



UNIVERSITY OF DAYTON

STUDENT STANDARDS *of* BEHAVIOR
AND CODE *of* CONDUCT

2018-2019

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The Code of Conduct is a part of the University of Dayton Student Handbook. The handbook can be found online at go.udayton.edu/studenthandbook.

MISSION

In support of the University mission to educate the whole person, the Office of Community Standards and Civility's purpose and mission is to maintain a campus environment that is conducive to learning, protects the University's educational mission and community, maintains reasonable order and assists in the character development of each student or student organization within the conduct system.

The Standards of Behavior and Code of Conduct are applicable to all students and student organizations, regardless of where a violation may occur.

STANDARDS *of* BEHAVIOR

The Standards of Behavior for all University of Dayton students have been developed in consultation with students, faculty and staff to support the development of the student community in ways that exemplify the University's Catholic and Marianist traditions. It is expected that all students work to support the University's academic mission, have their actions contribute to the common good, demonstrate value and dignity to all people and share in the Commitment to Community that makes a University of Dayton graduate distinctive. The University is a vibrant learning and living environment where the following standards of behavior clarify our common goals:

A. Support of the Academic Mission

All students at the University of Dayton are expected to live and work in support of the academic mission. The Marianist tradition of education includes the whole person—spirit, mind and body—connecting liberal and professional education by integrating learning and living in community.

B. Commitment to Community Living

An authentic community requires maturity, commitment, self-sacrifice and hard work. Individuals' actions reflect their values, character and ethics. University of Dayton students strive to exemplify behavior supporting the development of communities around them.

C. Value for the Dignity of Every Person

We are called to not only respect ourselves and others but also to love ourselves and all people, because all people are made in the image and likeness of God. University of Dayton students respect the value and dignity of themselves and others in all they do.

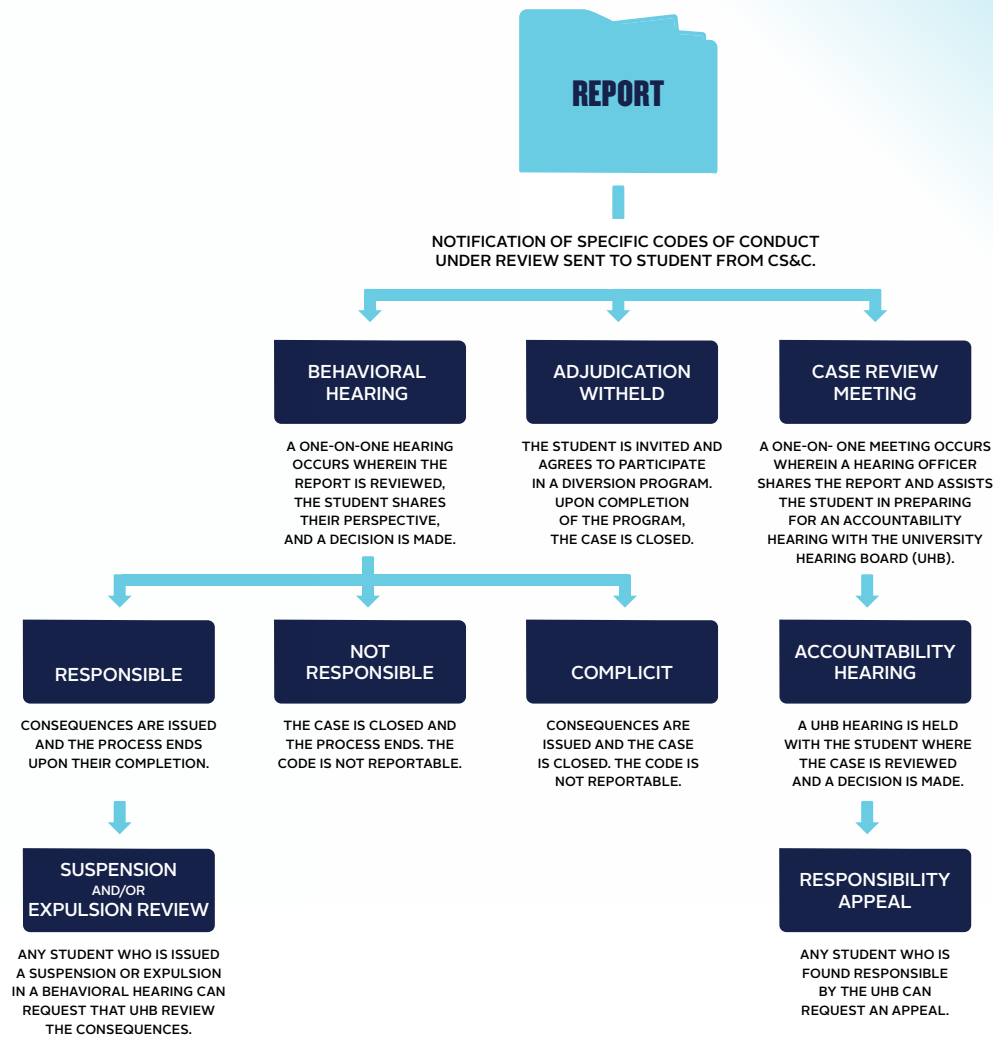
D. The Common Good

The common good is “the sum total of social conditions, which allow people, either as groups or individuals, to reach their fulfillment more fully and more easily.” University of Dayton students make individual choices in light of how these decisions affect other people and the community, and they work to change social structures that inhibit others from reaching their fulfillment.

For a deeper understanding of these standards, refer to the University mission statement and the Commitment to Community.



STUDENT CONDUCT SYSTEM



EXPECTATIONS

The Student Conduct System at the University of Dayton is a process for addressing allegations of violations of the Standards of Behavior and Code of Conduct. The system provides fundamental fairness to all parties concerning allegations of misconduct and encourages students to take responsibility for themselves and their community by adhering to the following:

- Honesty is an expectation. Acting on their own behalf or on behalf of their campus organizations, students are expected to be open, forthright and honest about any suspected violations.
- The Standards of Behavior and Code of Conduct apply to individual students as well as student organizations.
- Embodiment of the Standards of Behavior is an expectation of every student and is critical to the campus community. Support of the academic mission, individual commitment to an authentic community, treating others in the image and likeness of God and making choices in light of how those choices affect others set the stage of expectation for all students at all times, particularly in stressful situations (such as being involved in the Student Conduct Process).
- Parents/guardians are considered partners with the University; however, students must sign a waiver for the release of conduct records to parents/guardians. Additionally, students are expected to manage their parents by relaying information and providing context for the information. The University reserves the right to notify parents of any drug or underage alcohol violations, as is stipulated in the University Policy on Disclosure of Student Records and the Family Educational Rights and Privacy Act of 1974 (FERPA).
- Student organizations are accountable to the Standards of Behavior and Code of Conduct. Organizations are expected to host group activities that exemplify the Standards of Behavior and to discourage violations by individual members.

FOUNDATION

The Student Conduct System is rooted in four key University documents. This system is informed by national standards in the field of college student conduct administration. It also conforms to local, state and federal laws and embraces the University Statement of Dignity. These University documents are as follows:

1. The University Mission Statement.
2. The Commitment to Community.
3. The Mission of the Division of Student Development.
4. The Mission of the Office of Community Standards and Civility (CS&C).

The key concepts in these founding documents include an understanding of the common good, the integration of learning and living, the value and dignity of every person, the education of the whole person, the pursuit of academic achievement, fundamental fairness, the expectations of civility and legal responsibility, and the development of character and accountability at a community level.

AUTHORITY AND JURISDICTION

The Office of Community Standards and Civility has the overall responsibility for the implementation and administration of the Student Code of Conduct and the Student Conduct System, as directed by the Vice President for Student Development and Dean of Students or their designee. The Vice President (or his/her designee) holds the ultimate authority over the Student Conduct System and, as such, can exercise the following functions:

- Taking interim action.
- Adapting processes.
- Delegating responsibilities to staff in Student Development.
- Updating/altering procedures.
- Determining the severity or egregiousness of a case.

The University has jurisdiction over possible violations of the Code of Conduct by any student, regardless of where an incident occurs (on or off campus). The Code and system apply to all students (pre-enrolled, undergraduate, graduate and law students). For the purposes of the Student Conduct System, a student is defined as an individual who has registered with the University for any form of instruction,* whether or not the student is enrolled for credit. Student status begins at the time of such registration, even if the student has not yet arrived on campus or commenced instruction. Student status continues until such time as the student graduates, completes the relevant program, is expelled or otherwise indicates a permanent separation from the University. Withdrawal from classes may not signify a permanent separation from the University. A student who wishes to make a permanent withdrawal should contact the Dean of Students. A student who has been suspended continues to be considered a student for purposes of University policies and procedures. A former student who is not registered for classes for three consecutive semesters (excluding summer terms) is no longer considered a student.

A student accused of committing a criminal offense may face criminal charges in addition to violations of the Code of Conduct concurrently. Students are not permitted to have lawyers/attorneys participate in the Student Conduct System. This does not preclude a student from seeking legal advice. Instead, it prevents the lawyer's interaction

or observation of an educational process. The manner of participation for lawyers/attorneys in the Nondiscrimination and Anti-Harassment Policy/Equity Complaint Process can be found online at go.udayton.edu/nondiscrimination.

In cases where the incident is of a dangerous nature or where the reported behavior grossly contradicts the community's value system, as expressed in the Standards of Behavior and Code of Conduct, the case may be immediately referred to the Office of the Vice President for Student Development or the Dean of Students for action. The Vice President for Student Development and the Dean of Students have the authority to issue interim action that would take place prior to the Student Conduct Process and would contain specific guidelines—up to and including an interim suspension. In cases where an interim action has been taken, the accused student or organization will continue through the Student Conduct System until a final determination has been made. Students will be notified in writing of any interim actions taken. Failure to abide by the interim action will result in additional disciplinary actions. Additionally, when on notice of large-scale gatherings or events, whether authorized or unauthorized, the University reserves the right to impose campus-wide restrictions on such things as guests, parking, use of glass containers and porch/lawn gatherings. In cases where a former student is documented in the campus area or at a campus event for egregious or concerning behavior, the offending party will be required to resolve the matter, should they choose to return to the University at any point in the future as a visitor or student. Note that the “campus area” falls within the north/south borders of Irving and Wyoming Avenues and the east/west borders of Brown Street and Woodland Cemetery, as defined by the Mutual Aid Agreement between the City of Dayton and the University of Dayton. This includes University-owned properties, including, but not limited to, those on Brown Street (Fitz Hall), Irving Avenue, Edwin C. Moses Boulevard (arena and athletic areas), Patterson Road (Daniel P. Curran Place), Old River Park, Stewart Street and properties used by the China Institute.

**This does not include youth or teen programs that occur prior to, or outside of, the traditional enrollment process through the Office of Enrollment Management.*

END-OF-TERM TIMELINE CHANGES

In cases where the incident occurs during the last 30 days of the academic semester, the University reserves the right to abbreviate the time line in an attempt to resolve the case before the end of the term. In these cases, the student will be notified of any changes made regarding deadlines.

ACCUSED STUDENT RIGHTS

Students accused of possible violations of the Code of Conduct have the following rights:

- To have a hearing.
- To receive written notice when accused of a possible violation.
- To have a support person accompany them for any case heard by the University Hearing Board (UHB).
- To submit a written account and witness statements and to invite witnesses when attending an Accountability Hearing before the UHB.
- To be notified, in writing, of the outcome of any hearing.
- To request an appeal of an Accountability Hearing held by the UHB in accordance with the Appeal Process described in the Student Conduct System.
- To request that the UHB review any suspension/expulsion issued by an individual hearing officer in accordance with the Review Process described in the Student Standards of Behavior.
- To choose not to respond (orally or in writing) to accusations in the Student Conduct System; in exercising this right, it is important to note that the process will proceed, regardless of participation and may have implications on the finding, given the lack of information submitted from the accused students' perspective.

EXCEPTIONS/VARIATIONS OF STUDENT RIGHTS:

For details on the rights for respondents and complainants in cases of nondiscrimination and anti-harassment, including sexual harassment, visit any University web page and use the link at the bottom titled “Nondiscrimination” or visit go.udayton.edu/nondiscrimination. Additionally, general student conduct cases involving student organizations are managed using the Student Organization section of the Student Conduct System found within this document.

CODE of CONDUCT

The following Code of Conduct establishes specific behaviors that do NOT meet the expectations of a student or any student organizations at the University of Dayton and are therefore prohibited. All violations are cumulative for the duration of an individual student's attendance at the University of Dayton. The Student Conduct procedures can be found in detail on pages 27–49. The processes for cases of nondiscrimination and anti-harassment (including sexual harassment) differ and can be found online at go.udayton.edu/nondiscrimination. Questions concerning the Student Conduct Process or student conduct records should be addressed to CS&C in person at Gosiger Hall, Room 227, by phone via 937-229-4627 or via email at csc@udayton.edu.

I. Alcohol

The following behaviors are not permitted with regard to alcohol (liquid or powdered):

- a. Use or possession of alcohol under the legal drinking age.
- b. Distribution of alcohol.
- c. Drinking in public, public intoxication or possessing an open container.
- d. Manufacturing alcohol.
- e. Driving under the influence of alcohol.
- f. Possessing consumption devices (funnels, etc.) and mass containers (kegs/mixed alcohol from a common source outside of its original packaging).
- g. Abuse incorporates requiring medical attention, passing out, vomiting, loss of memory or hospitalization. High-risk drinking activities also constitute the abuse of alcohol. Such activities include, but are not limited to, drinking large quantities of alcohol, consuming alcohol at an accelerated pace (chugging), use of alcohol with medication or other controlled substances, participating in drinking games and using beer bong. Any item that is used to rapidly consume alcohol or that is used to facilitate high-risk drinking may be confiscated and may not be returned. It should be noted that being present at a drinking game or game traditionally played to accelerate the effects of alcohol where alcohol is present falls under Alcohol Code (i), unless there is evidence (no matter how slight) of alcohol use or possession, in which case the activity will be considered abuse.
- h. Using alcohol containers/packaging for decoration or signage or any behavior that promotes underage or irresponsible drinking is not permitted in residential areas where alcohol is prohibited.

MEDICAL AMNESTY

The University encourages students to seek medical attention for themselves and others when needed and recognizes that the potential for disciplinary action may be a barrier to seeking medical assistance for issues involving the use of alcohol or drugs. It is for this reason that CS&C offers medical amnesty through participation in a diversion program (known as the Blueprint Program).

Students who gain access to medical attention due to peer intervention will qualify for medical amnesty. Additionally, the caller will not be documented for simple alcohol/drug violations that become known to authorities as a result of the call for assistance. In cases where the student calls for themselves, they will be documented and remain qualified for the amnesty program. Provided the student requiring medical attention agrees to participate in the Blueprint Program, medical amnesty will shield the incident from disciplinary action. Additionally, in these circumstances, students who are on, or have been on, University disciplinary probation for alcohol- or drug-related issues will be protected from the consequences of suspension and expulsion within reason.

It should be noted that a history of alcohol- or drug-related medical transports remains of concern to the University. Any student who becomes a danger to themselves with regard to the use and abuse of these substances may require ongoing medical attention and could disqualify themselves from amnesty for habitual medical transport. Lastly, medical amnesty was created with the safety and security of the student community in mind. Any case where the drug in use or the behaviors surrounding the incident cause heightened safety concerns may be managed through the traditional process, as determined by the Associate Dean and the Director of CS&C.

- i. Presence in a space where there is evidence of alcohol, coupled with the playing of or simulation of, a drinking game is not permitted. Students in such a situation where there is any evidence (not matter how slight) of personal consumption or possession will be held under the Alcohol Abuse Code (g) and those who reside in the location will also be in violation of Possession Code (a) if underage.

(See the Student Handbook, go.udayton.edu/studenthandbook, for the Alcohol Resource Guide.)

2. Compliance

Students are required to comply with:

- a. Directions of any University official acting in the performance of their official duties. This can include, but is not limited to, failure to identify oneself to these persons when requested to do so, or failure to immediately comply with any verbal order issued by the police or University staff.
- b. Any policy, rule or regulation published by the University.
- c. The Student Conduct Process, at any stage.
- d. Any signed contract or agreement with the University.
- e. Rules and regulations of other institutions of higher education, cooperative/ internship assignments, student teaching assignments and any other business or organization associated with the University.

Examples of expectations found in various University rules, contracts and policies include the following:

- Students are required to carry their student ID at all times.
- Sharing network or email passwords is prohibited.
- Having restricted items in any University residence is prohibited by the housing contract.

Rules, policy and contracts of note include:

- Fair and Acceptable Use of Computing Resources Policy.
- Flyer Card Policy and Meal Plan Requirement Policy.
- Campus One Card requirements.
- Dining Services policies.

- Adherence to other University policies, illustrated in Key Concepts and Notifications of the Student Handbook, go.udayton.edu/studenthandbook.
- Housing and Residence Life Contract.
- Parking Services agreements.
- Smoking on the University of Dayton Campus Policy.
- Policies published on the official policy website at udayton.edu/policies.

These policies and contracts can be found online or at the hosting offices. For assistance locating these documents, contact CS&C.

3. Disorderly Behavior

Students are not permitted to:

- a. Engage in disruptive, indecent or lewd conduct.
- b. Cause a breach of the peace or act in a manner that presents a risk of harm to oneself or others.
- c. Throw objects from or climb in and out of windows.
- d. Use restrooms or locker rooms in an inappropriate manner.
- e. Urinate in public.
- f. Unnecessarily extend a confrontation or disrupt a confrontation of another student by police or University staff.
- g. Create, participate in or contribute to a community disturbance. A community disturbance encompasses a wide range of behaviors. Such incidents can include harmful or destructive conduct, including violence, damage to or destruction of property, blocking sidewalks/streets, setting fires, throwing glass bottles or other objects, refusing to vacate an area where such activity is occurring or any other highly egregious or reckless behavior that compromises the safety and security of the University community or the ability of the police and other authorities to maintain order.

Students sending mass electronic or online invitations to the campus area that result in large-scale gatherings and community disturbances can be held responsible for said disturbance. (See Code of Conduct 8 concerning guests on page 17.) The University reserves the right to determine in its sole discretion whether a situation or conduct has risen to the level of disruptive or that of a disturbance.

4. Drugs

The following behaviors are not permitted with regard to drugs:

- a. Illegal use and/or possession of marijuana.
- b. Prescription use or possession of marijuana on campus property.
- c. Use or possession of heroin, cocaine, acid, narcotics or other controlled substances.
- d. Use or possession of any general product used as an intoxicant or as a means to get high.
- e. Manufacturing, growing or distributing, selling or transferring any substances.
- f. Driving under the influence or impaired.
- g. Improper use, possession or distribution of prescription drugs.
- h. Possession of paraphernalia commonly used to consume drugs (includes, but is not limited to, pipes, bongs, hookahs, homemade smoking devices, vape materials with suspected illegal substances or items that have markings of use for drug-related behavior, such as burned spoons).

Notes on Drugs:

- See Student Handbook, go.udayton.edu/studenthandbook, for the Drug Resource Guide.
- Medical Amnesty described with the alcohol code also applies to the drug code.
- Students who have a medical prescription for marijuana are not permitted to use or possess the substance as prescribed on campus. However, they will not be held responsible for a violation of Code with regard to presenting oneself as under the influence of marijuana. For the official policy on Alcohol and Other Drugs, see udayton.edu/policies.

5. Environmental Disrespect

The following behaviors are considered disrespectful to the environment and are not permitted:

- a. Excessive noise, amplified sound, music or noise that disrupts others.
- b. Any form of vandalism of personal or University property, regardless of intent.
- c. Hosting large, open parties.



- d. Littering, unearthing plants, disturbing the aesthetics of the University or damaging University grounds or facilities in any manner.
- e. Outdoor or porch use of furniture that is intended/built for indoor use.

The University of Dayton does not participate in personal disputes over responsibility or restitution between parties.

6. Fire Safety

The following behaviors are not permitted with regard to fire safety:

- a. Setting a fire, committing arson or contributing materials or fuel to a fire.
- b. Igniting any material inside of a facility (including candles and incense).
- c. Falsely activating fire alarms.
- d. Tampering with fire equipment.
- e. Failing to report a fire or someone involved in setting a fire.
- f. Failing to vacate a University building during a fire alarm or scheduled fire drill or failing to vacate the general vicinity of a fire.
- g. Any behavior that places a facility or community at risk for fire is not permitted. Such behaviors include, but are not limited to, failing to properly tend to cooking, the use of outdoor tiki torches in the campus area, use/possession of hoverboards, use/possession of appliances with heating elements that are not approved in residence, burning candles/incense, burning materials in an open/outdoor space in the campus area or unsuccessful extinguishing of tobacco products.

7. Gambling

The following behaviors are not permitted with regards to gambling:

- a. Wagering of money, property or services (any material or service of value).
- b. Hosting activities such as poker tournaments, casino nights and other events that use similar gaming themes.

8. Guests

A guest is defined as either an external visitor of a student (non-student) or a student who is being hosted in the residence of a fellow student. Students are required to manage their guests in the following manner:

- a. Each guest must be accompanied by his/her host at all times.
- b. Students are responsible for the conduct of their guests at all times.
- c. Students who advertise or issue mass invitations (online or actual) will be held responsible for the outcome of such an invitation.
- d. Guests (student or non-student) are not permitted to stay overnight, if they are of the opposite sex from the students residing in the room/suite/apartment/house.
- e. Students are not permitted to have overnight guests (student or non-student) stay more than two consecutive nights or five nights in one month without written consent from roommates/living mates as well as the Housing and Residence Life Coordinator.
- f. Guests may not sleep in an unoccupied bed without prior written consent of the student who primarily uses that bed.
- g. Overnight guests are not permitted during orientation week, final examination weeks, dates when the housing facilities are closed or on any days/dates that the University communicates as a guest-restricted time span.
- h. Students living in University housing may be subject to additional guest registration requirements during specified times of the day/year.

Note: Personal guests are not considered guests of the University and are not subject to the background check required of the minors on campus- University-wide policy. In cases where a guest's conduct puts students/faculty/staff at risk of harm, the consequences of hosting that guest can result in severe disciplinary action.

9. Harassment

All forms of harassment and/or discrimination are unacceptable in the University of Dayton community. Due to the wide range of behaviors that constitute harassment and/or discrimination, the University has set two policies and processes for managing these reports and behaviors. Violations of the Nondiscrimination and Anti-harassment policy are marked in a student's conduct record but is managed by the Equity Compliance Office (see Code of Conduct 18). Behavior that is considered harassment but does not rise to the level of non-discrimination and anti-harassment is managed in by CS&C.

Harassment and/or bullying behaviors include but are not limited to:

- a. Verbal abuse.
- b. Threats.

- c. Intimidation.
- d. Stalking.
- e. Bias-related or historically symbolic behaviors that cause any member of the community to feel unwelcome or less than (regardless of intent).
- f. Display of offensive symbols that would cause a person to feel targeted or unwelcome by group identity. This includes historically offensive symbols that are reasonably known to have such effects.
- g. Any action that causes mental distress, including, but not limited to, threats, intimidation, coercion or communication that continues after being asked to discontinue contact.
- h. Unauthorized recording or use of a recording (audio, video or photograph) of another person without their knowledge and approval, when such a recording causes injury or distress.

Note: Action that causes mental distress will be determined by using a reasonable person standard.

10. Hazing

The following actions or situations (planned or executed) by or against an active member, associate member, new member, pledge or potential member of an organization or group (as outlined in the terms below) are prohibited, regardless of location, consent or intention:

- a. Intentionally, forcefully or recklessly endangering the physical health or safety of any student attempting admission into or affiliating with any group or student organization.
- b. Intentionally, forcefully or recklessly endangering the mental health or safety of any student attempting admission into or affiliating with any group or student organization. This would include inflicting physical or mental harm, distress, anxiety or that which may demean, degrade, embarrass or disgrace any person.
- c. Setting a small group of members (or potential members) apart from other members not specifically sanctioned or mandated from national organizations' and the Center for Student Involvement's (CSI's) expectations, values, ritual or policy.

Note: See udayton.edu/studev/leadership/involvement/student-life/hazing/index.php for the University Policy on Hazing.

Hazing examples include, but are not limited to, forced consumption of food, alcohol, drugs or any other substance; forced physical activity; deprivation of food or sleep; physical acts of violence, such as hitting, branding or paddling; creation of excessive fatigue; physical and psychological shocks; using activities, such as quests, treasure hunts, scavenger hunts, road trips, interviews or signature books, used as a means to exclude those who do not participate from admission to the organization; wearing apparel that is conspicuous or lewd; engaging in public stunts and buffoonery; morally degrading or humiliating games and activities; and late work sessions that interfere with scholastic activities.

- **Participant:** For the purposes of the hazing policy, participant is defined as any student who directly/indirectly partakes in a prohibited act by leading, encouraging, witnessing or condoning the act in any manner. Failing to stop or report these actions as a bystander/witness may bring charges upon the negligent individual.
- **Group:** A group is considered a number of persons who are associated with the University and each other, but who have not registered or are not required to register, as a student organization (e.g., athletic teams, musical or theatrical ensembles or academic or administrative units).
- **Organization:** A number of persons who are associated with each other and who have registered with the University as a student organization with the CSI.

Note: (a) Groups sponsored by the University, such as Athletic teams, musical groups, etc., are accountable to the hazing code. Sanctioning/consequences for violations are determined by the Vice President of the area that sponsors the group in consultation with the Vice President for Student Development. (b) See the Student Handbook for the Hazing Resource Guide at go.udayton.edu/studenthandbook.

11. Laws and Statutes

Violation of any local, state or federal law is not permitted.

Note: See page 55 for local ordinances.

12. Misrepresentation

The following behaviors are not permitted with regard to misrepresentation:

- a. Lying, misrepresentation of facts or giving false testimony to any University official.
- b. Engaging in forgery.
- c. Transferring, altering, wrongfully obtaining or otherwise misusing documents, including being in possession of an ID other than your own or a fake ID.
- d. Misusing University funds.



- e. Using the University logo or name without appropriate permission or falsely attributing an activity to the University.
- f. Representing oneself as the University of Dayton when signing a contract or an agreement.
- g. Falsifying any University record.

13. Physical Abuse

Physical abuse of any kind is not permitted. Physical abuse includes, but is not limited to, fighting, wrestling, pushing, hitting, grabbing, cutting or slapping another person, regardless of intent.

Note: Self-defense or responding to a physical attack with a counter-physical act is not encouraged, but it may become necessary in rare cases. Self-defense may be considered a University policy violation if the actions are not immediately followed by an attempt to remove oneself from the situation. In cases where both parties are claiming self-defense and an investigation lends no information to justify one claim over another, both students will be notified of possible violation. It is important to note that students are expected to make every attempt to create a nonviolent solution. Physical attack as a response to verbal harassment, defense of another person or as a response to someone “being in your face” is unacceptable.

14. Safety and Security

The following behaviors are not permitted with regard to the safety and security of the University of Dayton community:

- a. Any attempt to compromise University security systems.
- b. Accessing an unauthorized area.
- c. Duplicating University keys.
- d. Posting campus threats or engaging in any behavior perceived as a widespread threat to the safety of others.
- e. Possession or use of a weapon or any item that could be perceived as a weapon, which could include, but is not limited to, knives, explosives, dangerous chemicals, guns, pellet guns, BB guns or any item that could be perceived as a gun* (i.e., replicas of guns or the insinuation of a gun, such as gesturing in one’s coat pocket).
- f. Use of any object that endangers oneself or the safety and security of the campus community. Such items include, but are not limited to, recreational drones, makeshift ziplines or slacklines.

- g. Tampering with or propping open, entry/exit doors.
- h. Failing to properly identify oneself when entering the residence halls.
- i. Tampering with security cameras.
- j. Accessing basements, utility rooms, attics and roofs without authorization.
- k. Entering into any room or building without authorization.

Note: Individuals who possess a current, valid concealed carry permit (recognized in Ohio) or who are active-duty military may have a concealed handgun on campus only if it is stored in a locked motor vehicle or if the licensee is in the immediate process of placing the weapon in a locked motor vehicle. Such license holders or active-duty military members may not have such a weapon anywhere else on campus. As with all matters of student conduct, the University reserves the right to determine what constitutes endangerment or threat.

Sexual Harassment: See Code 18: Nondiscrimination/Anti-Harassment.

15. Solicitation and Commercial Activity

The following behaviors are not permitted with regard to solicitation and commercial activity:

- a. Solicitation of members of the University community by a student for the sale or promotion of commercial products or services.
- b. Hosting vendors for entertainment or other services.
- c. Door-to-door sales, promotion or collection of funds is not permitted without written permission from Housing and Residence Life, unless the activity is considered part of the student's job in-residence.
- d. Students operating a business on campus without prior approval through the Chair of Management and Marketing in the School of Business. The business must comply with all regulations and procedures indicated in that process.
- e. Student organizations selling items without prior approval by CSI.

Note: Student-run businesses are not permitted without approval from the Chair of Management and Marketing in the School of Business. Without such approval, students may not operate a business on University property or in the campus area. This means that students cannot use University resources to operate a private business. Resources include, but are not limited to, the use of University property, facilities (including the storage of inventory), networks, utilities or equipment for the purpose of operating a business/making a profit.

16. Theft/Unauthorized Possession

The following behaviors are not permitted:

- a. Theft.
- b. Attempted theft.
- c. Possession of stolen property or possession of property without the permission of the owner.

17. University Process Abuse

The following are considered abuse of University process or systems and are not permitted:

- a. Behavior disrupting normal University operations, consuming an inordinate amount of University staff time or resources or interfering with the educational process or orderly operation of the University.
- b. Retaliation against individuals who exercise rights or participate in investigations or proceedings.
- c. Submission of frivolous or fabricated reports.

18. Nondiscrimination and Anti-Harassment Policy

The University of Dayton does not discriminate on the basis of age, race, color, creed, religion, ancestry, national or ethnic origin, sex/gender, sexual orientation, gender identity, gender expression, disability, genetic information, military status, veteran status, familial status or any other protected category under applicable law.

Behaviors that may be discriminatory or harassing are addressed using the Equity Compliance Resolution procedures. Prohibited behaviors covered may include:

- Sexual harassment.
- Discriminatory or bias-related harassment.
- Sexual misconduct, including sexual assault, intimate partner violence and stalking.

The complete Nondiscrimination Policy and procedures can be found online at go.udayton.edu/nondiscrimination.



STUDENT CONDUCT PROCEDURES

All numbering/lettering is intended to allow for ease of reference and does not indicate sequential order.

FINDINGS

The final outcomes with regard to responsibility or lack thereof for violations of the Code of Conduct are as follows:

- a. Not Responsible: There is not enough evidence/information to indicate that the student is/was in violation of the Code.
- b. Responsible: The evidence/information available to the University indicates a violation of Code.
- c. Complicit: While a student was initially suspected of being in direct violation, it is now clear that the student witnessed, was present at or was determined to be responsible for hosting/encouraging violations.
- d. Adjudication Withheld: The case was diverted to, or the student chose to accept, an educational diversion program, causing the adjudication of the case to be withheld.

Multiple findings of Complicit for the same policy will result in more significant consequences or additional accusations of policy violation.

STUDENT RECORD NOTATIONS

Only findings of Responsible are reportable violations to those outside the University. Additionally, students are not notified of possible violation for being Complicit. Complicit is a finding issued following notice of a possible violation and is not a violation in and of itself.

CONSEQUENCES

Note: See variations for Student Organizations on pages 40–44.

The consequences given in cases where students are found Responsible or Complicit are intended to be corrective and educational in nature, but they can be punitive when deemed necessary. The disciplinary experience is intended to make clear to the student the limits of acceptable behavior and to give students who violate the Code of Conduct an opportunity to more fully understand the expectations of living in community.

The consequences for those found responsible and/or complicit in a violation will likely include a combination of interventions.

Failure to complete assigned consequences may result in the student's record being placed on hold (known as a Dean's Hold), which can prevent registration, participation in the housing selection process, release of grades/transcripts, participation in graduation and the granting of a degree. Additionally, students who fail to complete consequences may be offered an extended deadline, if requested in a timely manner.

A second missed deadline may result in the student being accused of a violation of compliance, which will initiate a new student conduct case or the consequences may be altered to monetary fines. Lastly, the University reserves the right to alter the consequence of suspension/expulsion to that of expulsion in any case where the student violates the terms of the suspension/expulsion. The consequences/sanctions include, but are not limited to, the following:

- **Written Warning:** An official written notice of the University's disapproval of a student's actions, indicating that any future violation will be dealt with more severely.
- **Restriction:** Temporary or permanent loss of privileges or the use of/participation in a University facility, program or service.
- **Intervention:** Educational or informative workshops, events, reflective or research papers, meetings, counseling sessions or activities related to the violation or incident.
- **Monetary Fine:** A disciplinary fine placed on the student's account.
- **Restitution:** Compensation for loss, damage, or injury.
- **University Disciplinary Probation:** Official notice that any further/future violations are likely to result in suspension or expulsion from the University. A student on probation is not permitted to serve in select leadership positions in student organizations, as defined in the Student Organizations Resource Guide, udayton.edu/studev/_resources/files/studentlife/resource_guide.pdf. Nor can a student on probation participate in the recruitment/pledge/initiation process of any fraternity or sorority. They also may experience additional restrictions and loss of privileges from varying programs and events, as specified in the policies of such activities. A student on probation is not in good nonacademic standing with the University. **Note:** University disciplinary probation is defined differently for student organizations. (See pages 40–44). Students on probation are permitted to join and be members of clubs and organizations; only the intake process for social fraternities and sororities that is prohibited with regards to membership.

- **Interim Action:** Interventions or restrictions issued by the Dean of Students or Vice President for Student Development at his/her discretion prior to the adjudication of a conduct case could include, but are not limited to, interim suspension/expulsion, limitation of access to designated University facilities or residence halls by time and location, limitation of privilege to engage in specified University activities or reassignment to alternate housing.
- **Interim Suspension/Expulsion:** A denial of access to the residence hall(s), the campus (including classes) and to all other University activities or events, which the student might otherwise be eligible to participate in or attend. **Note:** Interim suspensions/expulsions are issued prior to adjudication of a student conduct case by the Vice President for Student Development or the Dean of Students.
- **Suspension/Expulsion:** A complete separation from all University classes, activities, events, services, facilities, grounds and campus property (including University-owned houses in the student neighborhood) for a specific period of time or until specific conditions are met. Any violation of these terms will result in additional action, up to and including expulsion. Suspensions/expulsions are immediate, regardless of the timing of the academic year. **Note:** Suspension/expulsion is defined differently for student organizations. (See pages 40–44).
- **Expulsion:** Complete and permanent termination of the student's relationship with the University. This termination pertains to all classes, activities, services, facilities and grounds and precludes any future enrollment in the University's undergraduate, graduate and professional schools. **Note:** Expulsion is defined differently for student organizations. (See pages 40–44).

During the period in which an investigation or student conduct case is pending against a student or the student has not satisfied the terms of an assigned consequence, the University may deny or delay the issuance of a degree. Furthermore, the University may refuse to issue a degree to a student who is serving a suspension/expulsion or who has been expelled from the University.

When issuing consequences, the hearing officer team utilizes preset standard guides to provide consistency, address the depth and breadth of the violation, address developmental needs and bridging and consider the student's conduct history. The standard consequences are reviewed each academic year, and it is important to note they are a guide, not a minimum or maximum mandate. Hearing officers utilize their educational background and training to assess and consult with supervisors when they believe the appropriate consequence rises above or below the standard. Regardless of the final consequence package given, consequences are not able to be appealed.

Listed in the adjacent table are the standards used by hearing officers for those portions of the alcohol code that are most commonly violated. Again, these are not a minimum or maximum mandate, but rather a standard. Some violations start with a second offense standard, because they will likely qualify for a diversion program at the first offense. It should be noted that, when parent contact information is available, the Associate Dean of Students will send a letter to the parents of any underage student placed on probation for violation of the University's policy on alcohol or drugs. This letter is separate and apart from the letter students write themselves for underage alcohol use.

There are a few behaviors that can warrant a suspension or expulsion on the first offense. In most cases this is contextual, but for some codes it is the standard. Following is a list of behaviors that have resulted in suspension for a first offense:

- Fire safety where people or property were harmed.
- Distribution (or sale of) drugs, including prescription drugs.
- Hosting or participating in a community disturbance.
- Harassment of an egregious nature.
- Hazing.
- Tampering with or forging University records.
- Physical abuse.
- Compromising University security systems.
- Possession of a firearm on campus property, except those with a concealed carry permit where the weapon is stored in the trunk of a vehicle as indicated in the Code.
- Use of, or threatening another with, a weapon.
- Theft of an egregious nature.
- Vandalism/damage of an egregious nature.
- Behavior that signals to a member of the community that they do not belong or are not wanted, or behavior that is a threat to all people who share their group identities (e.g., race, gender, religion, nationality, sex, sexual orientation, socioeconomic class).

DOCUMENTATION AND NOTIFICATION

1. Documentation indicating a possible violation of the Code of Conduct can be submitted to CS&C by any party. However, designated staff members from the Department of Housing and Residence Life, the Department of Public Safety and CSI are specifically charged through their positions to report any suspected violation. To report a violation, visit udayton.edu/studev/civility.

CODE	SPECIFIC BEHAVIOR	OFFENSE	STANDARD CONSEQUENCES
ALCOHOL	Underage alcohol	1st	<ul style="list-style-type: none"> • Written warning • \$135 fine • Two-hour educational intervention • Letter to parents
	Underage alcohol Non-drunkenness possession or consumption with minimal amounts involved	2nd	<ul style="list-style-type: none"> • Written warning • \$150 fine • Three-hour educational intervention • Letter to parents
	Underage alcohol And second-offense cases where drunkenness or large quantities are involved	2nd/ 3rd	<ul style="list-style-type: none"> • University disciplinary probation (3 months) • \$150 fine • Three- to eight-hour educational intervention
	Underage alcohol	4th	<ul style="list-style-type: none"> • Suspension
	Distribution to minors	1st	<ul style="list-style-type: none"> • University disciplinary probation (one year) • \$200 fine • One- to two-hour educational intervention
	Distribution to minors	2nd	<ul style="list-style-type: none"> • Suspension
	Drinking in public, public intoxication or possession of an open container (over the age of 21)	2nd	<ul style="list-style-type: none"> • Written warning • \$135 fine • Two-hour educational intervention
	Drinking in public, public intoxication or possession of an open container (over the age of 21)	3rd	<ul style="list-style-type: none"> • University disciplinary probation (three months) • \$150 fine • Three- to eight-hour educational intervention
	Driving under the influence of alcohol (where no one was harmed, the vehicle remained in a driving lane and the driver followed other driving safety standards)	1st	<ul style="list-style-type: none"> • University disciplinary probation (one year) • \$150 fine • Eight- to ten-hour educational intervention • Permanent loss of driving and parking privileges on campus property • Permanent loss of privileges to drive any University vehicle
	Driving under the influence of alcohol	1st/ 2nd	<ul style="list-style-type: none"> • Suspension
	Alcohol abuse, regardless of age (including participation in accelerated consumption or drinking games)	1st	<ul style="list-style-type: none"> • University disciplinary probation (one year) • \$150 fine • Three- to eight-hour educational intervention
	Alcohol abuse	2nd	<ul style="list-style-type: none"> • Suspension

2. Anonymous reports are not accepted for a violation review but may prompt an investigation, if the content is clear and can be examined or indicates egregious behavior.
3. Each report filed will be reviewed by CS&C through the lens of the Standards of Behavior and Code of Conduct. Notification of a possible violation will be issued (when appropriate) and may not indicate the Code violations intended by the original reporter.
4. CS&C will not issue a notification of possible violation that appears (as deemed by the Associate Dean of Students and Director of CS&C) to be retaliatory in nature. The only exception is if, following the conclusion of the original case, the University determines the complainant submitted a false report. False reporting, as determined by the Associate Dean, is not tantamount to a difference in opinion regarding the events in question. A false report is found to be false due to the presence of evidence indicating that the violations have been fabricated.
5. Students accused of a possible violation will be notified via email to their University account. Students are responsible for maintaining their student-issued email account. Notification will include the date of the incident in question, the specific Code(s) of Conduct in question and instructions on how to resolve the matter.
6. Notification instructions will include the name of the hearing officer the student is to meet with in a Behavioral Hearing and may include information permitting the student to attend a Diversion Program.
7. Diversion Program invitations are based on the content of the original report and are described on pages 45–49.
8. Students who do not follow the instructions in their notice waive the right to a hearing.

Note: The processes for cases involving the University’s Nondiscrimination and Anti-Harassment Policy, which corresponds to Code of Conduct 18, differ from the Standard Conduct Process. See go.udayton.edu/nondiscrimination for details.

BEHAVIORAL HEARING AND/OR CASE REVIEW

1. The Behavioral Hearing or Case Review is an opportunity for the accused student to review the report, respond to accused violations, discuss the circumstances and ask questions.
2. The hearing officer will provide the student with information concerning their rights. In instances in which the case is not being forwarded to the UHB, this meeting will

take place as an official hearing where the hearing officer will make determinations concerning the student’s responsibility and consequences. In cases in which the hearing officer forwards the case to the UHB, the meeting is referred to as a Review Meeting, in which the hearing officer assists the student in understanding what needs to be done to prepare for an Accountability Hearing. (See the Assistance section on pages 57–63).

3. Students who fail to attend the Behavioral Hearing or Case Review waive their right to review or respond to the report. In these cases, the hearing officer will administer findings and consequences in their absence or will forward the case to the UHB to hear the case.
4. In some cases, a student will indicate they are Not Responsible, but they will illustrate in their story that a Code was violated by accident or only in a technical manner. This happens most often when the student believes that the reason they violated the Code should mitigate being found Responsible. The circumstances leading to a violation are not reason for a student to be found Not Responsible, but rather are considered when issuing consequences for the violation.
5. Students will be able to review the actual report as a part of their Behavioral Hearing or Case Review. Students who would like to retain a copy of the report can request one through their hearing officer or in the CS&C Office. Please note that the CS&C Office requires one full business day to redact the report, if a copy is requested. Reports are generally not released to students prior to a Behavioral Hearing or Case Review.
6. Cases are likely to be forwarded to the UHB when:
 - a. The case involves behavior the University determines to be of an egregious nature.
 - b. The hearing officer’s findings reflect the evidence known at the time, but the student has denied the violation and indicates having decision-altering evidence that needs to be considered.
 - c. The case involves a complainant or a victim.
 - d. The case could result in expulsion.
7. In these cases, the hearing officer will conduct a Case Review meeting. At this meeting the hearing officer will provide the student with information on deadlines for submission of materials to the case and will assist the student in seeking any additional University resources, such as speaking with someone in the Counseling Center or making arrangements for translation services.

8. Neither the hearing officer nor the student are permitted to audio or video record a Behavioral Hearing or Case Review meeting, but both parties are permitted to take notes.
9. Decisions made in a Behavioral Hearing are final, with no appeal and hearing officers have the authority to issue a suspension/expulsion. However, students who are issued a suspension/expulsion in a Behavioral Hearing may request the suspension/expulsion be reviewed by the UHB.
 - a. In order to request a Behavioral Hearing Suspension/Expulsion Review, the student must submit a completed Suspension/Expulsion Review Request Form to CS&C within three business days of the Behavioral Hearing or written notice of the Behavioral Hearing decision.
 - b. The UHB decision in these cases is final, with no further appeal. The Board comprises three to five members and will either uphold the suspension/expulsion or determine that a lesser consequence should be issued by CS&C. This decision is determined by a majority vote.
 - c. Board members consider the following when determining the appropriateness of a suspension or expulsion:
 - i. The student's disciplinary history prior to the suspension/expulsion.
 - ii. The circumstances, findings and documents concerning the case that resulted in suspension/expulsion.
 - iii. The consistency of the suspension/expulsion decision with regard to similar cases/histories.
 - iv. The risk for the institution with regard to upholding or changing the consequence of suspension/expulsion.
 - d. Witnesses are not permitted in Suspension/Expulsion Reviews, but students are permitted to submit letters of reference or character to the UHB (maximum of 10 letters per case).
 - e. Each hearing is facilitated by a UHB Chair. The Chair is responsible for administering the procedures of the hearing. The Chair of the hearing participates in the questioning portion of the hearing and maintains order throughout the process but does not vote.
 - f. Upon arrival to the hearing, the student will schedule a Results meeting for the business day following the hearing. This means that students will not receive the results of their case the day of the hearing.

10. The consequence of a suspension/expulsion issued by a hearing officer is appealable, whereas, the same consequence issued by the UHB is not. This is due to the one-on-one nature of the Behavioral Hearings. The Suspension/Expulsion Review allows for a larger body (the UHB) to review a serious consequence.
11. Students who request a Suspension/Expulsion Review will be assigned a Conduct Adviser when notified of the time and date of their hearing. Conduct Advisers are trained faculty and staff volunteers who are willing to meet and help the student prepare for the review. They can provide tips on everything from what to wear to what questions to expect from the Board. Conduct advising is an optional service, but students are encouraged to use the assistance.

ACCOUNTABILITY HEARINGS

1. The UHB facilitates Accountability Hearings for cases forwarded from a Behavioral Hearing or from Case Review meetings. Accountability Hearings primarily address egregious behavior, cases involving a complainant or victim, cases where the primary facts of the case are in dispute or cases that involve possible expulsion.
2. UHB members are provided a copy of the original report, any witness statements or supplemental materials collected by CS&C, as well as the student's written account, witness statements and supplemental material. These documents are gathered in what becomes known as the "case packet."
3. The student must submit materials to CS&C within three business days of a Behavioral Hearing or Case Review meeting in order to have personal perspective represented in the case packet.
4. Students can pick up a redacted copy of the full case packet between 10 a.m. and 4 p.m. on the business day prior to their hearing. (It is incumbent upon the student to pick up the packet, as the office does not reach out to remind students.)
5. The UHB consists of three to five trained community members and has a majority of student members in each hearing.
6. Findings are voted on and approved by a majority vote.
7. The Hearing Board Chair/Community Standards Administration, in consultation with the UHB, will make the final determination on consequences for any finding of Responsible or Complicit made in an Accountability Hearing.
8. UHB members vote using a preponderance of the evidence standard to determine what most likely occurred. In other words, based on the evidence presented, the UHB members will exercise their best judgment when determining whether the student should or should not be held responsible for violating the Code in question.

9. UHB members consider the information presented as evidence and use their own reasoning skills and training to establish the weight of each piece of evidence in a case.
10. In addition to the three to five UHB members, each hearing is facilitated by a UHB Chair. The Chair is responsible for administering the procedures of the hearing and ensuring the standards, procedures and expectations of administering the process are fulfilled to a reasonable standard. The Chair participates in the questioning portion of the hearing and maintains order throughout the process but does not vote on responsibility.
11. Prior to, and during, the hearing, the UHB will not have access to the student's disciplinary history (or lack thereof), unless the student chooses to reveal the information during the hearing. The UHB will be provided the student's disciplinary history only after a student has been found Responsible for a violation, if it is needed for the purpose of reviewing standard consequences and making recommendations.
12. UHB results are not shared with the student until the business day following the hearing and are shared in person. Students will be asked to schedule a Results meeting upon arrival at their scheduled hearing.
13. The hearing will consist of questions from the UHB to the accused student and any witness(es) presented to them. Witnesses are not permitted to observe any part of the hearing other than the time they are invited into the room to respond to questions.
14. Witnesses present for UHB questioning must have submitted a written statement as a part of the case packet or have their perspective illustrated in the content of the original report. Additionally:
 - a. Only those who have witnessed the actual violation or the related events leading up to or directly following the incident are permitted to participate in the hearing.
 - b. Character witnesses are not permitted as a part of the hearing or as part of the case packet, but character reference letters may be submitted to the Board for review during deliberation of consequences (maximum of 10 letters per case).
 - c. The accused student will be granted an opportunity during the hearing to submit relevant questions to the UHB for consideration as part of the hearing. Questions deemed relevant and appropriate by the UHB will be addressed to the individual by a UHB member or the UHB Chair.
 - d. UHB may limit the number of witnesses called into the hearing but will read each person's statement as submitted to the case packet.



- e. The accused student is not permitted to communicate directly with witnesses or complainants during the hearing, unless approved by the UHB Chair.
 - f. Accused students are responsible for inviting their own witnesses to the hearing.
15. Students are not required to respond to the accused violations orally or in writing and can choose to attend or not attend their assigned hearing. However, the UHB will continue to hear the case, deliberate and issue findings, regardless of the student's participation.
 16. Students are allowed to have one support person sit with them during a Suspension/Expulsion Review hearing. This person can provide guidance and advice through notes or can just serve a supportive presence. This person can be your Conduct Adviser, but it cannot be a lawyer/attorney. Support people are not permitted to speak or engage in the hearing. However, having someone who knows the student and who is invested in their success is often helpful to students. A Conduct Adviser may serve in this role through a direct invitation from the student, as they will not be at the hearing otherwise.
 17. Hearings held by the UHB are recorded. This recording becomes part of the student's disciplinary record in the case. This official recording is the only recording (audio or video) permitted in the Hearing Board room. Participants are, however, permitted to take written notes.

APPEALS

The Student Conduct System includes two processes to review a decision. The first is for students who are issued a suspension or expulsion from a hearing officer in a Behavioral Hearing. That process is not considered an appeal but rather a Suspension/Expulsion Review. (For assistance requesting a Suspension/Expulsion Review, see pages 59-60). The second is the official Appeal Process. This is for students who are found Responsible for violations in an Accountability Hearing with the UHB. (For assistance requesting an appeal, see pages 60-63). The Appeal Process is as follows:

1. Students may request an appeal of the findings of responsibility in any case heard by UHB in an Accountability Hearing.
2. To request an appeal with the Judicial Review Committee (JRC), the student must submit the JRC Appeal Request Form and all supporting documentation within 3 business days following the Notice of Action provided in the UHB Results meeting or the date of the Notice of Action letter.
3. Submissions will be reviewed by the Dean or Associate Dean of Students. Only those requests determined to meet the appeal criteria concerning the findings in

the case (responsibility) will be approved for an appeal to the JRC. The criteria for an appeal are:

- a. The student submitted/presented information that indicates a clear error in the Student Conduct procedures that may have affected the final outcome of the Board's decision.
 - b. The student submitted/presented new evidence or new information that did not exist at the time of the hearing that would have a bearing on the Board's original findings.
4. Failure to present information or witnesses known to the student at the time of the original hearing will not be considered new evidence.
 5. Appeals concerning the consequences issued by the UHB are not subject to appeal to the JRC and will not be approved.
 6. When requests meet appeal criteria, they are forwarded to the JRC for a final determination.
 7. JRC consists of the Vice President for Student Development or his/her designee, an experienced student member of the UHB (designated by the President of Student Government Association) and a faculty member (designated by the Academic Senate).
 8. In cases where the Dean or Associate Dean of Students is uncertain the criteria has been met, he/she will forward the case to the JRC by default.
 9. In cases where the request is granted, the Dean or Associate Dean of Students will parse out the sections of the appeal request that he/she has determined to meet or possibly meet criteria—and withhold other items that do not—at their discretion.
 10. When approved, the JRC will convene to deliberate over the issues presented. Actions that may be taken by the JRC include but are not limited to:
 - a. Determination that no corrective action is needed as the new evidence/information or error would not change the original findings of the case.
 - b. Determination that the original UHB is to be reconvened to consider the new evidence/information. This process may or may not include the student, at the discretion of the JRC.
 - c. Determination that the case should be heard by a new Board or referred back to a previous step in the Student Conduct Process.

- d. In cases where JRC administratively alters the finding, it may refer the assigning of consequences/sanctions to the Office of Community Standards with advisement.
11. Decisions rendered by the JRC, or actions taken, are final and not subject to further appeal. Cases sent back to a Board or other step in the Student Conduct Process are not eligible for a second appeal. In such instances, the JRC will first determine if the criteria were met and only proceed if they conclude that it has been.
 12. The consequence of a suspension/expulsion issued by a hearing officer can be reviewed by a Hearing Board; however, the same consequence issued by the UHB cannot. This is due to the one-on-one nature of Behavioral Hearings. The Behavioral Hearing Suspension/Expulsion Review allows for a larger body (UHB) to review such a serious consequence.

STUDENT ORGANIZATIONS

The nature of student organizations is such that there is a need to have slight differences in some procedures and consequences to best serve students and the community. In cases of organizational misconduct, any individuals from the organization revealed to have violated a policy can also be charged as individuals. Such action does not remove the organization's responsibility for its members or violations. The Student Conduct System and Code of Conduct applies to all recognized organizations on campus. Student organizations are required to adhere to the rules and regulations set forth by CSI. (See the Student Organization Handbook for details at udayton.edu/studev/dean/student_handbook.php.) While the student conduct system applies to all student organizations, some areas require alternative methods to address specific issues and needs of organizations and the University. One such alternative method includes the issuing of a Cease and Desist Order. Cease and Desist Orders may be issued by CSI or the Office of Fraternity and Sorority Life and Leadership Programs. This is a formal directive issued by the University that instructs a student organization to stop all activity immediately. While on a Cease and Desist Order, members of the organization are not permitted to gather, meet or conduct any activities. This includes, but is not limited to, planning, hosting, group emailing/social networking or participating in any events as an organization. Additionally, individual members are prohibited from meeting to discuss the investigation. Cease and Desist Orders are used to protect individuals or the organization from potential or further harm. The order may be issued in cases where:

- a. The University has information causing concern for the safety and well-being of the students within the organization.

- b. The organization has been notified of a possible violation of the Student Code of Conduct.
- c. The organization's (inter)national policies and practices may have been breached.
- d. The organization may be in violation of local, state or federal laws.

Upon issuing a Cease and Desist Order to the organization's president, an investigation into the concern will be initiated. In most cases, the order stands, pending the outcome of both the investigation as well as the Student Conduct Process. In cases where the investigation alleviates a Code of Conduct concern, the organization will receive notice that the order has been lifted, but it may be required to engage in corrective action by CSI. In scenarios where the initial report is egregious or there is reason for the University to have an ongoing concern for safety, the organization will remain on Cease and Desist until the allegations can be cleared or pursued.

When accused of possible violations of the Code of Conduct, CS&C will notify the president of the organization. It is the responsibility of the president to communicate the notice to the organization's members and adviser(s). It is recommended that the president forward the original notice to the members and adviser(s) or that he/she print it for distribution so all members are aware of the issue. This form of group communication is permitted to organizations that are on a Cease and Desist Order.

STUDENT ORGANIZATION BEHAVIORAL HEARINGS

For the Behavioral Hearing, the organization may send an additional member to accompany the president. If desired, the organization may invite an adviser (faculty/staff/(inter)national member) to attend. All members of the organization are required to respond to and attend any meeting concerning an investigation. Failure to do so may result in individual disciplinary action. Members are expected to be honest and forthright with the University. Members are not to be instructed to communicate a "group response" when spoken to, but they are required to speak from their own experience, in their own words. In cases where staff believes members have been coached or instructed to provide false information, the organization may be placed on an interim suspension/expulsion, pending the resolution of the case and the evidence/information concerning such instruction will be included in the content of the case.

UNIVERSITY HEARING BOARD

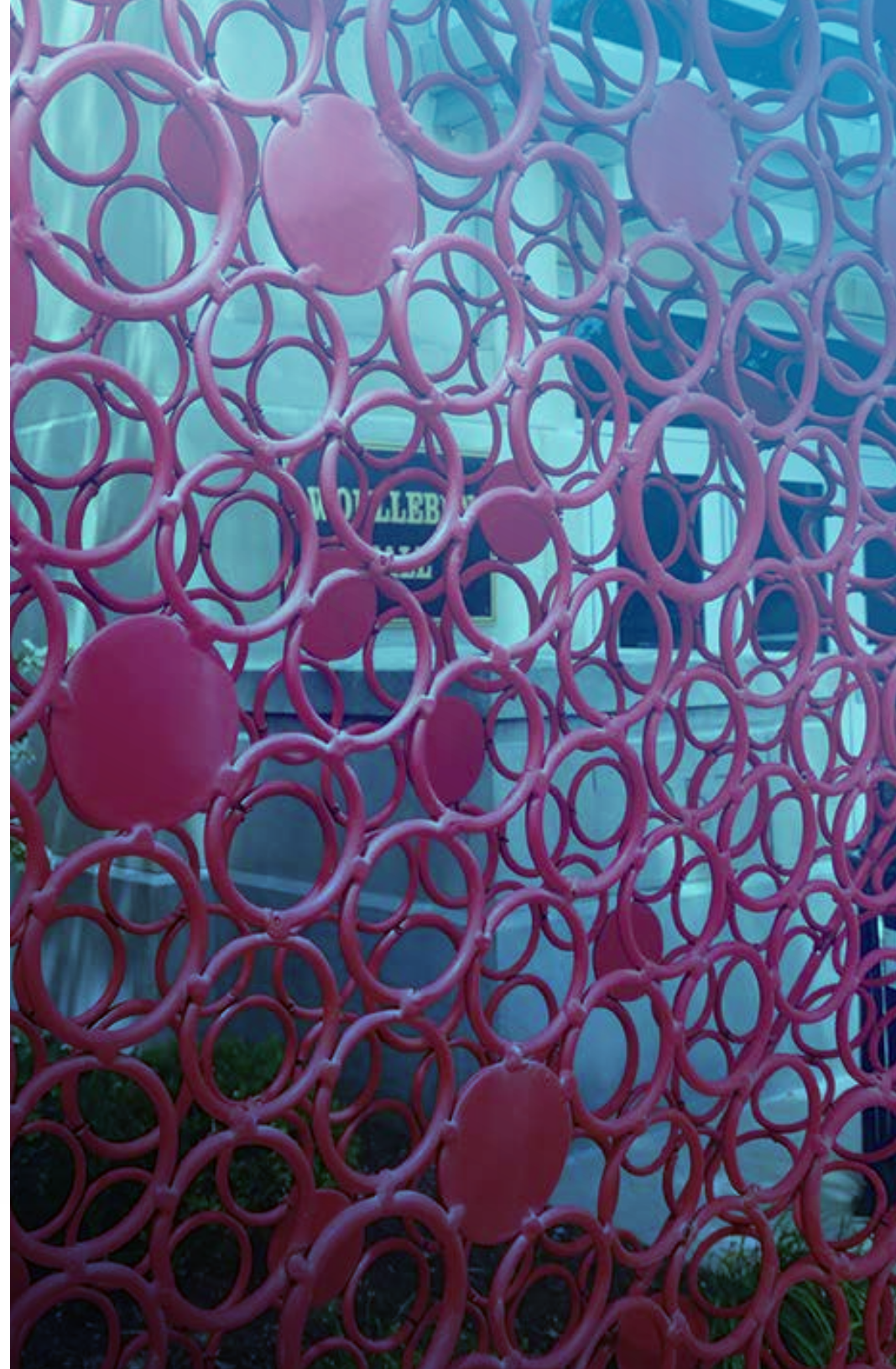
When an organization's case is heard by the UHB, members are permitted to send two participating representatives. As with any conduct case before the Board, the organization can have one support person sit with them during the hearing. It is suggested that the organization choose one of their advisers to serve in this role.

Organizations found to be responsible for violating the Standards of Behavior or violating any policies of CSI will no longer be in good standing with the University. The University is permitted to alter the organization's status for all cases resulting in a finding of Responsible. Action in the Student Conduct System may affect an organization's receipt of recognition, funding, awards and other privileges available to organizations in good standing. If an organization should receive a disciplinary notice, any cases resulting in a finding of Responsible will become an official part of the student organization's file. However, for the purpose of any future case, the Board will only consider 5 years of the organization's disciplinary history. Records including incidents of a violent nature may be considered beyond the 5-year mark as determined by the Vice President for Student Development or the Dean of Students.

STUDENT ORGANIZATION CONSEQUENCES

Consequences are specific restrictions or requirements a student organization must adhere to or complete. They may include, but are not limited to, loss of organizational recognition, loss of privileges/rights, community service, restitution, monetary fines, community education (presentations), loss of social activities, loss of special interest housing, apology letters, loss of funding, loss of the privilege to recruit new members, warning, disciplinary probation, suspension or expulsion. The following defines the different standings that may accompany the consequences for a student organization:

- a. **Organizational Disciplinary Probation:** Probation consists of an official notice that any further/future violation(s) or behavior will likely result in the organization's suspension/expulsion and loss of recognition. Probation is accompanied by a variety of disciplinary consequences/sanctions and may include loss of recruiting new members, loss of privileges from varying programs/events, loss of use/application for special interest housing and loss of campus facility usage.
- b. **Organizational Suspension:** The student organization is no longer recognized by the University and must completely cease all organizational activities for a specific period of time or until specific conditions are met. All students residing in an organizational Special Interest House will be removed from the facility and the house will no longer be deemed as a Special Interest House for that organization. The organization will also lose all privileges from the Center for Student Involvement. If it is determined that the organization is operating in an underground/unofficial fashion, the organization will be subject to either an extension of the suspension/expulsion term or expulsion.
- c. **Organizational Expulsion:** The student organization is no longer recognized by the University and must completely cease all organizational activities on a permanent basis. This means no request or petition to reinstate this organization at the University of Dayton will be accepted in the future.



ADDITIONAL OBLIGATIONS

The Center for Student Involvement, Campus Recreation, Leadership Development and Campus Ministry have the authority to take administrative action outside of the Student Conduct Process for violations of expectations set forth for recognized student organizations. Failure to abide by the process provided by the Center for Student Involvement, Recreational Sports or Campus Ministry (depending on the organization) may result in a compliance violation. Additionally, the Vice President for Student Development, Dean of Students and designated staff in the Center for Student Involvement have the authority to issue a Cease and Desist Order to any group or organization for the purposes of investigation of possible violations of the Code of Conduct. For information on requesting to become a recognized organization, visit go.udayton.edu/involvement.

Groups not recognized as organizations with the University are not afforded the process described in the Student Code of Conduct and may be automatically disbanded. Additionally, individuals within those groups may be charged for violations associated with the behavior of the group where deemed appropriate by the Vice President for Student Development or the Dean of Students.

GAMBLING

Student organizations are not permitted to host or sponsor poker tournaments, casino nights or other similar events that mimic or promote gambling due to legislative limitations on these types of activities on campus.

DIVERSION PROGRAMS

There are two types of diversion programs offered to students who choose to participate. The first is the Opt-In Program, designed for low-level first offenses, and the second is the Blueprint Program, which gives the student the ability to make amends while receiving assistance/education on a particular topic. These programs are offered as a courtesy to students and are intended to provide certain types of offenses with an educational intervention without the student incurring a conduct record reflecting a violation. The student must be invited to participate in one of these programs. Invitations to diversion programs are offered in cases where the content of the original report meets the criteria for the program, and the hearing officer feels that if the behavior occurred, it could be best remediated with education on the expectations of living in a University community. In addition to the diversion programs offered, the Associate Dean of Students and the Director of CS&C have the authority to divert a case to mediation before considering it for the Student Conduct System, as long as the accusations do not involve sexual violence.

Students whose cases meet the criteria to participate in one of the two programs are offered the opportunity to have the adjudication of the case withheld as long as they complete the program as specified. The offer comes with an expiration date, and the same program is not offered a second time during the student's tenure at the University. Students who do not attend/participate as directed after choosing to attend a diversion program will be forwarded through the Student Conduct System and will not be given a second opportunity to attend the program. The University is not obligated to offer diversion to any particular case and has the right to determine if a situation meets the criteria of a diversion program. Following are the criteria for invitation:

1. Opt-In Program

The Opt-In Program is an alternative to the Student Conduct System for first-time incidents of a minor nature. The two-and-a-half-hour program has limited seating, so the student should plan to arrive on time. The program covers the Student Conduct System, the Code of Conduct and alcohol education, regardless of the reported behavior. To receive an invitation to participate in the Opt-In Program, the original report must meet the following criteria:

- a. It must be the first time the student has been reported for a possible violation of the Code of Conduct.
- b. The report cannot include direct possession of alcohol or any descriptors that indicate underage alcohol consumption (e.g., slurred speech, bloodshot eyes,



strong smell of alcohol on or about the person, vomiting, erratic behavior or difficulty following or keeping up with conversations).

- c. Accused violations must be of a minor nature and cannot involve a complainant, a victim or behavior that the University has determined to be egregious.
- d. Requirements: Students who are invited and choose to attend the program must:
 - i. Respond to their notification of possible violation by indicating they would like to choose to participate in the program rather than have the case resolved in the Student Conduct System.
 - ii. Follow the instructions for signing up and attending the program dates offered.
 - iii. Arrive on time and stay for the duration of the program.
 - iv. Show their student ID, sign in and complete all associated paperwork upon arrival.
 - v. Fully participate while in attendance
- e. The invitation to attend the Opt-In Program expires, as indicated in the student's notification or invitation. Failure to attend (even with good reason) will push the case back to the Student Conduct System.

2. Blueprint Program

The Blueprint Program is another alternative to the Student Conduct System for cases the Associate Dean of Students determines to have a higher educational impact through mediation, community restoration initiatives, behavioral counseling services or restorative justice programs. This program comes as an invitation in cases where the original report to CS&C met the criteria for participation and was approved by the Associate Dean of Students. In order to be invited to participate in the Blueprint Program, the original report must meet the following criteria and be approved by the Associate Dean of Students or Assistant Director of Community Standards:

- a. It must be the first report for a like circumstance for the student invited.
- b. The report cannot include accusations of harm to another person(s), arson, hazing, possession of firearms or acts of sexual violence.
- c. The report/case must include at least one of the following elements:
 - i. Relationship dispute (nonviolent, non-abusive).
 - ii. Disorderly behavior involving self-harm or threat to self.
 - iii. Solicitation/commercial activity.

- iv. Unauthorized access.
- v. Bias-related comments.
- vi. Unforeseeable health-related issue.
- vii. Contract-related compliance.
- viii. Postponed or delayed action.
- ix. University Process Abuse.
- x. Sexual harassment or discrimination when approved by the Title IX and Section 504 Coordinator/Equity Compliance Officer.
- xi. General acts of incivility that are outside the expectations of living in community at UD.
- xii. Directive from the Dean of Students where confidentiality applies.

Requirements: Students who are invited and choose to participate in the Blueprint Program must:

- a. Respond to the notice of possible violation or invitation by indicating they would like to attend an intake Blueprint meeting to discuss the parameters of the program within the time allotted. This invitation may come via email, in writing or in person.
- b. Agree to the terms set forth in the intake Blueprint meeting to participate in the program, rather than have the case resolved in the Student Conduct System.
- c. Follow instructions for the action steps in the program. These steps can range from restitution to ongoing follow-up meetings, depending on the specific case.
- d. Complete all expectations set forth in the original intake agreement.
- e. Attend and complete requirements for the Blueprint Program expiration date indicated in the student's invitation or notice of possible violation. Failure to attend or complete requirements (even with good reason) will push the case back to the Student Conduct System.

3. Restoration Programs

CS&C hosts two Restoration Programs designed to allow students to participate in a program that will mitigate some of the lasting effects of a Code of Conduct violation. For information about Restoration Programs, contact CSC by email at csc@udayton.edu or by phone at 937-229-4627. The office is located in Gosiger Hall, Room 227.

- **The Stamp Program:** This program is designed to help students mitigate the length of a yearlong University disciplinary probation. Participation in Stamp is

a choice, not a requirement. Students will return to good disciplinary standing with UD upon completion of all requirements of the program, which must be reviewed and approved. In order to participate in the Stamp Program, the student must have completed no less than 6 months of the probationary period. For students who have been placed on an extended probation, the criteria time is also extended. Students are not eligible to participate in Stamp in cases that involve acts of violence (physical abuse) or violations of the Nondiscrimination and Anti-Harassment Policy managed by the Equity and Compliance Office. Additionally, the UHB, the Dean of Students or the Associate Dean of Students has the authority to disallow participation in the program.

- **The Shield Program:** This program allows a student to have his/her student conduct record become non-reportable. This means that the University will maintain the record as required by law or other compliance requirements, but it will be kept for internal purposes only. When requested to provide a student conduct record to outside parties (e.g., graduate schools, employers), the CS&C response would be No Reportable Record. The record in question cannot contain any cases that ended in Suspension or Expulsion. The record cannot include any case where a victim was notified of the outcome (physical abuse, Nondiscrimination/Anti-Harassment cases) and the student making the request must complete all portions of the Shield Program to the approval of the Associate Dean of Students. Any student who has a violation following the approval of the Shield Program will nullify participation, and the record will return to a Reportable status. The Shield Program is not repeatable; therefore, a student cannot participate again if there is a violation and the process was nullified.
- **Civility Meeting:** When the Dean of Students' Office becomes aware of behavior that is not reflective of the University's standards, the concern will be addressed with a Civility meeting. The purpose of the meeting is to discuss with the student what happened and to share concern over any behavior that is not reflective of our Catholic and Marianist values or academic mission. The behavior in question may or may not be a direct violation of the Code of Conduct. The Dean of Students or his/her designee determines the cases and scenarios that are to be resolved by a Civility meeting. These meetings are documented as having occurred along with a summary of the conversation. This documentation is not a reportable part of the student's record or history, but it can be used internally to track a pattern of behavior.

Note: The University police maintain records outside of the Student Conduct System. Any background check would likely reveal a police report or arrest record maintained in that office, regardless of participation in the Shield Program.

RESOURCES

COMMUNITY STANDARDS AND CIVILITY

CS&C can be reached by phone at 937-229-4627, by mail at 300 College Park, Dayton, OH, 45469-0964, by email at csc@udayton.edu or online at go.udayton.edu/civility.

1. **Volunteering:** Students are a core part of the UHB. The Student Conduct System functions through the hard work and dedication of trained students and faculty/staff volunteers. If you are interested in serving as a student Board member please email CS&C at csc@udayton.edu.
2. **Conduct Advisers:** Students who have general questions about the Student Conduct Process can ask any member of the Residence Life staff or call the Community Standards Office for assistance. Students who have a case that will be heard by the UHB have access to Conduct Advisers. These are faculty and staff who volunteer to assist students in preparing for their hearing. Accused students will be assigned a Conduct Adviser in their notice of hearing. Conduct advising is an optional service. This means it is incumbent upon the student to reach out to their assigned Conduct Adviser for assistance in a timely manner. For more information about conduct advising, contact CS&C.
3. **Additional Support Outside the University Process Support Person:** Any student sitting before the UHB is permitted to have one person sit with them as a support person. This person cannot be involved in the case in any way and cannot be an attorney. Support people are not permitted to interact with the hearing or speak, but they may write notes, if they need to communicate with the student during the hearing.

NOTIFICATION OF ACTS OF VIOLENCE

In cases of reported violent attack or sexual harassment, the University will release:

- a. The final results of a University disciplinary proceeding against a student who is an alleged perpetrator of an act of violence to the complainant (as defined in Section 16 of Title 18, United States Code).
- b. The final results of a University disciplinary proceeding against a student who is an alleged perpetrator of a nonforcible sex offense to the complainant of the case.



REFUND OF FEES

Students who are suspended or expelled from the University or from University residence facilities as a result of disciplinary action will receive refunds of tuition and fees as well as room and board, as indicated in the University cancellation and refund policy and the housing and meal plan contracts. Dates of action will not be altered to accommodate a refund.

PARENT/GUARDIAN NOTIFICATION

The University reserves the right to notify parents/guardians of Student Conduct System proceedings in accordance with FERPA and the UD policy on Disclosure of Student Records. In compliance with FERPA, UD reserves the right to reach out to parents/guardians or to require the student to inform parents in cases where the student has been found responsible for a violation of the alcohol or drug policy. It is standard practice in all cases to encourage students to share the information with parents or guardians.

It is important to note that determinations of responsibility and the issuing of sanctions occur at the same time. For this reason, a student could be issued a suspension or an expulsion without any parental notification.

RECORDS RETENTION FOR STUDENT CONDUCT

Upon a student's graduation or permanent separation from the University, it is the practice of the Office of Community Standards and Civility to seal the record of any disciplinary action that did not result in suspension or expulsion. Information contained in sealed records is not disclosed and/or reportable beyond graduation, unless the University has a legal obligation to do so. However, the record will be maintained by the University to a) be in compliance with federal law, b) be used for the purposes of institutional research and c) be used as institutional knowledge should the student choose to return to the UD community. Records that include suspension or expulsion will not be sealed but will not be disclosed without the student's signed request for disclosure outside the University (barring a legal mandate of disclosure). After 7 years from the date of the last incident, post-graduation, it is the practice of the University of Dayton to expunge all disciplinary records that did not result in suspension or expulsion. Student conduct files that include a case that ended in suspension or expulsion will be maintained indefinitely. Lastly, this practice only applies to records held and maintained in the Office of Community Standards and Civility. Records held and maintained by the Department of Public Safety, Equity Compliance Office, Student Employment Office, etc., are subject to guidelines set by the University Records Retention Policy, the practices within those offices and state/federal law.

LOCAL LAWS AND STATUTES

Police reports are open for inspection and copying under Ohio's Public Records Act. The extent to which the University can withhold the identity of students involved in a case is not absolute. However, the University uses its best efforts to protect the privacy of its students, including witnesses, as well as intimate details of the report. Ohio law specifically permits the University to withhold the identity of an uncharged suspect. Regardless of the University's desire to keep student and witness information confidential, the University complies with Ohio law with respect to making information accessible to the public.

MOST COMMON LAWS AND ORDINANCES

ORDINANCE/LAW	CODE NUMBER FOR RCGO AND ORC*	PENALTY**
ASSAULT	135.03 / 2903.13	M1 / M1
CONSUMPTION IN VEHICLE (Alcoholic Beverage)	90.15 / 4301.64	M4 / M4
DISORDERLY CONDUCT	137.01 / 2917.11	MM / M4
DRUG POSSESSION (Marijuana)/DRUG ABUSE	139.03 / 2925.11	MM or M4 / MM, Large Quantities = M4 – F2
DRUG PARAPHERNALIA	4301.69	M4, M2, M1
FALSIFICATION	134.02 / 2921.13	M1 / M1
HAZING	2903.31	M4
JAYWALKING	75.01, et al	MM or M4 (subsequent violation) M3
NOISE VIOLATION	94.05	MM
OBSTRUCTING OFFICIAL BUSINESS	131.02 / 2921.31	M2 / M2 F-5 if actions create a substantial risk of physical harm
OPEN CONTAINER IN PUBLIC (Alcoholic Beverage)	90.141 / 4301.62	MM
OVI (Operating Vehicle Under the Influence)	4511.19	Misdemeanor or felony
PROHIBITED ACTS (False ID)	4507.30	M1
PUBLIC INDECENCY	136.02 / 2907.09	M4 / M4 or M5
PUBLIC INTOXICATION	90.14 / 2917.11	MM / MM – M4
TRANSPORT IN VEHICLE (Alcoholic Beverage)	90.16 / 4301.62	M1 / MM
UNDERAGE POSSESSION/ CONSUMPTION (Alcoholic Beverage) OR FURNISHING ALCOHOLIC BEVERAGE TO UNDERAGE PERSON	4301.69	M1 – 4

*RCGO: Revised City General Ordinance

ORC: Ohio Revised Code

**MM = Minor Misdemeanor M = Misdemeanor 1–4 F = Felony 1–5

ASSISTANCE

TIPS ON MANAGING THE PROCESS

- If confronted by a staff member or police officer, the student should receive a notification email within a few days. If the student hasn't heard anything after a week, the student should contact CS&C for information.
- If the student is notified but has no knowledge of being documented, it could be that the report was the result of an investigation, or the report was submitted by a member of the community at-large. The student should attend the Behavioral Hearing or Case Review meeting. At that meeting, a full copy of the report will be provided for the student to read and respond to.
- There is no reason for the student to begin to "build a case" if notified. The Behavioral Hearing invitation is an invitation to attend an informal hearing between the student and the hearing officer that resembles a meeting more than what might be thought of as a hearing. There are no witnesses called or panel members convened. The purpose of the meeting is to share the report and to allow the student the opportunity to share his/her personal perspective.
- The student should read the Code of Conduct and review the steps of the process to be prepared to engage the process.
- The student should reach out to the hearing officer prior to the Behavioral Hearing or Case Review meeting, if any special needs, such as language interpretation, door access or TTY assistance, are required.
- Take a deep breath. Often, when a student is notified, anxiety rises and feelings to immediately resolve the issue occur. Moving the process at a faster pace is not always to the student's benefit. Students should take a moment to think, call their parents, read the Student Code of Conduct and know that every student in this process will be treated with dignity and respect.
- Set aside all knowledge and notions about the U.S. legal system. The Student Conduct System is not a court system. Instead, it is a system founded in the Catholic and Marianist values of the University. It is an educational process that is intended to be developmental for both the individual and the community at-large.
- Stress management is very important. The student is advised not to let his/her mind race with "what if" scenarios. Instead, the student should stay in the moment, concentrate on schoolwork and take the process one step at a time.

- While Conduct Advisers are only assigned in cases moving forward to the UHB, if the assistance of a Conduct Adviser is desired at any point in the process, call 937-229-4627 or email csc@udayton.edu to request one. If the student is unable to make contact or would feel more comfortable with a different adviser, contact CS&C for assistance.
- Concentrating on academic progress while managing a student conduct case is best achieved by using stress management techniques, getting enough rest and eating well. If assistance in finding balance to concentrate is needed, call the Center for Alcohol Drugs Resource Education, the Counseling Center, the Health Center or CS&C to get connected to the appropriate services.

DIRECT SUPPORT SERVICES

1. Conduct Advising

Each student who is scheduled to attend a UHB Hearing, for either a Suspension/Expulsion Review Hearing or an Accountability Hearing, will be assigned a Conduct Adviser. Conduct Advisers are trained faculty and staff volunteers who are willing to meet with and help students prepare for these hearings. They can provide tips on everything from what to wear to the type of questions one might expect from the UHB. Conduct advising is an optional service, but students are encouraged to use the assistance. There is a marked difference in managing nervousness and best representing oneself in students who seek out this type of assistance. Conduct Advisers are not typically assigned until the hearing is scheduled. However, if a meeting with a Conduct Adviser is desired before notification of the date of the hearing, the student may email or call CS&C to request an early assignment. The Conduct Adviser may serve in this role, but he or she must be invited by the student directly.

2. Support People

Students are permitted to have someone sit with them during the UHB Hearing. Support people can provide guidance and advice through notes or simply be there as a supportive presence. Only one support person may attend the hearing. This person cannot be a lawyer/attorney and cannot be someone serving as a witness in the case. Outside these two exceptions, the student can choose anyone (e.g., Conduct Adviser, parent, friend) to serve in this role. Support people are not permitted to speak or engage in the hearing. However, having someone who knows and is invested in the student's success is often helpful.

3. List of Hearing Board Members

The UHB consists of trained faculty, staff and students. Students are permitted to request a list of the Board members scheduled to serve on the hearing in advance.

If there are concerns about any of the Board members as it relates to a possible conflict of interest contact the Associate Dean of Students at 937-229-4627. Conflict of interest or bias concerns may be directed to CS&C staff, where they will be addressed. Decisions on how to proceed will be made in consultation with the Director of CS&C or the Dean of Students. Concerns based on gender, race, creed, sex, nationality, disability, color, age, religion, political beliefs, familial or parental status, income status, sexual orientation, marital status or department of work/study will not be considered.

4. Community Standards and Civility Staff

CS&C is located in Gosiger Hall, Room 227. Any staff member will be happy to help with any questions and concerns. If the student would like someone from the office to contact parents, a FERPA release form must be signed so as much helpful information as possible can be provided to them. Email any questions or concerns to the office at csc@udayton.edu or call 937-229-4627.

SUBMITTING AND PREPARING FOR A SUSPENSION/EXPULSION REVIEW HEARING

Before doing anything else, read the sections on Behavioral Hearings in the Code of Conduct. Having a full understanding of the process will help the student prepare for the hearing. Suspension/Expulsion Review Hearings are held for any student who is issued a suspension/expulsion by a hearing officer. The hearing allows for more community input into the decision of suspension/expulsion. Suspension/expulsions upheld or issued by the UHB are not appealable. The process for requesting and preparing for a Suspension/Expulsion Review Hearing are as follows:

1. Submit a request. In most cases, a link will appear in the Notice of Action letter that, when clicked, will allow submission of a request for a Suspension/Expulsion Review electronically. If this link does not appear, speak with the hearing officer to correct it, or submit the request via email to csc@udayton.edu. When using the online form, a Word document may be uploaded to submit a prepared statement.
2. Upon notification of the time/day of the Suspension/Expulsion Review, the student will be assigned a Conduct Adviser. Conduct Advisers are trained faculty and staff volunteers who are willing to meet and help the student prepare. Conduct advising is an optional service, but students are encouraged to use this assistance. There is a marked difference in managing nervousness and best representing oneself in students who seek out this service.
3. Students are permitted to have someone sit with them during the UHB Hearing. Support people can provide guidance and advice through notes or simply by being a supportive presence. Only one support person may attend the hearing. This person cannot be a lawyer/attorney and cannot be someone serving as a witness in the case.

Outside these two exceptions, the student can choose anyone (e.g., Conduct Adviser, parent, friend) to serve in this role. Support people are not permitted to speak or engage in the hearing. However, having someone who knows and is invested in the student's success is often helpful.

WHAT TO INCLUDE IN YOUR REQUEST FOR A SUSPENSION/EXPULSION REVIEW	WHAT THE UHB WILL HAVE WHEN YOU ARRIVE
<ol style="list-style-type: none"> 1. Three to five sentences about who you are. 2. A detailed description of why you believe suspension is not the appropriate consequence given your case and your student conduct history (or lack thereof). 3. A description of what actions you have taken since the incident to alter your behavior or assist you in making different choices. 4. A plan for how you will manage social situations, campus life, etc., in the future such that no further violations of the Code of Conduct occur. 5. Many students choose to submit character letters. If you choose to do so, there is a limit of 10 letters. 	<ol style="list-style-type: none"> 1. The originating incident report. 2. A summary of the Behavioral Hearing from the hearing officer. 3. A copy of your student conduct history. 4. Your request for Suspension/Expulsion Review. 5. Character letters submitted with the request. 6. Impact Statement.

SUBMITTING DOCUMENTS FOR AN ACCOUNTABILITY HEARING:

Before doing anything else, read the section on Accountability Hearings found in the Code of Conduct. Having a full understanding of the process will assist you in your preparation. Listed below are sample outlines and examples of the various forms of documents students are permitted to submit for an Accountability Hearing before UHB. All documents must be submitted within three business days of the Behavioral Hearing or Case Review meeting. In the event that new evidence comes to light following the submission of your paperwork, contact CS&C prior to your hearing.

INCLUDED IN THE CASE PACKET (Reviewed prior to and during the hearing)	NOT INCLUDED IN THE CASE PACKET (Reviewed by the UHB during deliberation after a finding of responsibility is made)
<p>WRITTEN ACCOUNT</p> <ol style="list-style-type: none"> 1. Your name in the top right corner. 2. Three to five sentences on who you are. 3. A detailed account/description of the incident. This can include relevant events leading up to and/or occurring immediately after the incident. 4. Content concerning how your decision-making or behavior has changed since the incident. 5. Closing paragraph that can include suggested actions for the findings, as well as suggested consequences in the event you are found responsible. <p><i>Content addressing impact will be removed if submitted as a part of the case packet.</i></p> <p>WITNESS STATEMENTS</p> <ol style="list-style-type: none"> 1. The student's name (accused and/or complainant) in the top right corner. 2. Detailed description concerning what you witnessed from start to finish. This should NOT include what you "understand" occurred but rather what you witnessed. 3. Name of the person writing the letter with a description. (i.e., roommate, bar manager, student). 	<p>CHARACTER LETTERS (Maximum of 10 letters per case permitted)</p> <ol style="list-style-type: none"> 1. The student's name (accused and/or complainant) in the top right corner. 2. Introduction of who you are, including your relationship to the student. 3. Detailed description of your understanding of the student's character. It is sometimes more impactful if you include your knowledge of the incident at hand so you can situate your statements of character to the specific issue. <p><i>Letters disparaging a person's character or submitted "against" another person will not be accepted.</i></p> <p>IMPACT STATEMENT</p> <ol style="list-style-type: none"> 1. Your name in the top right corner. 2. Introduction of who you are. 3. Detailed description of how the incident under review has impacted you since it occurred.

SUPPORTING DOCUMENTS

Students are permitted to submit documents, photos, video, forms, etc., as a part of their case packet or Impact Statements. Any items submitted that are not directly relevant to the Code of Conduct in question can be removed by CS&C. In the event this occurs, you will be notified by CS&C.

DISCIPLINARY HISTORY

In Accountability Hearings, UHB is not provided access to the accused student's disciplinary history. However, if the student reveals their own history during the course of the hearing, the Board is permitted to inquire about that disclosure. History, along with letters of character and Impact Statements, will be considered in the creation of consequence packages.

SUBMITTING AND UNDERSTANDING A REQUEST FOR APPEAL

The following information is intended to assist you when requesting an appeal of a finding made in an Accountability Hearing:

1. The student is encouraged to read the Student Conduct System steps so the process can be fully understood.
2. The student is encouraged to read the Appeal Process to gain a full understanding of how appeals are accepted and denied.
3. A request for appeal can be submitted using the link provided in the Notice of Action letter. If this link is not functioning, contact CS&C at 937-229-4627 or submit a request via email to csc@udayton.edu.
4. There is no appeal for consequences. The Appeal Process is for findings of Responsible or Complicit only.

WHAT TO INCLUDE IN YOUR REQUEST	WHAT HAPPENS AFTER YOU SUBMIT
<ol style="list-style-type: none"> 1. Your name in the top right corner. 2. Three to five sentences about who you are and what you are asking to appeal. 3. Using the criteria for appeal as headers, indicate what criteria for appeal you believe your appeal falls under. 4. If you are filing under "New Evidence," submit the new evidence with a description of what it is, how/when you became aware of the evidence and how you believe it would affect the outcome of the case. 5. If you are filing under "Error," submit your description of what you believe to have been the error in the Student Conduct System, the section of the Code and System you feel relevant to the error and how you believe the error affected the outcome of the case. 	<ol style="list-style-type: none"> 1. The Dean of Students and/or Associate Dean of Students will review the file and the request. 2. You will be notified with one of the following responses: <ol style="list-style-type: none"> a. Your request for appeal did not meet criteria and has been denied. b. The Dean of Students has forwarded your request for appeal to the Judicial Review Committee (JRC) asking them to review the sections of your request that met criteria. c. The Dean of Students has forwarded your request for appeal to the JRC asking that they first determine if the request meets criteria as he or she was on the fence. 3. At each stage of the process you will be updated via email or through your Advocate.

Note: The student is not invited to attend this portion of the process. If the information you want the Dean and/or JRC to know is not included in your submission, it will not be considered.

INFORMATION YOU SHOULD KNOW

It's difficult to be mindful of all the things going on around you, but there are often many outward signs that a student is in distress. For example:

- Have you observed something in someone that has you worried?
- Have you seen a classmate or hallmate begin to act differently or strangely?
- Do you not know who to ask about it or do you just want someone to know about the situation?

REPORT A CONCERN ABOUT A STUDENT

If you have a concern about a University of Dayton student you may:

- Call the Counseling Center at 937-229-3141.
- Email the Dean of Students Office at deanofstudents@udayton.edu.
- Call Public Safety at 937-229-2121, if the concern is immediate.

Division of Student Development | Community Standards and Civility
937-229-4627 | csc@udayton.edu



**University
of Dayton**