

**The University reserves the right to take disciplinary measures compatible with its own best interest. Please review the Bowie State University Code of Conduct**

### **Section I. Student Code of Conduct**

Bowie State University is a learning community. In order for the University to meet its educational goals, we must be a disciplined community. Such a community offers an environment that allows individuals to develop their full potential. To that end, the University has created a set of standards regarding personal conduct within this community. Personal responsibility and respect for others are the essential values underlying these standards.

Teaching students to accept responsibility for their behavior and to respect the rights of others is a high priority for our university community. The community benefits from this instruction through the improvement of the learning environment. Students become more productive when they have adopted these values. One of our responsibilities is to challenge behavior that violates the rights of others or which violates the laws of the larger society.

By holding each student to a high standard of behavior, we both protect the campus community, and promote the moral and ethical development of students. In doing so, we also have an obligation to regard each student as an individual, deserving individual attention, consideration and respect. Behavior, which is prohibited by these standards, is outlined within the code. These standards arise from the important values of personal responsibility and respect for others. By presenting these to you, we hope to begin a process that will lead to your support of the guidelines and the values upon which they are based.

We believe that the educational focus of our institution will be served best by a serious commitment to helping students develop responsible personal attitudes and behavior. We feel it is our responsibility to establish behavioral guidelines that are stated clearly and to define the consequences for those acts outside of these guidelines.

We intend to fulfill this goal by making these guidelines and consequences well known to all members of our community. It is our hope that the response to these expectations will be a positive one that enables our community to better achieve its educational mission and to affirm the wholeness of that mission, inside and outside of the classroom.

### **Section II. Purpose, General Provisions & Philosophy**

A. The primary purpose of this Code of Student Conduct is to serve the interests of both the BSU community and the individual student by: (1) prescribing the standards of conduct expected of students; (2) outlining actions which can be taken when misconduct occurs; (3) establishing

- procedures which ensure due process in the adjudication of complaints concerning students; and (4) imposing sanctions in the University setting to protect, deter, and educate students that violate the Code of Student Conduct.
- B. The Student Judicial Programs Office promotes the concepts of fairness and due process in judicial settings throughout the University community, while striking a balance between community standards and individual behavior through the educational development of students.
  - C. All students are subject to the Code of Student Conduct. Individuals who are not currently enrolled at the University remain subject to the disciplinary process for conduct that occurred during any period of enrollment, for conduct that occurred during a period between any consecutive semesters, terms, or summer sessions for which they are enrolled, or for conduct that occurred during the time after admission to the University but prior to first enrollment, and for statements, acts or omissions related to application for enrollment.
  - D. BSU is strongly committed to an academic environment which supports the humanity and dignity of all persons. As such, any behavior which threatens that principle shall be subject to severe sanctions. In this regard, any physical or sexual assault or other act which threatens the safety or well being of other persons shall be viewed as extremely serious and subject to the most serious sanctions, including suspension or expulsions from the University.
  - E. BSU is also strongly committed to an academic environment that supports the health, safety, and well being of all persons. Any behavior that violates this principle shall be subject to severe sanctions. To that end, the possession, use, or distribution of controlled dangerous substances or alcohol shall be viewed as extremely serious. Violations of this kind shall subject a student to the most serious sanctions, which may include suspension or expulsion from the University.
  - F. The University is committed to an academic and employment environment free from unwelcome sexual advances, requests for sexual favors, and other forms of sexual harassment. Sexual Harassment is a form of sex discrimination and is illegal. Harassment and retaliation against persons filing discrimination charges is illegal. (For a full copy of the policy, refer to the BSU Policies and Procedures Manual, policy no. VI.120)
  - G. All proceedings of the University's student judicial process are confidential in accordance with the Family Educational Rights and Privacy Act (FERPA), the University's Policy on the Disclosure of Student Records states that students' judicial and disciplinary records are educational documents. The Student Right-to-Know and Campus Security Act

modified FERPA to allow institutions to inform victims of the outcome of student judicial proceedings regarding an alleged crime of violence as defined by the U.S. Code. The Student Right-to-Know and Campus Security Act was amended by the Higher Education Amendments of 1992 (sometimes known as the Campus Sexual Assault Victims Bill of Rights Act) requiring the University to inform the victim of an alleged sexual assault of the final outcome of student judicial proceedings against the charged student.

Although all Judicial Proceedings are considered confidential, FERPA permits and, in some cases, requires the release of these records, with and without notice to the student. Some of the exceptional circumstances recognized in FERPA include, but are not limited to, release in response to a subpoena, release of parents of income tax dependent students, and permissible disclosure to parents or legal guardians of the results of disciplinary hearings if the student is less than 21 years of age and has been found responsible for violating campus policy regarding the use or possession of alcohol or a controlled substance. The University may be compelled, under the Maryland Public Information Act, to release disciplinary records of students found to have committed crimes or violence and non-forcible sex offenses.

### **Section III. University Standard of Personal and Group Conduct**

The following forms of conduct are prohibited by Bowie State University and are subject to disciplinary action. Attempts to commit acts prohibited by this Code shall be punished to the same extent as completed violations. Penalties for off-campus misconduct shall not be more severe than for similar on-campus misconduct. **(Excluding the Riot Policy, see Violation #30) UNIVERSITY JUDICIAL ACTION MAY BE TAKEN IN ADDITION TO ACTIONS WHICH MAY BE TAKEN BY CIVIL OR CRIMINAL COURTS.**

#### **1. Academic Dishonesty**

Academic dishonesty is defined to include any form of cheating and/or plagiarism. Cheating includes, but is not limited to, such acts as stealing or altering testing instruments; falsifying the identity of persons for any academic purpose; offering, giving or receiving unauthorized assistance on an examination, quiz or other written or oral material in a course; or falsifying information on any type of academic record. Plagiarism is the presentation of written or oral material in a manner which conceals the true source of documentary material; or the presentation of materials which uses hypotheses, conclusions, evidence, data, or the like, in a way that the student appears to have done work which he/she did not, in fact, do. In cases involving academic dishonesty, a failing grade or a grade of zero (0) for either an assignment and/or a course may be administered. Students who are expelled or suspended for reasons of academic dishonesty are not admissible to other institutions within the University System of Maryland.

**2. Network System Misuse and Dishonesty**

The University considers any misuse of its software programs to be a serious offense. A student may not attempt to degrade the performance of the software programs, to seek to penetrate its security, or in any way deprive other users of resources or access to the computer. Further violations include, but are not limited to, (a) using a computer account belonging to another individual without the explicit permission of that individual; (b) tampering with the operation of the University's software programs including both its equipment and its software; (c) using the system for commercial purposes; (d) using the network system to send abusive, obscene, or otherwise harassing communications.

**3. Falsification of Information**

Falsification of information includes any form of providing false or misleading information, written or oral, in a manner which has the intent or effect of deceiving authorized university personnel, including members of judicial hearing panels, or of altering or falsifying official institutional records. Misrepresentation of oneself or of an organization as an agent of the University will also be considered a violation of this section.

**4. Illegal Use or Possession of Alcoholic Beverages**

Bowie State University is an alcohol free campus. The University prohibits the possession, purchase, consumption or distribution of alcoholic beverages for all students regardless of age. Any violations of the University's Substance Abuse Policy shall be construed as a violation of this section. (See Substance Abuse Policy in the Student Handbook)

**5. Misconduct Involving Illegal Drugs or Controlled Substances**

The University prohibits the possession, use, sell or distribution of illegal drugs or controlled substances and enforces all state and federal laws that prohibit the possession or sell of illegal drugs or drug paraphernalia. This rule prohibits, but is not limited to, the following:

- a) possession, use, distribution, sell, manufacturing, or processing of illegal or unprescribed narcotics, illegal drugs, hallucinogens, and controlled dangerous substances;
- b) possession, use, or sell of drug paraphernalia.

**6. Obstruction of the Rights of Others**

The University is committed to the maintenance of freedom of speech, press, expression, association, and access to the established educational facilities and processes. At the same time, the University will not tolerate willful efforts of individuals or groups to limit the exercise of those freedoms by others or to disrupt the normal processes by which the University fulfills its educational mission. Accordingly, University action

and/or appropriate public law enforcement action will be taken against persons who willfully limit the protected freedom of others through disorderly assembly, disorderly picketing, obstruction of free speech, press, expression, assembly or access to the facilities and processes of the University.

**7. Disruptive Behavior**

The University prohibits disorderly or disruptive conduct which substantially threatens, harms, or interferes with university personnel or orderly university processes and functions. Disruptive behavior includes indecent exposure, lewd behavior, bomb threats, false fire alarms and other actions which disrupt normal university functions, activities and processes. A faculty member may require a student to leave the classroom when his/her behavior disrupts the learning environment of the class. A student found responsible for disruptive behavior in the classroom may be administratively withdrawn from the course.

**8. Discriminatory Conduct**

The University prohibits acts of violence directed against individuals, groups, or institutions because of race, religion, ethnic background, sexual orientation and/or other forms of diversity.

**9. Violence to Persons**

The University prohibits acts of violence to other persons by individuals or groups. Acts of violence for the purposes of this section include assault, hazing, battery, and/or actions in reckless disregard of human life and safety. Assault includes verbal or written acts which place a person in personal fear or which have the effect of harassing or intimidating a person. Battery includes the unauthorized touching of another person. Students found responsible for violence to persons involving serious physical injury will be subject to a recommendation of suspension or expulsion from the University.

**10. Theft, Destruction and Abuse of Property**

The University will hold individuals or groups responsible for intentional or negligent acts involving completed or attempted damage to, abuse of, or theft of university or private property.

The term “theft” includes, but is not limited to, any act of shoplifting of university property whereby a person removes, possesses, conceals, alters the price tags or labels on, tampers with containers of, or otherwise appropriates goods or merchandise without authorization or proper payment. For the purposes of this section, property offenses include, but are not limited to: (a) malicious destruction, defacement, damage or misuse of university property or of private or public property; (b) misuse of any university issued property, e.g. ID cards, meal tickets, athletic

equipment, etc, and (c) littering on campus or on private property. Individuals or groups found responsible for theft, destruction or abuse of property may be required to make just restitution for the loss of damage in addition to other sanction which might be imposed.

**11. Firearms, Weapons and other Dangerous Contraband**

The University prohibits the use or possession of firearms, weapons (such as, but not limited to knives, clubs, sticks, B.B. gun, modified equipment with the potential use as a weapon) or other dangerous contraband objects. This includes such items on one's person, in one's room, in one's automobile or in any other property or personal effects of any student at any time.

**12. Violation of Campus Safety Regulations**

The University and the State of Maryland prohibit the tampering with, removal of, setting off or damage to fire equipment or alarm systems in any university building when no fire or immediate danger of fire exists. Violation of other campus safety regulations is also prohibited by this section. These include, but are not limited to: (a) setting unauthorized fires; (b) turning in false fire alarms; (c) possession, use or threatened use of fireworks, bombs or explosive devices of any type; and (d) failure to comply with evacuation procedures.

**13. Hazing**

The University considers hazing, as defined below, to be indefensible and contrary to the interests of the university community. Hazing is defined, for the purpose of this section, as

- (1) any activity or action which subtly, flagrantly or deliberately demeans, embarrasses, threatens, invites ridicule or draws inappropriate or negative attention to a member, and/or an attitude which implies one member is superior to another or that initiation must be earned through personal services or meaningless activities for initiated members; and/or
- (2) actions which result in the impairment of academic performance or of the proper fulfillment of obligations to university sponsored groups; and/or
- (3) retaliation or threats of retaliation against persons reporting acts prohibited by this section. Any violation of the University's Hazing Policy will be considered a violation of this section.

**14. Entry of Restricted Areas**

Unauthorized entry or attempted entry of students into university buildings, rooms, or facilities, including residence halls during hours when such buildings or facilities are locked or closed to the student body and the public is prohibited. Failure or refusal to leave a university facility during or after normal operating hours, after being reasonably requested

to do so by authorized university personnel, is similarly prohibited for the purpose of this section, such a request would be reasonable if the surrounding circumstances indicate that the person has no lawful business to pursue in the facility or is acting in a manner which is disruptive or disturbing to the normal educational or business functions of the University.

**15. Ignoring or Refusing a Reasonable Request of Authorized University Personnel**

The University and the State of Maryland require that any individual or group comply with a reasonable request from authorized university personnel in the performance of their official duties.

**16. Violations of Federal, State, and Local Laws**

Students are responsible for knowing and observing all local, state and federal laws. Action by law enforcement agencies, or lack of such action, will not preclude action by the University as well, in the event the misconduct in question also constitutes a violation of the Code of Conduct.

**17. Misconduct of Registered Student Groups**

The University reserves the right to take action against a student group for conduct prohibited by the Student Code of Conduct. Such acts of misconduct by students engaged in organized activities of registered student groups, including fraternities and sororities, athletic teams, whether committed on or off campus, are subject to disciplinary action. An “organized activity” is any activity which is conducted under the auspices, sponsorship, or supervision of a registered student group or recognized organization of the University.

**18. Off-Campus Student Behavior**

Individuals and groups sponsoring activities off-campus have a responsibility to conduct such activities within the laws and ordinances of the community. It is expected that students will conduct themselves in a manner that demonstrates their respect for the rights of others. The University reserves the right to take appropriate action when behavior of an individual, group, and/or organization interferes with the mission of the University and presents a danger to the health, safety, and well being of others.

**19. Serious Criminal Offenses**

Students accused of serious criminal offenses on- or off-campus shall be subject to University disciplinary action, including interim suspension, pending a prompt hearing. Serious criminal offenses shall include behavior which: (a) is defined as a felony under Maryland law, (b) indicates that the student constitutes a substantial danger to the safety or

property of the University or members of the campus community, and (c) flagrant disregard for the law regarding violations of the substance abuse policy. **THE UNIVERSITY RESERVES THE RIGHT TO TAKE ACTION THROUGH ITS JUDICIAL SYSTEM PRIOR TO OR SIMULTANEOUSLY OF THE DISPOSITION OF ANY ACTION THAT MAY RESULT FROM CRIMINAL PROCEEDINGS.**

**20. Endangering the Health and Safety of Others**

The University will hold individuals or groups responsible for actions which endanger the safety, health or life of any person.

**21. Sexual Harassment (State Code 29.DRF 1601)**

(This statement includes the sections of the University Policy on Sexual Harassment applicable to students. For the complete statement of the Bowie State University policy on Sexual Harassment, see excerpt of the Student Handbook.)

**22. Sexual Offenses**

The University System recognizes two levels of sexual assault:

**a) Sexual Assault I**

By stranger or acquaintance: rape, forcible sodomy, or forcible sexual penetration, however slight, of another person's anal or genital opening with any object. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware. [The complete policy can be found in the University's Policies and Procedures Manual—VI-1.30]

**b) Sexual Assault II**

By stranger or acquaintance, the touch of an unwilling person's intimate parts (defined as genitalia, groin, breast, or buttocks, or clothing covering them) or forcing an unwilling person to touch another's intimate parts. These acts must be committed either by force, threat, intimidation or through the use of the victim's mental or physical helplessness of which the accused was aware or should have been aware. [The complete policy can be found in the University's Policies and Procedures Manual—VI—1.30]

**23. Standard of Appropriate Dress**

This code is based on the theory that learning to use socially acceptable manners and to select attire appropriate to specific occasions and activities are critical factors in the total educational process. Understanding and employing these behaviors, not only improve the quality of one's life, contribute to optimum morale, and embellish the overall campus image; they also play a major role in instilling a sense of

integrity and an appreciation for values and ethics. The continuous demonstration of appropriate behavior and dress insures that Bowie State University students meet the very minimum standards of quality achievement in the social, physical, moral and educational aspects of their lives—essential areas of development necessary for propelling students toward successful careers.

On this premise Bowie State University students are expected to Dress and Behave appropriately at all times.

**24. Harassment**

Harassment is defined as engaging in intentional conduct directed at a specific person or persons which seriously alarms or intimidates such persons and which serves no legitimate purpose. Such conduct may include: explicit or implicit threats, including gestures which place a person in reasonable fear of unwelcome physical contact, harm or death; following a person about in a public place or to or from his or her residence; making remarks in a public place to a specific person which are by common usage lewd, obscene, expose a person to public hatred or that can reasonably be expected to have tendency to cause acts of violence by the person to whom the remark is addressed; or communicating anonymously by voice or graphic means or making an anonymous or intentional telephone call whether or not a conversation ensues. This includes harassment via the use of technology.

**25. Violating the Terms of a Sanction**

The University expects students to accept responsibility and the consequences for their decisions and behavior. Students who do not complete an imposed sanction will be subject to additional sanctions.

**26. Gambling**

Gambling is prohibited throughout the campus. Gambling includes card playing, craps, or any other recreation which is done for money.

**27. Residence Hall Violations**

The terms and conditions of the Residence Hall Contract will be incorporated into the University standards of Personal and Group Conduct for those students who choose to live in campus residence halls. Students abide by the guidelines set forth in the contract when visiting the residence halls.

**28. Other**

At certain times, violations of University policies and regulations may occur which appear in other official publications of the University. In such cases, a specific reference to those policies, guidelines or regulations must be made.

**29. Non-Discrimination**

Bowie State University has affirmed its commitment to maintaining a community where the rights of others are respected. Moreover, in the interest of individual and institutional protection against legal liability, it is imperative that all members of the University community be informed of policies regarding discrimination. Allegations of discrimination/harassment are generally investigated by the Equal Employment Opportunity (EEO) Officer, Mr. Glenn Isaac 301-860-3442.

**30. Policy on Event-Related Student Misconduct**

In accordance with the University System of Maryland Board of Regents Policy on Event-Related Student Misconduct (V-8.0), approved February 10, 2006, Bowie State University has developed this Policy to set forth the process for handling allegations of student event-related misconduct at the University—on- or off- campus.

**Definition:** Event-Related Student Misconduct shall be broadly defined in this policy as, but is not limited to rioting, assault, theft, vandalism, fire-setting, or other serious misconduct related to a University-sponsored event, occurring on- or off-campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community. The term “University-sponsored event” means any activity on- or off-campus that is initiated, aided, authorized or supervised by Bowie State University.

**Jurisdiction:** Any student misconduct that is a direct result of a University-sponsored event, on- or off-campus shall be deemed a violation of the Student Code of Conduct and will be subject to University judicial proceedings. For events that occur off-campus; the University must be notified in writing by an official law enforcement agency and/or person(s) directly affected by the misconduct. Upon receiving written notification, with supporting documentation the student will be subject to on-campus judicial proceedings, even if court proceedings are pending.

**Disciplinary Proceedings:** For a detailed outline of the University judicial proceedings, please refer to the Student Handbook. It is important to note that campus disciplinary action for event-related misconduct may take place regardless of the existence, status or outcome of any criminal charges in a court of law related to the misconduct. Any decision to impose a sanction less than suspension or expulsion, for event-related misconduct must be supported by written findings and signed by the Dean for Student Affairs & Campus Life. This stipulation will supersede any sanctioning guidelines established under the current Code of Conduct for unrelated misconduct. **A student suspended and/or expelled under this policy shall not be admitted to any other institution in the System during the term of the suspension/expulsion.**

**A record of any suspension or expulsion under this policy shall be noted on the student's transcript.**

#### **Section IV. Sanctions**

One or more of the following sanctions may be imposed for violations of the Student Code of Conduct. A hearing panel/officer may take into consideration several factors when determining an appropriate sanction. Such factors to be considered shall be the present demeanor and past disciplinary record of the offender, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it.

- 1. Expulsion:** The hearing board/officer may recommend expulsion to the Office of the Dean for Student Affairs & Campus Life. Expulsion constitutes permanent withdrawal by the President of the privilege of registration, class attendance, and the use of University facilities. Any student who is expelled shall not be entitled to any tuition or fee refund. Expulsion is permanently recorded on the student's academic record and in the confidential records of the Office of the Dean for Student Affairs & Campus Life.
- 2. Dismissal:** Dismissal is the withdrawal by the President of the University registration, permission to attend classes and of "University privileges" with no promise that the student may return. Dismissal is recorded in the confidential records of the Office of the Dean for Student Affairs & Campus Life and in the student's academic record. A student who has been dismissed is not eligible for readmission sooner than one year following dismissal and then only upon approval by the President. The record of the dismissal is removed from his academic record upon readmission.
- 3. Disciplinary Suspension:** The hearing board/officer may recommend suspension to the Office of the Dean for Student Affairs & Campus Life. Suspension involves separation of the student from the University for a specific period of time. Upon termination of the suspension, the student shall be considered for readmission in compliance with the academic admission standards then in effect and subject to review by the appropriate academic Dean. Disciplinary suspension is recorded in the confidential records of the Office of the Dean for Student Affairs & Campus Life, and the term of suspension in the student's academic records. Any student who is suspended shall not be entitled to any tuition or fee refund.
- 4. Disciplinary Probation:** Disciplinary probation is imposed for a specific period of time. The student on disciplinary probation may be subject to additional restrictions or obligations during the probationary period. While on probation a student may not represent the University in any

capacity. A student on probation may not hold office in Student Government or any student organization. Disciplinary probation is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.

5. **Loss of Privilege:** Loss of privilege is a withdrawal of a privilege or use of a service for a specified period of time. Loss of privilege is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.
6. **Disciplinary Reprimand:** Disciplinary reprimand involves formal written warning to the student or student organization that further misconduct may result in more severe disciplinary action. The disciplinary reprimand is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.
7. **Suspension of Group:** Suspension shall consist of the withdrawal of an organization's recognition by the University for a stated period of time when an organization is found to have violated regulations. Suspension shall result in complete suspension of the activities of the group during the stated period of time and may also include conditions for removal of suspension.
8. **Organization Dissolution:** Organizational dissolution is a sanction imposed only upon student organizations guilty of serious and/or repeated violations of these standards.

The sanction involves permanent withdrawal of recognition by the University, denial of the use of University facilities or funds, and official dissolution of the organization on the campus. Organization dissolution is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.

9. **Restitution:** Restitution may be imposed on students whose violations of these standards have involved monetary loss or damage. Restitution as imposed by the hearing board/officer becomes a financial obligation to the University. Either full payment or a partial payment schedule agreed to by the Student Judicial Programs Officer is required before the student may register for classes again, or in the case of seniors, before the student may graduate. Restitution is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.
10. **Cancellation of Housing Contract:** The hearing board/officer has the option of recommending to the Director of Residence Life that a student's housing contract be cancelled if the seriousness of the violation warrants

such action. Any student who has his/her housing contract cancelled shall not be entitled to any housing deposit or fee refund.

**11. Interim Suspension:** An interim suspension requires that a student immediately leave the campus. It may be imposed upon the student by the Office of the Dean for Student Affairs & Campus Life with concurrence of the President when the Dean has reason to believe:

- the safety and well being of students, faculty and university property is in jeopardy, or the student's own physical or emotional safety is in jeopardy, or
- the student poses an immediate threat of disruption or interference to the normal conduct of the University, or
- there exists a flagrant disregard of the law regarding violations of the Substance Abuse Policy, i.e., public drinking, marijuana smoking, etc.

In enforcing this sanction, the Office of the Dean for Student Affairs & Campus Life may rely upon information supplied by others. If any student returns to campus during his/her interim suspension, without written permission from the Dean, unless he/she returns solely to attend a disciplinary hearing, he/she shall be subject to disciplinary dismissal or disciplinary expulsion, or criminal prosecution. Interim suspension is recorded in the confidential disciplinary records of the Office of the Dean for Student Affairs & Campus Life.

**12. Other Sanctions:** Sanctions other than those described above may be imposed for violations of these standards according to the judgment of the hearing board/officer and, where applicable, the appropriate Dean or Vice President. For example, cases of academic dishonesty may lead to the vacating of grades or extra work assignments. In other instances, students' participation in extra-curricular or athletic activities may be limited. In response to other violations, the hearing board may impose constructive work assignments, community service, education conferences, referral to education programs (e.g., Alcohol, Tobacco, and Other Drug Prevention Program), fines or other appropriate sanctions.

### **Administrative Applied Sanctions**

After a violation report has been filed, and responsibility has been established, the Student Judicial Programs Officer will determine whether or not an administratively applied sanction (AAS) may be used in dealing with the case. An administratively applied sanction may be imposed if the following criteria are met:

1. If there is an agreement on the referred person's part that the description is accurate and the violations did occur.

2. The violations constitute an infraction which, from the administrator's past experience, would result in a sanction of Disciplinary Reprimand and/or other sanctions.
3. The student(s) referred has no previous disciplinary record in the form of warning letters or referrals.
4. The referring party agrees to the use of an administratively applied sanction.
5. The administrator will discuss the AAS with the referred student, but it will not become official until all parties have agreed to its use and any requirements (i.e., projects, meetings, etc.) have been fulfilled. If these requirements are not met, a formal hearing will be convened. The administrator may require a hearing for a referral where an AAS could be applied if it is felt that the educational benefits can be best achieved by a formal hearing. A student who has received an AAS is not eligible to have any subsequent referral handled through an administratively applied sanction.

#### **Section V. Appeals**

Either the student charged or the person who filed the charge may appeal a decision of the Judicial Board. Request for review must be made in writing to the Office of the Dean for Student Affairs & Campus Life within ten (10) days of the notice of findings of fact and proposed sanctions. Request for review shall be promptly transmitted, along with appropriate hearing documents, to the Office of the Dean for Student Affairs & Campus Life.

The findings of Judicial Boards may be reviewed based upon any of the following:

1. Decisions which are unsupported by substantial evidence in the view of the entire record.
2. Substantial departure from, or denial of, rights or provisions enumerated under "Procedures for Hearings Before Judicial Board.
3. New evidence discovered, previously unavailable which, if proven accurate, would substantially alter the decision as the guilt or innocence of the student charged or as to the sanction imposed.
4. A reasonable claim that the sanction imposed is disproportionate to the gravity of the conduct.

The accused student and the person who filed the charge shall be notified in writing of the decision on whether or not to grant the review on the decision upon which the review is granted. The Office of the Dean for Student Affairs & Campus Life or his/her designee shall within ten (10) days upon receipt of record, render a decision of the Student Judicial Programs Officer, modify the

decision, vacate the decision and/or remand the matter to the Judicial Board for reconsideration.

**Section VI. Disciplinary Records**

Disciplinary records will be maintained by the Office of the Dean for Student Affairs & Campus Life for four (4) years after a student has been found in violation of the Student Code of Conduct.