

University of Dayton

Code of Conduct

2021-2022

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The Code of Conduct is part of the University of Dayton Student Handbook. The handbook can be found online at go.udayton.edu/studenthandbook. The University of Dayton reserves the right, in its discretion, to make changes to this Code of Conduct and Student Handbook as it deems appropriate.

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, take action to respect the safety, health and wellbeing of themselves and others, 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. An individual's 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

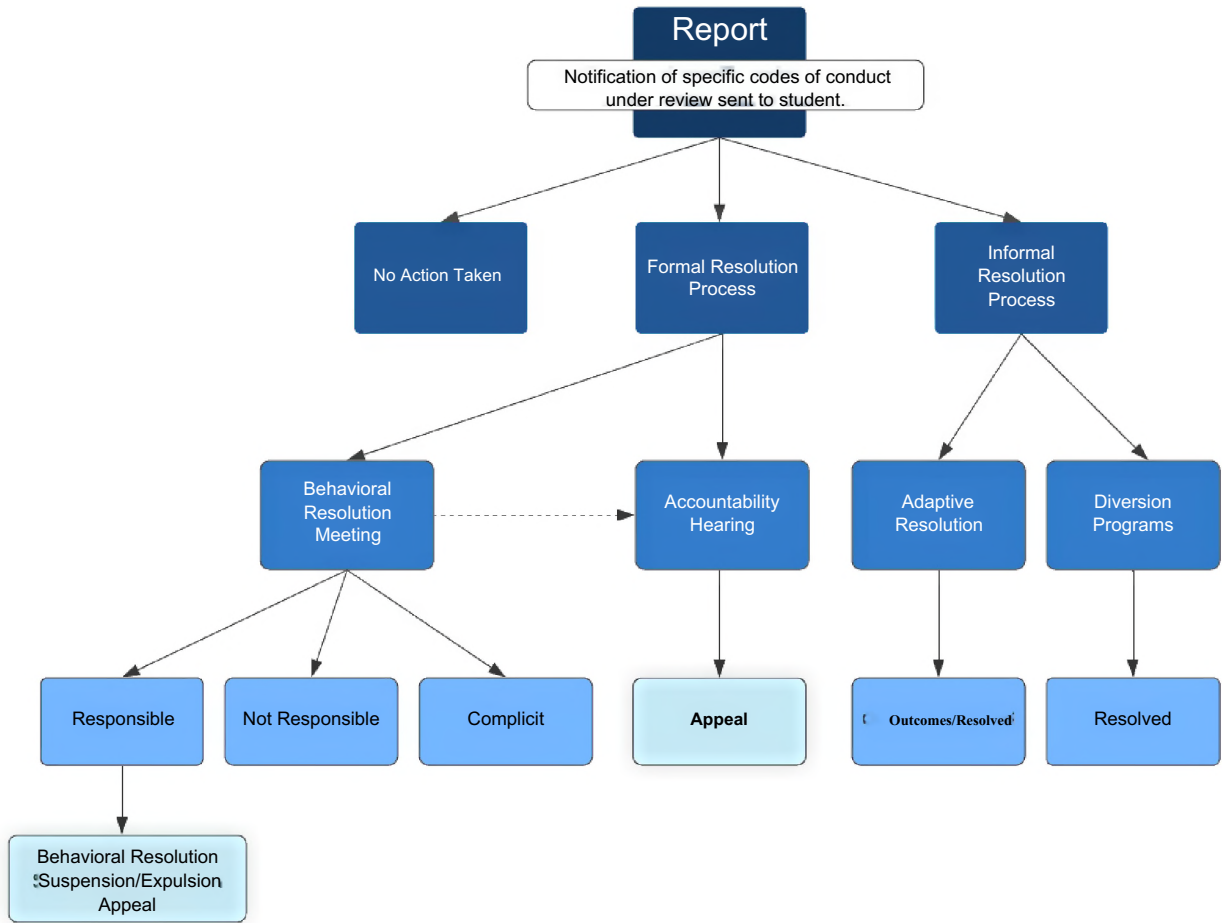
We are called to not only respect ourselves and others but also to love ourselves and all people, because all people are made in the image and likeness of God. University of Dayton students respect the value and dignity of themselves and others in all they do.

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 they 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 sets the stage of expectation for all students at all times, particularly in a stressful situation (such as being involved in the Student Conduct Process).
- Parents and 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 keep their parents informed 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. Student Organizations are expected to host group activities that exemplify the Student 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 the Vice President's designee) holds the ultimate authority over the Student Conduct System and, as such, can exercise the following functions:

- Taking interim action
- Adapting processes, updating and/or altering procedures and/or policies, particularly when a matter, incident or factors are unprecedented, egregious or pose a significant risk or danger to campus, self or others
- Delegating responsibilities to staff in Student Development
- 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. A student who has been suspended continues to be considered a student for purposes of University policies and procedures. Additionally, an undergraduate student who is not registered for three consecutive semesters (excluding summer terms) is no longer considered a student. 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 accused of committing a criminal offense may face criminal charges in addition to violations of the University's 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 Student Standards of Behavior and Code of Conduct, the case may be immediately referred to the Office of the Vice President for

Student Development, the Dean of Students or their designees 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. 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; further, in certain circumstances where a student withdraws while a conduct or other investigatory matter is pending, that student may be barred from returning to campus in the future. Note that the “Campus Area” falls primarily 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 or controlled properties, including, but not limited to, those on Brown Street (Fitz Hall), Irving Avenue, Edwin C. Moses Boulevard (arena and athletic areas), Patterson Boulevard (Daniel P. Curran Place), Old River Park, Stewart Street, and portions of the Arcade in downtown Dayton.

**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 AND OTHER 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 timeline in an attempt to resolve the case before the end of the term. Other timeline changes may be made in the event any emergency or other situation impacts the University’s ordinary operations. In these cases, the student will be notified of any changes made regarding deadlines.

RESPONDING STUDENT RIGHTS

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

- To receive written notice when accused of a possible violation(s).
- To participate in the Student Conduct System.
- 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.

*A support person can not be an attorney or lawyer. The support person can not participate in or represent the student in these cases.

- To be notified, in writing, of the outcome of any form of resolution.
- 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 an appeal of a Suspension/Expulsion issued by an individual resolution officer in accordance with the Behavioral Resolution Appeal process described in the Student Conduct System.
- To choose not to respond (either verbally 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. Further, student expectations and applicable procedures may be adjusted at the University's discretion at the time of any emergency, public health or other significant circumstance significantly impacting University operations; the University will provide reasonable notice in light of the circumstances of such modifications to any impacted student(s).

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 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.

1. Alcohol

The following behaviors are not permitted with regard to alcohol:

- a) Use or possession of alcohol under the legal drinking age.
- b) Distribution of alcohol to any person under the legal drinking age.
- c) Drinking in public, public intoxication, or possessing an open container outside of a private space.
- d) Sale or manufacturing of alcohol.
- e) Driving under the influence of alcohol.
- f) Possession or distribution of alcohol from a mass container (such as kegs or common source) or from outside its original packaging (party juice, unboxed bagged wine, etc.).
- g) Abuse of alcohol. Evidence of abuse may include, but is not limited to, loss of motor skills (staggering, slowed response, etc.), slurred speech, inability to speak coherently, requiring medical attention, passing out, vomiting, loss of memory, or hospitalization. Participating in high-risk drinking activities also constitute the abuse of alcohol. Such activities include, but are not limited to, drinking large quantities of

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 or 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 referred by the Director of CS&C to the Dean of Student's Office in addition to the processes indicated in student standards of behavior and code of conduct.

alcohol, consuming alcohol at an accelerated pace (through chugging, pre-gaming or participation in a drinking game), or the use of alcohol with medication or other controlled substances.

- h) Possession of consumption devices (such as funnels), use of containers or packaging for decoration, alcohol signage and advertising that can be seen by the general public, possession of items used to facilitate drinking games or any behavior that promotes underage or irresponsible drinking is not permitted on University property.

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, agreement, pledge or commitment with the University.
- e) Any agreement or comparable document that is distributed to students and sets forth safety or other requirements for all students; compliance shall be required even if the document is not electronically signed/acknowledged or physically signed by a particular student.
- f) 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.

| Rules/Policies and Contracts of Note | |
|---|---|
| • | Fair and Acceptable Use of Computing Resources Policy. (UDit) |
| * | Flyer Card Policy and Meal Plan Requirement Policy. (Campos Card Services) |
| * | Dining Services policies. (Dining Services) |
| * | Adherence to other University policies, illustrated in Key Concepts and Notifications of the Student Handbook. (Dean of Students) |
| * | Housing and Residence Life Contract. |
| * | Parking Services agreements. |
| * | Smoking on the University of Dayton Campus Policy, https://udavton.edu/policies |
| * | All policies published at https://udavton.edu/policies |
| These policies and contracts can be found online or at the hosting offices. | |

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.*
- *Complying with established protocols in light of a health and safety emergency, such as a pandemic.*

3. Disorderly Behavior

Students are not permitted to:

- a) Engage in disruptive, indecent, or lewd conduct.
- b) Act in a manner that causes a disruption or risk of harm to oneself or others or causes a breach of peace.
- c) Throw objects from, climb in/out of windows, or access roofs.
- 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 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.) 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 of any general product as an intoxicant or as a means to get high.
- e) Manufacturing, growing, distributing, selling, or transferring any controlled substances.
- f) Driving under the influence or impaired by drugs.
- g) Improper use, misuse, possession, or distribution of prescription drugs or over the counter medications.
- h) Possession of paraphernalia commonly used to consume drugs (includes, but is not limited to, pipes, bong, hookahs, home-made smoking devices, vape materials with

suspected illegal substances, or items that have markings of use for drug-related behavior, such as burned spoons).

- i) Use of any product or substance as a means to get another person high or alter another person's physical state and/or mental capacity.

Notes on Drugs:

- *Medical Amnesty described with the alcohol code also applies to the drug code.*
- **Students who have proper documentation from the state of Ohio for the medical use of marijuana are not permitted to use or possess the substance on campus, including in UD housing. A student with such a prescription who is otherwise required to live in UD housing would need to seek an accommodation from the housing requirement.*
- *Possession of quantities of lawful medications in excess of reasonable personal use, in combination with other factors that indicate distribution or other misuse, may be a basis for a violation of this provision.*

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 a facility (including candles and incense).
- c) Falsely activating fire alarms.
- d) Tampering with fire safety equipment, including but not limited to tampering with signage that helps with emergency egress (such as exit signs) or tampering in any way with smoke detectors (such as covering them) or sprinklers (such as hanging items from them).
- 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 regard 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 utilize similar gaming themes.

8. **Guests**

An external guest is defined as an external visitor of a student (nonstudent) and an internal guest is 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) Guests must be accompanied by their 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 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 outcomes of hosting that guest can result in severe disciplinary action.

9. Harassment

All forms of harassment or discrimination are unacceptable in the University of Dayton community. Due to the wide range of behaviors that constitute harassment 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 they are managed by the Equity Compliance Office. (See Code of Conduct 18.) Behavior that is considered harassment, but does not rise to the level of or otherwise constitute a violation of the Nondiscrimination and Anti-Harassment Policy and/or falls outside that policy's jurisdiction (such as being outside the definitions or scope of that policy), may be, depending on the circumstances, managed in the CS&C office.

Harassment and bullying behaviors include, but are not limited to:

- a) Verbal abuse directed at a specific person that is repetitive.
- b) Threats.
- c) Intimidation.
- d) Stalking. Any course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear. Repetitive and menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another is also stalking. Stalking may take many forms, including but not limited to persistent calling, texting, or posting on social networking sites, seeking to gather information about another (online or through others), as well as physical stalking.
- e) Bias-related or historically symbolic behaviors or displays of symbols that cause any member of the community to feel targeted, unwelcome or less than by group identity (regardless of intent). This includes historically offensive symbols that are reasonably known to have such effects.
- f) Behavior that would cause distress and fear for safety by a reasonable person.
- g) 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.
- h) Behaviors that ordinarily would constitute discriminatory harassment but fall outside the scope and/or jurisdiction of the Nondiscrimination and Anti-Harassment Policy.

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

10. Hazing

The University of Dayton strictly prohibits hazing, which includes any planned/executed action or activity, by or against any active member, associate member, new member, pledge or potential member of a Student Organization or Student Group (see "Terms" section on page 44) that inflicts (whether intentionally,

forcefully or recklessly) physical or mental harm, distress, anxiety, or which may demean, degrade, endanger, embarrass or disgrace any person, regardless of location, consent, or intention of Participants.

Examples of hazing 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; head shaving; extended isolation or setting a group apart; creation of excessive fatigue; physical and psychological shocks; using activities, such as quests, treasure hunts, scavenger hunts, road trips, interviews or signature books, 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.

Students may not imply that a person be shunned, removed, or unable to join/participate or maintain affiliation or membership in any Student Organization or Student Group for failing or refusing to partake in or submit to any form of hazing activity.

See University Hazing policy for further information/resources, <https://udayton.edu/policies/studentdevelopment/hazing-policy.php>. Consult the Student Organizations section for procedural considerations regarding hazing. See Terms for specific definitions of Student Group, Student Organization, and Participant.

11. Laws and Statutes

Being charged with or found in violation of any local, state, or federal law is not permitted. In the instance where someone is charged but not convicted, but the evidence is such that the University's preponderance of evidence standard for the behavior at issue would be met and the University has access to that evidence, that could constitute a violation of this code provision.

Local ordinances of note can be found at the end of the Assistance/Resources section.

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.
- h) Obtaining unauthorized access to a 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 (responding to a physical attack with a counter physical act) is not encouraged, but it may become necessary in a rare number of 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 the 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. This includes, but is not limited to, basements, utility rooms, attics, roofs, and spaces for which a reasonable person would understand is not for public use without authorization. Entering any nonpublic room or building without authorization or invitation is not permitted.
- c) Duplicating University keys.
- d) Engaging in any behavior perceived as a widespread threat to the safety of others. This includes, but is not limited to, hosting large open parties that block streets from the passing of emergency vehicles; jeopardizing campus safety by failing to follow an order to disperse; posting content (online or otherwise) that insinuates a campus attack, or invites others to participate in or encourage behavior that places the campus community at risk of harm; repeatedly or intentionally failing to comply with protocols designed to protect the safety, health and wellbeing 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, martial arts weapons, 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 zip lines, 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.

**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 military 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.

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, unless the activity is approved in advance by the Center for Student Involvement in conjunction with Community Standards & Civility (contact involvement@udayton.edu for more information on the approval process).
- 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.
- f) Student-athletes engaged in name-image-likeness activities for compensation must comply with Division of Athletics requirements.
- g) Using any University- or University employee-owned intellectual property for commercial or personal gain without explicit approval, including making or using a recording of classroom material for any purpose other than individual or group study with other students enrolled in the same class (please note all classroom recordings, for any

purpose, must be authorized by the instructor and/or be an accommodation offered by the Office of Learning Resources).

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/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 violate the Nondiscrimination and Anti-Harassment Policy are addressed utilizing the Sexual Harassment Resolution Process and Equity Compliance Resolution Process, depending on the circumstances. Prohibited behaviors covered include but are not limited to:

- 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.

RESOLUTION PROCESS

1. Documentation indicating a possible violation of the Student Code of Conduct can be submitted to CS&C by any party. However, designated staff members from the Department of Housing and Residence Life, Department of Public Safety, and CSI are specifically charged through their positions to report any suspected violation. To report a violation, visit go.udayton.edu/civility.
2. Anonymous reports do not necessarily result in a violation review but may prompt an investigation; if the content is clear, can be examined, indicates egregious behavior and/or can be corroborated, a violation review and consequences may result.
3. Each report filed will be reviewed by CS&C through the lens of the Student 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 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 Director of CS&C, 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 Resolution Officer the student is to meet with in a Behavioral Resolution Meeting and may include information permitting the student to attend a Diversion Program.
7. Invitation to participate in a Diversion program is based on the content of the original report and is described on pages 31-33.
8. Invitation to participate in an Adaptive Resolution (AR) process is based on the content of the original report and information obtained as part of the Behavioral Resolution Meeting and is described on pages 29-31.
9. 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.

RESOLUTION TYPES

FORMAL RESOLUTION

1. BEHAVIORAL RESOLUTION MEETING

1. The Behavioral Resolution Meeting is an opportunity for the responding student to review the report, respond to accused violations, discuss the circumstances, and ask questions.
2. The resolution officer will provide the student with information concerning their rights. In instances where the case is not being forwarded to an Accountability Hearing with the University Hearing Board (UHB), this meeting will take place as an official hearing where the resolution officer will make determinations concerning the student's accountability and outcomes.
3. In cases where the resolution officer forwards the case to an Accountability Hearing, the resolution officer assists the student in understanding what needs to be done to prepare for an Accountability Hearing. (See the Accountability Hearing section on page 23)
4. In cases where the resolution officer believes a form of Adaptive Resolution (AR) can be utilized, the resolution officer will consult with the Director of Community Standards & Civility to discuss next steps. (See Informal Resolution; Adaptive Resolution on page 29)
5. Students who fail to attend the Behavioral Resolution Meeting waive their right to review or respond to the report. In these cases, the resolution officer will administer findings and outcomes in their absence or will forward the case to an Accountability Hearing.
6. 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 outcomes for the violation.
7. Students will be able to review the report as a part of their Behavioral Resolution Meeting. Students who would like to retain a copy of the report can request one through their resolution 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 Resolution Meeting.
8. Cases are likely to be forwarded to an Accountability Hearing when:
 - a. The case involves behavior the University determines to be of an egregious nature.
 - b. The resolution 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.
- 9. Neither the resolution officer nor the student is permitted to audio or video record a Behavioral Resolution Meeting, but both parties are permitted to take notes.
- 10. Decisions made in a Behavioral Resolution Meeting are final, except in cases resulting in a Suspension or Expulsion. (See the Appeals section on page 25)

2. ACCOUNTABILITY HEARINGS

- 1. The University Hearing Board facilitates Accountability Hearings deemed as cases egregious in nature, involving a complainant or victim, the primary facts of the case are in dispute, involving possible expulsion, or Appeals of Suspensions issued in a Behavioral Resolution Meeting.
- 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 Resolution 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 outcomes 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 utilize 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 accountability.
- 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 Board is permitted to inquire about any disclosure. The UHB

will be provided the student's disciplinary history only after a student has been found *Responsible/Complicit* for a violation if it is needed for the purpose of reviewing typical outcomes and making recommendations.

12. UHB results are not shared with the student until the business day following the hearing and are shared in person, during a Results meeting. 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 responding 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 incident 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 outcomes (maximum of 10 letters per case).
 - c. The responding 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. The 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 responding student is not permitted to communicate directly with witnesses or complainants during the hearing unless approved by the UHB Chair.
 - f. Responding 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 an Accountability 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 or 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. 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.

18. 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.

SUBMITTING DOCUMENTS FOR AN ACCOUNTABILITY HEARING

Listed below are sample outlines and examples of the various forms of documents students are permitted to submit for an Accountability Hearing. All documents must be submitted within three business days of the Behavioral Resolution Meeting. In the event that new evidence comes to light following the submission of your paperwork, contact CS&C prior to your hearing.

| <p style="text-align: center;">INCLUDED IN THE CASE PACKET (Reviewed prior to and during the hearing)</p> | <p style="text-align: center;">NOT INCLUDED IN THE CASE PACKET (Reviewed by UHB during deliberation after a finding of accountability is made)</p> |
|---|--|
| <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 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 <i>Responsible</i>. <p><i>Note: 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 (responding or complainant) in the top right corner. 2. Detailed description concerning what you witnessed from start to finish. This should <i>not</i> include what you “understand” to have occurred. It should instead include what you <i>witnessed</i>. 3. Name of the person writing the letter with a description (e.g., roommate, bar manager, student). | <p>CHARACTER LETTERS</p> <p><i>Note: A maximum of 10 letters per case is permitted.</i></p> <ol style="list-style-type: none"> 1. The student’s name (responding 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 effective if you include your knowledge of the incident at hand so you can situate your statements of character to the specific issue. <p><i>Note: Letters disparaging a person’s character or submitted against another person will not be accepted.</i></p> <p>PERSONAL 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 affected you since it occurred and what you have reflected on since. |

APPEALS

The Student Conduct System includes two processes to appeal an outcome. The first is for students who are issued a Suspension or Expulsion from a resolution officer in a Behavioral Resolution Meeting. (For assistance requesting a Behavioral Resolution Appeal, see page 26). The second is the appeal process for outcomes issued in an Accountability Hearing by the University Hearing Board. (For assistance requesting an appeal, see page 27).

BEHAVIORAL RESOLUTION APPEAL

The outcome of a suspension/expulsion issued by a resolution officer in a Behavioral Resolution Meeting is appealable; this is due to the one-on-one nature of the Behavioral Resolution Meeting. The Behavioral Resolution Appeal allows for a larger body (UHB) to review a serious consequence.

1. In order to request a Behavioral Resolution Appeal, the student must submit a completed Appeal request form to CS&C within three (3) business days of the Behavioral Resolution Meeting or, if the decision is not issued at that meeting, within three (3) business days of the written notice of the Behavioral Resolution decision.
2. The University Hearing Board serves as the appeal body for Suspensions/Expulsions issued in a Behavioral Resolution meeting.
3. The UHB decision in these cases is final, with no further appeal. The UHB comprises three to five members and will either uphold the suspension/expulsion or determine that a lesser outcome should be issued by CS&C. This decision is determined by a majority vote.
4. Board members consider the following when determining the appropriateness of a suspension or expulsion:
 - a. The student's disciplinary history prior to the suspension/expulsion.
 - b. The circumstances, findings, and documents concerning the case that resulted in suspension/expulsion.
 - c. The consistency of the suspension/expulsion decision with regard to similar cases/histories.
 - d. The risk for the institution with regard to upholding or changing the suspension/expulsion.
5. Witnesses are not permitted in these appeals, but students are permitted to submit letters of reference or character to the UHB (maximum of 10 letters per case).
6. 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.
7. 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 on the day of the hearing.
8. Students who request a Behavioral Resolution Appeal 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 utilize the assistance.

SUBMITTING AND UNDERSTANDING A BEHAVIORAL RESOLUTION APPEAL

The process for requesting and preparing for a Behavioral Resolution Appeal are as follows:

1. Submit an appeal 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 Behavioral Resolution Appeal electronically. If this link does not appear, contact CS&C at 937-229-4627 or submit a request via email to csc@udayton.edu. When using the online form, documents may be uploaded to submit a prepared statement.
2. Upon notification of the time/day of the appeal, 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 utilize 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 appeal 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 or attorney. Outside this exception, 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 APPEAL | WHAT UHB WILL HAVE WHEN YOU ARRIVE |
|---|--|
| 1. Three to five sentences about who you are. | 1. The originating incident report. |
| 2. A detailed description of why you believe suspension/expulsion is not the appropriate consequence, given your case and your student conduct history (or lack thereof). | 2. A summary of the Behavioral Resolution Meeting from the resolution officer. |
| 3. A description of what actions you have taken since the incident to alter your behavior or assist you in making different choices. | 3. A copy of your student conduct history. |
| 4. The impact this incident has had on you along with a plan for how you will manage social situations, campus life, etc. in the future so that no further violations of the Code of Conduct occur. | 4. Your request for appeal. |
| 5. Many students choose to submit character letters. If you choose to do so, there is a limit of 10 letters. | 5. Character letters submitted with the request. |

ACCOUNTABILITY HEARING APPEAL

1. Students may request an appeal of an Accountability Hearing heard by the UHB.
2. To request an appeal with the Appeals Review Committee, the student must submit an Appeal request and all supporting documentation within three business days following the Notice of Action provided in the UHB Results meeting or the date of the Notice of Action letter, whichever is later.

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. Submissions will be reviewed by the Dean of Students. Only those requests determined to meet the appeal criteria in the case will be approved for an appeal to the Appeals Review Committee. The criteria for an appeal are:
 - a. The student submitted/presented information that indicates a clear error in the Resolution Process 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.
 - c. The Suspension/Expulsion issued is substantially disproportionate to the offense, which means it is in excess of what is reasonable given the facts or the circumstances of the violation as well as the cumulative conduct of the responding student.
5. Failure to present information or witnesses known to the student at the time of the original hearing will not be considered new evidence.
6. When requests meet appeal criteria, they are forwarded to the Appeals Review Committee for a final determination.
7. The Appeals Review Committee consists of the Vice President for Student Development or the individual's 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 of Students is uncertain the criteria have been met, the Dean of Students will forward the case to the Appeals Review Committee by default.
9. In cases where the appeal request is granted, the Dean of Students will parse out the sections of the appeal request that they have determined to meet or possibly meet criteria—and withhold other items that do not—at their discretion.
10. When approved, the Appeals Review Committee will convene to deliberate over the issues presented. Actions that may be taken by the Appeals Review Committee include but are not limited to:
 - a. Determining that no corrective action is needed as the new evidence/information or error would not change the original findings of the case.
 - b. Determining that the Suspension/Expulsion issued is disproportionate to the incident as well as the cumulative conduct and issuing a lesser outcome that is more consistent and appropriate.
 - c. Determining 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 Appeals Review Committee.

- d. Determining that the case should be heard by a new Board or referred back to a previous step in the Student Conduct Resolution Process.
 - e. Referring the assigning of outcomes to the Office of Community Standards and Civility with advisement in cases where the Appeals Review Committee administratively alters the finding.
11. Decisions rendered by the Appeals Review Committee, 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 Appeals Review Committee will first determine if the criteria were met and only proceed if they conclude that it has been.

SUBMITTING AND UNDERSTANDING A REQUEST FOR APPEAL

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

| 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 <i>New Evidence</i>, 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 <i>Error</i>, 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 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 Appeals Review Committee asking them to review sections of your request that met criteria. c. The Dean of Students has forwarded your request for appeal to the Appeals Review Committee asking that they first determine if the request meets criteria as she was on the fence. 3. At each stage of the process you will be updated via email or through Advocate. |

Note: The student is not invited to attend this portion of the process. It is important to note that if the information you want the Dean or Appeals Review Committee to know is not included in your submission, it will not be considered.

INFORMAL RESOLUTION PROCESS

1. ADAPTIVE RESOLUTION

Adaptive Resolution (AR) processes such as conferences, circles, and facilitated dialogue allow individuals involved in an incident/situation to have significant influence over the resolution process including outcomes. The Adaptive Resolution process is designed to eliminate the conduct, prevent its recurrence, and remedy its effects in a manner that meets the needs of the

reporting/affected parties and/or community while still maintaining the safety of the overall campus community.

Participation in an AR process is voluntary and will only be used if (1) persons personally and/or directly affected by the conflict agree to attempt resolution through one of these processes and (2) the resolution officer believes that the process is an appropriate form of resolution and has consulted with the Director of Community Standards and Civility. The nature of some conflicts may render AR inappropriate and will be left to the discretion of the Director of Community Standards and Civility.

When a mutually satisfactory resolution is reached by the parties (all parties agree to each outcome outlined in the formal agreement), the case is resolved and parties are encouraged to use the Resolution Officer as a resource for future questions. Resolutions reached through AR may not be appealed.

If resolution is not achieved through an attempt at AR and the matter involves a potential code violation, the most appropriate path of formal resolution is initiated (Behavioral Resolution Meeting or Accountability Hearing).

The following outlines expectations should individuals wish to participate in the Adaptive Resolution process:

1. Participation in this process is voluntary and either the Responding or Impacted parties, or the resolution officer, can choose to end the process at any time prior to signing the agreement. The University reserves the right to suspend or terminate the Adaptive Resolution process at any time.
2. Participation in this process does not constitute a finding of “Responsible” for a violation of the Student Code of Conduct, and is therefore not reflected as reportable on the Responding students disciplinary record.
3. Should new information come to light during the Adaptive Resolution process that significantly escalates the conduct under review, the utilization of the Adaptive Resolution process will be reassessed.
4. Once a resolution has been reached, the matter is considered final and is not subject to further review.
5. Should subsequent conduct occur of a similar nature, the use of the Adaptive Resolution process will be left to the discretion of the Director of Community Standards and Civility to resolve the matter.
6. The outcomes outlined in the agreement can be used in determining future outcomes if a student is found Responsible for subsequent violations of the Student Code of Conduct.

7. The Responding student may be charged with Compliance for failure to meet all requirements outlined in the agreement.
8. Information documented during this process will be kept for records maintenance and kept as part of the outcome of this case. However, if the Adaptive Resolution Process is no longer pursued, information gained through these procedures will not be used in a formal resolution process.
9. Both parties may be accompanied by an Adviser or support person at any meeting with student conduct staff during the Adaptive Resolution Process. A support person/adviser can not be an attorney or lawyer.

2. 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 Resolution 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 Director of CS&C has the authority to divert a case to an alternate form of resolution before considering it for the Student Conduct System, as long as the accusations do not involve sexual violence (unless the University's Equity Compliance Office approves such diversion).

Students whose cases meet the criteria to participate in one of the two diversion 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.

Requirements: Students who are invited and choose to attend the program must:

- a. 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.
- b. Follow the instructions for signing up and attending the program dates offered.
- c. Arrive on time and stay for the duration of the program.
- d. Show their student ID, sign in, and complete all associated paperwork upon arrival.
- e. Fully participate while in attendance.

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 Director of CS&C determines to have a higher educational impact through mediation, community restoration initiatives, or behavioral counseling services. 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 Director of CS&C. In order to be invited to participate in the Blueprint Program, the original report must meet the following criteria and be approved by the Director of CS&C:

- 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, acts of sexual violence (unless the University's Equity Compliance Office approves such diversion), or other acts of an egregious nature.

- c. Examples of cases or reports appropriate for this process include but are not limited to the following:
- 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 issues.
 - vii. Contract-related compliance.
 - viii. Postponed or delayed action.
 - ix. University Process Abuse.
 - x. Sexual harassment or discrimination when approved by the Equity Compliance Office.
 - 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.

The invitation to attend the Blueprint Program expires as 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.

OUTCOMES

Note: See variations for student organizations and groups in the Student Organizations section.

STUDENT RECORD NOTATIONS

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

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 the 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 outcomes consequences or additional accusations of a policy violation.

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

Failure to complete assigned outcomes 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, the release of grades/transcripts, participation in graduation, and the granting of a degree. Additionally, students who fail to complete outcomes 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 outcomes 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 outcomes 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. 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 non-academic standing with the University. *Note: University Probation is defined differently for student organizations. (See page 40.) Students on probation are permitted to join and be members of clubs and organizations, it is 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 their 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 or controlled houses/residences 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 page 41.)*
- **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 page 41.)*

During the period where 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, has been expelled from the University, or may hold a transcript until the suspension term has lapsed.

When issuing outcomes, the Resolution 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 outcomes are reviewed each academic year, and it is important to note they are a *guide*, not a minimum or maximum mandate. Resolution 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, outcomes are not appealable.

Listed in the following table are the standards used by Resolution 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 Director of CS&C 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.

| Code | Specific Behavior | Offense | Typical Outcomes |
|---------|--|----------------------------------|---|
| Alcohol | Underage alcohol | 1 st | <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 | 2 nd | <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 | 2 nd /3 rd | <ul style="list-style-type: none"> • University disciplinary probation (three months) • \$150 fine • Three- to eight-hour educational intervention |
| | Underage alcohol | 4 th | • Suspension |
| | Distribution to minors | 1 st | <ul style="list-style-type: none"> • University disciplinary probation (one year) • \$200 fine • One- to two-hour educational intervention |
| | Distribution to minors | 2 nd | • Suspension |
| | Drinking in public, public intoxication, or possession of an open container (over the age of 21) | 2 nd | <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) | 3 rd | <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) | 1 st | <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 | 1 st /2 nd | • Suspension |
| Alcohol abuse, regardless of age (including participation in accelerated consumption or drinking games) | 1 st | <ul style="list-style-type: none"> • University disciplinary probation (one year) • \$150 fine • Three- to eight-hour educational intervention |
| Alcohol abuse | 2 nd | • Suspension |

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. The following are behaviors that have resulted in a 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 conceal and 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 that is a threat to all people who share their group identities (e.g., race, gender, religion, nationality, sex, sexual orientation, socioeconomic class).

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.

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.) 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 the organization president 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.

Behavioral Resolution Meeting

For the Behavioral Resolution Meeting, 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.

Accountability Hearing

When an organization’s case is heard in an Accountability Hearing by the UHB, members are permitted to send two participating representatives. As with any conduct case before the UHB, 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 UHB typically will only consider five years of the organization’s disciplinary history. Records including incidents of a violent nature may be considered beyond the five-year mark as determined by the Vice President for Student Development or the Dean of Students.

Findings/Outcomes

Outcomes 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 outcomes 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/Expulsion:** 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 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.

PROCEDURAL CONSIDERATIONS REGARDING HAZING

- Charters/Constitutions and Bylaws: In addition to the foregoing, the University prohibits requiring or implying requirement to participate in any act that violates the Code of Conduct; the Center for Student Involvement policies for recognized student organizations; local/state/federal law; a student organization's charter/constitution/by-laws; the constitution /by-laws of the National Pan-Hellenic Council, National Panhellenic Conference, or North-American Interfraternity Conference; or rules of the Division of Athletics, NCAA, sport clubs, or intramurals.
- Concurrent Legal Charges: Violations of the Hazing Policy and/or Code of Conduct may also constitute violations of Ohio law. Students may find themselves charged through the criminal justice system for incidents that have also been attributed to violations at the University. In these cases, the University will generally proceed with the Student Conduct System concurrently with the legal system. The University does not offer legal advice/counsel to students facing criminal charges.
- Individual Student Charges: In cases where the hazing activity is performed by

an individual member of an Organization or Group, the Organization or Group as a whole may be held responsible. Individual students may be charged separately through the Student Conduct System as well. Delegating or requesting another student, Organization or Group to perform any act that violates the Hazing Policy will result in charges of hazing being brought against the requesting student, Organization or Group as well as against the Organization, Group or individuals performing the act, regardless of affiliation.

- **Safety Concerns for Students who Report Hazing:** Students who report possible hazing incidents will not be subject to individual charges of policy violations by the University if those violations were a direct result/cause/effect of the hazing. Additionally, the University will work to make reasonable accommodations so that the reporting party can continue their academic pursuits. These accommodations include but are not limited to alternative housing, no contact orders, and academic accommodations. Any student who is concerned for their safety either due to ongoing hazing or in fear of retribution should consider speaking with a University staff member to gain an understanding of the services that can be made available in their situation.
- **Organization or Group Hazing:** When an Organization or Group is alleged to have engaged in hazing, the University reserves the right to impose different sanctions and processes than it might impose or adopt when handling an allegation of hazing directed at an individual. More details are included in the Student Standards of Behavior and Code of Conduct, in the section addressing Student Organizations.

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, Leadership Development, or Campus Ministry (depending on the organization) may result in a charge of *Compliance*. 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.

Groups not recognized as organizations with the University are not afforded the process described in this handbook 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. For

information on requesting to become a recognized organization, visit go.udayton.edu/involvement.

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.

TERMS

The following terms have been defined for the Code of Conduct.

Adjudication Withheld: A finding in the Student Conduct System indicating that the student chose to participate in an educational intervention in lieu of the Student Conduct Process. (See Diversion Programs.)

Agreement: Refers to the written resolution of an incident resolved through Adaptive Resolution. The terms of the resolution are agreed upon by all parties and entered as outcomes into the resolution of the conduct matter; the agreement.

Appeals Review Committee: A committee that reviews qualifying appeals that consists of the Vice President for Student Development or that individual's 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).

Behavioral Resolution Meeting: A formal resolution conducted by an resolution officer (administrator) for disciplinary action and/or referral to an Accountability Hearing.

Campus Area: The area that falls primarily 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 or controlled properties, including, but not limited to, those on Brown Street (Fitz Hall), Irving Avenue, Edwin C. Moses Boulevard (arena and athletic areas), Patterson Boulevard (Daniel P. Curran Place), Old River Park, Stewart Street and portions of the Arcade in downtown Dayton.

Case Packet: The packet of materials submitted to the UHB for consideration.

Cease and Desist Order: A formal directive issued by the Center for Student Involvement and/or the Office of Greek Life instructing a student organization to stop all activity immediately.

Charges: Specific provisions of the Code of Conduct submitted as having possibly been violated by the accused student.

Community Disturbance: Community disturbances encompass a wide range of behaviors. Such incidents can include harmful or destructive conduct such as 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 and/or ability for the police/other authorities to maintain order.

Complainant: A person reporting possible violations of the Code of Conduct.

Complicit: Finding that there is not enough evidence/information to determine if the accused student was/were in direct violation(s) of the Code of Conduct, however, it is clear that the student witnessed, was present at, and/or has been determined to be responsible for hosting/encouraging violations. This includes, but is not limited to, allowing (having knowledge of and failing to report) violations to occur in their assigned residence (room, suite, apartment, and/or house.) Complicit is a finding issued as a result of being accused of a possible direct violation, not a policy or code in and of itself.

Common Source: A large container, such as a punchbowl, trough, tub, or trash barrel, used for the consumption or serving of an alcoholic beverage in large quantities.

Conduct Adviser : Students, faculty and staff who are trained to know and understand the Student Conduct System and serve as advisers to students seeking assistance. These advisors are not permitted to speak for the student but serve to aid the student in their preparation and understanding.

Dean's Hold: Notation on the student's University account indicating that the person is not permitted to register for classes, receive transcripts and/or a diploma until a pending issue is resolved with the dean's office that placed the hold.

Diversion Program: An educational intervention that diverts a Student Conduct Case away from the Student Conduct System. (See pages 31-33 for details).

Educational Intervention: Educational consequences intended to aid in a student's emotional, intellectual and/or cognitive development with an intended outcome to change behavior.

FERPA: Family Educational Rights and Privacy Act of 1974. For the University's Policy on Disclosure of Student Records, aka its FERPA Policy, go to udayton.edu/policies/enrollment/ferpa/ferpa_policy_page.php

Findings: The determination of responsibility for an accused violation of the Code of Conduct.

Guest: An external visitor of a student and/or a student who is being hosted in the residence of a fellow student.

Medical Amnesty : 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 or expulsion within reason.

Monetary Fine: Disciplinary fine assessed for violations of the Code of Conduct.

No Contact Order: An order from a University Official to have no contact with a particular person or persons. Contact is considered any verbal, written, electronic, nonverbal gesture, third party messages, indirect loud talking in the vicinity of the person and could include indirect actions (such as directed communications through another person) that appear to the University to be intimidating or to circumvent the order's restrictions. The University may add to the terms of no contact within the context of the reported incident that preceded the order or concerns that have arisen during the investigation or conduct process.

Not Responsible: A finding in the Student Conduct System that indicates the University determined that the preponderance of evidence in a case indicates that it is more likely than not that there was/were NO violation(s) of the Code of Conduct. Findings of 'not responsible' do not indicate a violation and are therefore not reported as such in cases where a student's record is requested.

Outcomes: Officially assigned interventions for violations of the Code of Conduct.

Open Container: Any alcoholic beverage that has been opened and is being transported in public, including any street, sidewalk, alley, park, parking lot or in any vehicle.

Participants: For the purposes of the University's Hazing Policy, 'participants' 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 individual.

Responding Student: A student alleged to have violated a Code of Conduct.

Responsible: A finding in the Student Conduct System that indicates the University determined by preponderance of the case's evidence it was more likely than not that there was/were violation(s) of the Code of Conduct.

Restitution: Financial reimbursement.

Resolution Officer: University administrator responsible for conducting a Behavioral Resolution Meeting.

Self Defense: Responding to a physical attack with a counter physical response that is immediately followed by an attempt to remove oneself from the situation. Providing a physical defense to verbal attacks is not acceptable and is not considered self-defense at the University of Dayton.

Student: An individual who has registered with the University for any form of instruction, whether or not for credit. Student status begins at the time of such registration, even if the student has not yet arrived on campus or commenced instruction, and continues until such time as the student graduates, completes the relevant program, is expelled, or otherwise indicates a permanent separation from the University. A suspended student continues to be considered a student for purposes of University policies and procedures. Additionally, an undergraduate student who has not registered for three consecutive semesters (excluding the summer term) is no longer considered a student.

Student Group: 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, academic or administrative units).

Student Organization: A number of persons who are associated with each other and who have registered with the University as a student organization under the Center for Student Involvement for policies for recognized student organizations.

Support Person: A person chosen by the student to sit with the student during the course of a Behavioral Resolution Appeal or Accountability Hearing or when receiving the final

decision of the University Hearing Board. This person is not permitted to be a lawyer/attorney/witness for the case.

University Hearing Board Chair: A staff member designated and trained to preside over UHB proceedings.

University Hearing Board (UHB): A group comprised of faculty, staff and students responsible for resolving cases that are not resolved in a Behavioral Hearing.

University Property: Facilities, items and/or land owned, controlled or managed by the University of Dayton. This includes, but is not limited to, library materials, campus signage, campus facilities, grounds, vehicles, classroom materials, etc.

Written Account : A student's official written statement or account responding to a case being heard by the University Hearing Board.

ASSISTANCE/RESOURCES

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 Resolution 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 Resolution Meeting is an opportunity to attend a hearing between the student and the resolution officer that resembles a meeting more than 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 to share their personal perspective.
- The student should read the Code of Conduct and review the steps of the process to be prepared to engage in the process.
- The student should reach out to the resolution officer prior to the Behavioral Resolution Meeting if any special needs such as language interpretation, door access, or TTY assistance, are required.
- Students should know that there is a process. Being documented does not mean you are in trouble. It means we need to talk to you. Often when a student is notified, anxiety rises and there is an impulse to immediately talk to someone. 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 handbook, and know that every student in this process will be treated with dignity and respect.
- Students should 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 their 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.
- Conduct Advisers are only assigned in cases moving forward to the UHB, however 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 utilizing stress management techniques, getting enough rest, and eating well. If assistance in finding balance to concentrate is needed, call the Counseling Center, the Center for Alcohol and other Drugs Resource Education, 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 utilize their 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 they 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 or 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. A Conduct Adviser may serve in this role, but they must be invited by the student directly.

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 Director of CS&C 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 of the Board member(s) 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 (or on file) 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.

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, particularly if criminal charges are involved, 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

| | | |
|--|----------------|--|
| 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 or M4 |
| DRUG POSSESSION (Marijuana)/DRUG ABUSE | 139.03/2925.11 | MM or M4/MM, Large Quantities = M4 to 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 |
| 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 FURNISH ALCOHOLIC BEVERAGE TO UNDERAGE PERSON | 4301.69 | M14 |
| *RCGO: Revised City General Ordinance ORC: Ohio Revised Code **MM = Minor Misdemeanor M = Misdemeanor 1-4 F = Felony 1-5 | | |

NOTIFICATIONS

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 non-forcible sex offense to the complainant of the case.

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 under the age of 21 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.

PROGRAMS

CS&C hosts two programs designed to allow students to mitigate some of the lasting effects of a student conduct violation. For information about these programs, contact CS&C by email at csc@udayton.edu or by phone at 937-229-4627. The office is located in Gosiger Hall, Room 227.

1. *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 six 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 Director of CS&C have the authority to disallow participation in the program.

2. *The Shield Program*

This program allows a student to have their 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(s) in question cannot contain any cases that ended in *Suspension* or *Expulsion*. The record(s) in question also cannot include cases where a victim was notified of an outcome of 'responsible' (physical abuse, Nondiscrimination/Anti-Harassment cases). The student making the request must complete all portions of the Shield Program to the approval of the Director of CS&C. 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.

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.

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
- Let someone know of the concern by reporting it to https://udayton-advocate.symplcity.com/care_report or Email the Dean of Students Office at deanofstudents@udayton.edu
- Call Public Safety at 937-229-2121, if the concern is immediate.