Hearing Board for an additional hearing. The written decision of the Vice President for Student Affairs will be sent to the parties via regular U.S. mail. The Vice President for Student Affairs and Enrollment Management will issue the decision within ten (10) calendar days of the date of receipt of the student's appeal letter unless prevented from doing so by extenuating circumstances. The parties will be made aware of the reason for any delay.
5. Notice of the results of the appeal will be provided to both parties.
6. At the conclusion of the appeal process, all records of the proceedings will be returned to the Chief Conduct Officer for storage and retention in accordance with University policy and applicable law.

7. The decision of the Vice President of Student Affairs and Enrollment Management is the final decision of the University and there are no further appeals at the University.

### **Interim Suspension or Interim Removals**

The Chief Conduct Officer, as designated by the President, may approve the following interim measures without a formal hearing:

- a. An interim suspension from the University. A student who is notified of an interim suspension must immediately leave University property. The student may not return to campus or participate in any university programs or activities during the interim suspension period without the express written permission of the Chief Conduct Officer.
- b. An interim removal from University housing. A student who is notified of an interim removal from University housing must immediately move from on-campus housing to an off-campus location. The student will be prohibited from entering any campus residence hall or apartment during the interim removal period. The student may attend classes and University activities.
- c. An interim removal from a University course. A student who is notified of an interim removal from a course will not be permitted to attend the course during the interim removal period but may attend his or her other courses.

The above interim measures may only be imposed when it has been determined that the student's continued presence constitutes an immediate threat of harm to the student, other students, University personnel or to University property

All interim suspension or removal decisions require a hearing by the Student Conduct Hearing Board within 10 business days following the notice of the interim suspension or removal, unless extenuating circumstances warrant an extension which will be communicated to the student. If an extension occurs, the hearing shall be held at the earliest possible date. The purpose of the hearing is to review the interim suspension or removal. The Board will determine if the student's continued presence constitutes an immediate threat of harm to the student, other students, University personnel or to University property. If in the Board's opinion the interim suspension or removal was not warranted the student will be reinstated immediately. The reversal of an interim decision shall not be construed as finding a student "not in violation" of alleged violations of the conduct code. The hearing on the interim suspension will also not address the underlying misconduct

A hearing will be scheduled with different members of the Student Conduct Hearing Board to make a determination on the underlying violation and to determine if a respondent is "in violation" or "not in violation" of specific charges according to the Student Conduct Hearing Board Process outlined above. Because the Chief Conduct Officer made the decision to interim suspend or remove the student, he or she will not serve on the Board for the hearing.

### **Readmission Process**

Following a suspension, students may make a written request for readmission to Mansfield University to the Chief Conduct Officer. Completion of all sanction requirements must be documented in the written request. The Vice President for Student Affairs and Enrollment Management and the Chief Conduct Officer will review the request and meet with the student. If readmission is approved, a readmission plan will be made and the student will be notified by email or US mail.

### **Failure to Appear**

If a student fails to appear for a scheduled Administrative Conduct Hearing or an appearance before the Student Conduct Hearing Board, the case may be decided in the student's absence and sanctions may be imposed. The Chief Conduct Officer or Student Conduct Hearing Board will consider the facts presented when

making their decision. The fact of the student's absence will not be a factor in the determination. The Chief Conduct Officer will notify the student of the decision in writing. If the student is found in violation of the Student Code of Conduct the student must comply with any sanctions despite the fact that they did not appear. If a sanction is applied, the sanction must be completed by the student in the allotted time or a hold will be placed on the student's academic record. **A student may appeal this decision by following the Appeals Process on Page 16.**

### **Failure to Complete a Required Sanction**

Failure to complete a required sanction is a serious offense and an additional violation of the Student Code of Conduct. Such a violation will usually result in more serious sanctions being imposed, following a hearing. Students failing to complete sanctions by the required deadlines may be suspended or dismissed from the University. No student who has been dismissed from Mansfield University may enroll again as a student.

### **Disciplinary Hold on Student Record**

Within two weeks of a student's failure to complete a sanction, a hold will be placed on the student's records, and on any pre-registration that the student might have conducted. Thus, it is very important for the student to complete sanctions on time and avoid a hold being placed on his or her academic records or registration. A hold on a student's admission, registration, transcript access or financial aid is not an independent penalty, but may be utilized by the University to obtain the student's compliance with a sanction which has been imposed, or other action which has been taken, under the Student Code of Conduct.

### **Privacy**

Disciplinary matters will be confidential to the extent required by law. The University will make every effort to maintain privacy in disciplinary matters. There may be times when the identity of parties involved in an incident must be revealed to others. All people involved with a disciplinary matter should treat the matter as private and use discretion and respect for the rights and concerns of all involved. See the Sexual Discrimination and Misconduct Policy for addition information about confidential resources.

<http://www.mansfield.edu/hr/title-ix/>

### **Family Educational Rights & Privacy Act of 1974 (FERPA)**

FERPA affords students certain rights to privacy of the student's educational records. Copies of student's educational records or personally identifiable information will not be released by the University to anyone outside the University, except as required or allowed by law, without the student's written consent. **Directory information as defined in University Family Education Rights and Privacy Act / FERPA for Students policy <http://esd.mansfield.edu/forms-and-policies/undergraduate-academic-policies/ferpa.cfm> may be released without a student's written consent unless they have opted out of the directory. Students have the right to file complaints with the U.S. Department of Education Family Policy Compliance office about their records as set forth in Mansfield University's. Questions regarding privacy and confidentiality issues should be addressed to the Registrar's office.**

### **Retaliation**

The University will not retaliate against any University Community Member for reporting or assisting in the investigation of a complaint under this Code.