

## STUDENT CONDUCT CODE

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### Preamble

<i>Article I.</i>	<b>Expectations &amp; Responsibilities</b>
<i>Article II.</i>	<b>Definitions</b>
<i>Article III.</i>	<b>Jurisdiction</b>
<i>Article IV.</i>	<b>Prohibit Conduct</b>
<i>Article V.</i>	<b>Complaints</b>
<i>Article VI.</i>	<b>Investigation of Alleged Violations</b>
<i>Article VII.</i>	<b>Determinations</b>
<i>Article VIII.</i>	<b>Sanctions</b>
<i>Article IX.</i>	<b>Appellate Review Procedures</b>
<i>Article X.</i>	<b>Interim Measures</b>
<i>Article XI.</i>	<b>Acceptance of Responsibility</b>

### Preamble to the Student Conduct Code

Husson University inspires and prepares students for professional careers in current and emerging fields within the context of an education informed by the sciences and humanities.

The Husson University *Student Conduct Code* promotes a campus environment that supports the mission of the University, by articulating appropriate standards of individual and group behavior.

This *Student Conduct Code* is integral to Husson University's role in transforming student lives and intended to be educational and developmental in nature.

Violations of the norms of civility and other accepted rules of behavior, whether or not specifically covered by this *Student Conduct Code* or other University policies, may subject a student to disciplinary action.

#### *Article I.*      **Expectations & Responsibilities**

A student may expect to:

- live and learn in a safe environment and participate in discussion and inquiry to further academic development.
- be treated with respect and consideration.
- to be free from unlawful harassment and discrimination of all kinds. This includes discrimination against or harassment of any individual or group on the basis of race, color, sex, sexual orientation, gender identity and/or expression, religion, ancestry or national origin, age, physical or mental disability, citizenship, veteran status, or any other applicable legally protected status in matters of admissions, employment, housing, or services in the educational programs or activities it operates.

It is the student's responsibility to:

- be knowledgeable and observant of this *Student Conduct Code* and University policies and procedures.
- respect and comply with provisions of federal, state, and local laws.
- be accountable for one's actions.
- treat all community members with dignity and respect.
- engage in responsible social conduct that reflects credit upon the University community and to model good citizenship in any community.

Students are required to familiarize themselves with all Husson University policies and regulations. Ignorance of Husson University policies and regulations regarding expected behavior will not be accepted as a defense or excuse.

## Article II. Definitions

1. The term **"Appellate Review Panel"** means the panel consisting of three (3) members from a pool of trained faculty and staff appointed by the Dean of Student Life to review appeals taken from the decision of the Code Administrator or Conduct Officer.
2. The term **"Code Administrator"** is the University official, appointed by the Dean of Student Life, with the authority to administer this *Student Conduct Code* and to investigate or appoint a Conduct Officer (for violations of *Residential Policies & Procedures*) or an Investigator to conduct a prompt, thorough, and impartial investigation, determine whether a violation of this *Student Conduct Code* occurred, and impose sanctions.
3. The term **"Complainant"** means the person making an allegation or complaint of a violation of this *Student Conduct Code*.
4. The term **"Complaint"** is defined as a narrative report of the incident with alleged violation(s) of this *Student Conduct Code* submitted to the Office of the Dean of Student Life.
5. The term **"Conduct Conference"** refers to the process in which the Respondent meets with a Conduct Officer to discuss the alleged violation(s) of this *Student Conduct Code* or of *Residential Policies & Procedures* and determine if a violation(s) took place and what sanction(s), if required, are appropriate.
6. The term **"Conduct Officer"** means any person or persons authorized by the Code Administrator to hear alleged violation(s) of this *Student Conduct Code* or of *Residential Policies & Procedures* as part of a Conduct Conference and determine sanction(s) that do not rise to the level of Investigator.
7. The term **"Expulsion"** means a permanent separation from the University.
8. The term **"Faculty Member"** means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
9. The term **"Member of the University Community"** includes any person who is a student, faculty member, University official or any other person employed by the University. A person's status in a particular situation shall be determined by the Human Resources and/or the Registrar's Office.
10. The term **"Organization"** means any student group that has complied with the formal requirements for University recognition.
11. The term **"Policy"** means this *Student Conduct Code*.
12. The term **"Respondent"** means the student or organization that is alleged to have violated this *Student Conduct Code*.
13. The term **"Student"** includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating this *Student Conduct Code*, who are not officially enrolled for a particular term but who have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered "students" as are persons who are living in University residence halls.
14. The term **"Suspension"** means a separation from the University for a definite period of time, after which the student is eligible to return. Conditions for return may be specified.
15. The term **"Investigator"** means an individual who is qualified to conduct investigations as designated by the Code Administrator.
16. The term **"University"** means Husson University.
17. The term **"University Housing"** shall be defined as any residential facility overseen and managed by Husson University.
18. The term **"University Official"** includes any person employed by the University performing assigned administrative or professional responsibilities.

19. The term “**University Premises**” includes all land, buildings, facilities, and other property in the possession of or owned, used, supervised or controlled by the University including adjacent streets and sidewalks.
20. The term “**University Sponsored Activity**” shall be defined as an activity on or off-campus that is supervised, aided, or authorized by the University.

### Article III **Jurisdiction**

#### 1. Scope

This *Student Conduct Code* shall apply to conduct that occurs on University premises, at University sponsored activities, and to off-campus conduct that adversely affects the University community, University's reputation/image/standing, and/or the pursuits of its objectives.

Each student shall be responsible for his/her conduct at all times. This *Policy* shall apply to all covered student conduct, even if the student withdraws from school while a disciplinary matter is pending.

#### 2. Relationship between University Proceedings and Legal Proceedings

University disciplinary proceedings are independent from any federal, state, and local legal proceedings. Therefore, University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates this *Student Conduct Code* as well as federal, state, or local law, without regard to the pendency of civil or criminal proceedings. University disciplinary proceedings under this *Student Conduct Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the Code Administrator. Determination(s) made or sanction(s) imposed under this *Student Conduct Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation(s) of this *Student Conduct Code* were dismissed, reduced, or resolved in favor of or against the Respondent.

When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. If the legal violation is also being processed under this *Student Conduct Code*, the University may advise off campus authorities of the existence of this *Student Conduct Code* and how such matters are typically handled within the University community. The University will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus, including any conditions imposed by criminal courts for the rehabilitation of students found to have violated federal, state, or local law (*provided that the conditions do not conflict with University rules or sanctions*). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

### Article IV. **Prohibited Conduct**

The following conduct constitutes violations of this *Student Conduct Code*:

- a. Conduct that threatens or endangers the health or safety of oneself or others, including, but not limited to: physical (including use of weapons or other items used as a weapon or in a threatening manner) or verbal abuse, assault, threats, intimidation, harassment, and coercion, including through the use of social media or other means of electronic communication.
- b. Use and/or possession of weapons, even when legally purchased and registered, including, but not limited to: firearms, ammunition, air/gas/spring operated paintball guns or pellet guns, knives (other than utensils), firecrackers, explosives, or any item used in such a manner that harms, threatens, or causes fear to others.
- c. Possession of weapons, as listed in Article V. b, on University premises or at University sponsored activities.
- d. Sexual Misconduct and Sexual Harassment, as defined within the Husson University Title IX Sexual Harassment Policy. All allegations of sexual misconduct will be referred to the Title IX Coordination for review and considerations. To the extent matters of sexual misconduct are not considered under the Title

IX Policy, these matters may be reviewed and decided according to the provisions of the Student Conduct Code.

- e. Hazing, defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the Complainant is not a defense. Apathy or acquiescence in the presence of hazing are not neutral acts and constitute violations of this *Policy*.
- f. Theft, attempted or actual, of property and/or services, or misappropriation of property and/or services. Attempted or actual damage or vandalism to University property, a University community member's property, or other personal or public property.
- g. Use, possession, manufacture, or distribution of marijuana, heroin, hallucinogens, stimulants, narcotics, steroids, or other controlled substances, including misuse of prescribed controlled substances.
- h. Unlawful use, possession, manufacturing, or distribution of alcoholic beverages, or public intoxication.  
Alcoholic beverages may not, under any circumstance, be used by, possessed by, manufactured by, or distributed to any person under twenty-one (21) years of age.
- i. Engaging in dishonest behavior, including, but not limited to: providing fraudulent, false, or misleading information or statements to University officials or during University proceedings, providing false identification, or failing to provide personal identification upon a reasonable request.
- j. Engaging in or supporting disorderly or disruptive behavior, including, but not limited to: interfering with teaching, research, administration, disciplinary proceedings, or other University activities; interfering with public service functions; interfering with activities of other authorized non-University functions on campus; and lewd or indecent behavior.
- k. Engaging in behaviors and/or conduct that adversely impacts the image of the University and its objectives.
- l. Unauthorized possession, duplication, or use of University keys and/or access cards, and unauthorized entry to, or use of, University or other premises.
- m. Failure to comply with directions of a University official or law enforcement officer acting within the performance of his/her duties.
- n. Failure to participate in *Student Conduct Code* procedures in good faith.
- o. Failure to comply with sanction(s) imposed under this *Student Conduct Code*.
- p. Violation of fire safety regulations.
- q. Violation of any University policy, including, but not limited to *Residential Policies & Procedures*, *Digital Environment*, *Acceptable Use Policy*, and *Smoke Free, Tobacco Free Policy*.
- r. Violation of federal, state or local law.

#### Article V.

#### **Complaints**

The Office of the Dean of Student Life is responsible for the administration and enforcement of this *Student Conduct Code* and the Dean of Student Life shall appoint a Code Administrator to perform the duties set out herein. Any member of the University community may make a written or verbal Complaint with the Office of the Dean of Student Life that a violation of this *Policy* has, or may have, occurred.

If after making a Complaint, the Complainant does not wish to pursue resolution, requests that no action be taken, or elects not to participate in the process, such request shall be in writing and include a waiver of investigation and resolution. Husson University may still have to respond to the reported violation of this *Policy*.

If the Complainant would like to pursue resolution, but requests that the Complaint remain confidential, or that his or her name or other identifiable information not be disclosed to the Respondent, the Code Administrator will inform the Complainant that the University's ability to respond may be limited and that the University prohibits retaliation. The University will evaluate the Complainant's request(s) to remain anonymous, or that no action be taken, in the context of the University's commitment to provide a safe environment for all students. In order to make such an evaluation, the Code Administrator may conduct a preliminary investigation into the Complaint and may weigh the Complainant's request(s) against the following factors: the seriousness of the alleged misconduct; the Complainant's age; whether there have been other Complaints of *Student Conduct Code* violations against the same Respondent; and the Respondent's right to receive information about the allegation if the information is maintained by the University as an "education record" under *FERPA*.

The Code Administrator will inform the Complainant if the University elects to move forward with an investigation against the Respondent. If circumstances specific to the Complaint may, in the judgment of the Code Administrator, prevent the University from ensuring confidentiality and/or anonymity, the Code Administrator will explain those circumstances and the possible confidentiality concerns to the Complainant. In all cases the University reserves the authority to undertake an investigation, impose interim measures, and impose appropriate sanctions in its sole discretion.

#### *Article VI.* **Investigation of Alleged Violations**

The Code Administrator will review Complaints of alleged violations of this *Student Conduct Code* or *Residential Policies & Procedures*. If an allegation of sexual misconduct, as defined within the University's Title IX *Sexual Harassment Policy*, is made under this *Student Conduct Code*, the allegation will be immediately referred to the University's Title IX Coordinator. The Title IX Coordinator will work the complainants and respondents as appropriate, consider whether the matter falls within the University's *policy*, and take further actions as needed. Matters that cannot be addressed under Title IX may be referred back for consideration under the Student Conduct Code. In all other cases, if after an initial review of the Complaint, the Code Administrator determines that the Complaint is meritless, the Code Administrator will inform the Complainant that the alleged conduct does not constitute a violation of this *Student Conduct Code* and no further action will be taken. If, however, the Code Administrator determines that the complaint has merit, the Code Administrator will decide whether the Code Administrator, Conduct Officer or an Investigator shall conduct the investigation.

Except as provided below, The Code Administrator:

1. shall assign an investigator to conduct an investigation if:
  - a. The alleged violation(s) may result in a suspension or expulsion; or the alleged violations(s) are made against a recognized University organization (e.g. Team, club, fraternity); or for any other reasons, as determined by the Code Administrator, in his or her sole discretion.
2. shall assign an investigator to conduct an investigation and provide for a live hearing if:
  - a. The alleged violation is sexual misconduct, as defined within the University's Title IX Sexual Harassment Policy, but cannot be addressed under Title IX.

In all other cases, the Code Administrator, or Conduct Officer, shall conduct the conduct conference or investigation.

Upon deciding that the Complaint has merit and necessitates an investigation, and whether the Code Administrator or an appointed Investigator will conduct the investigation, the Code Administrator shall send a Notice of Complaint to the Respondent, to be delivered by email. The Code Administrator will simultaneously cause a copy of the Notice of Complaint to be delivered to the Complainant, as appropriate.

The Notice of Complaint shall set forth the alleged violation(s) at the time of notification, the date of the investigation, who will be conducting the investigation, and explain that the Respondent is permitted to have

an advisor [advisor must be an employee or student of Husson University not involved in the alleged violation(s)] of his or her choice present during all phases of the investigation but that for *Student Conduct Code* purposes, advisors shall not be attorneys, are not permitted to speak or to participate directly in the investigation, and are not permitted to advocate on the Respondent's behalf.

The investigation will involve interviews of the Complainant, Respondent and may involve interviews with other witnesses, the collection of documents or other physical/electronic information. Individuals who are interviewed during the investigation will be advised that the matter is confidential and that retaliation is prohibited by this *Policy*.

The Complainant and Respondent may both provide information and suggestions to the Investigator during the investigation, but the Investigator has independent authority to exercise judgment in determining how to conduct the investigation. While neither the Complainant nor Respondent are specifically prohibited from contacting others who may be involved with the investigation, any attempt to hinder the investigation or otherwise tamper with evidence or witnesses will be dealt with sternly and may be a violation of this or other policies.

If during the course of the investigation, additional violations of the Student Conduct Code are found, the Investigator shall inform the Respondent of such and include these amended violations within the investigation report.

At the conclusion of investigations performed by the Investigator, the Investigator will prepare a written report detailing the information that was collected. The report will include: summaries of interviews with the Complainant, the Respondent, third-party witnesses, and any expert witnesses; summaries of any photographic, electronic and forensic evidence; and a detailed written analysis of the event(s) in question. The report shall be made available, concurrently, to the Code Administrator, the Dean of Student Life, the Complainant and the Respondent. If either the Complainant or the Respondent believes that the Investigator has inaccurately reported a statement, he or she should immediately request that the Investigator seek clarification from that witness within three (3) business days.

#### *Article VII.* **Determination**

Once the Code Administrator, Conduct Officer, or the Investigator has completed his or her investigation, a determination will be made by a preponderance of the evidence (*more likely than not*). As discussed in more detail below, if the Code Administrator or Conduct Officer determines that the Respondent violated this *Student Conduct Code* or *Residential Policies & Procedures*, the Code Administrator or Conduct Officer will impose appropriate sanctions. The Code Administrator's or Conduct Officer's determination and imposition of sanctions, if any, shall be delivered to the Complainant and Respondent on the same day via email.

In most cases, the Code Administrator's decision will be issued within approximately 60 days of the date of the Complaint; however, some investigations may necessarily be longer than others.

#### *Article VIII.* **Sanctions**

The University may impose a range of sanctions and protective measures following a final determination of a violation of this *Policy*. The sanctioning decision will be informed by the degree to which the behavior was intentional, irresponsible, or without knowledge.

Factors pertinent to the determination of what sanction applies include, but are not limited to, the nature of the conduct at issue, prior disciplinary sanctions of the Respondent (available to the Code Administrator only upon finding a violation), Respondent's willingness to accept responsibility for his/her actions and previous University response to similar conduct.

The broad range of sanctions includes: permanent expulsion; suspension for an identified time frame or until satisfaction of certain conditions, or both; temporary or permanent separation of the parties, including changes in academic schedules, reassignment of residence, and no contact orders, with additional sanctions for violating orders; written warning; educational programs; volunteering or community service requirements; loss

of University privileges; restitution; delays in obtaining administrative services and benefits from the University (e.g. only: holding transcripts, delaying registration, graduation, diplomas); and any other discretionary sanctions that are directly related to the violation or conduct and addressing its effects.

*Article IX.* **Appellate Review Procedures**

The Respondent shall have the right to appeal the decision of the Code Administrator. Appeals must be submitted in writing to the Dean of Student Life within five (5) business days from the day the decision is delivered to the parties. Within five (5) business days of receiving an appeal, the Dean of Student Life will appoint an Appellate Review Panel consisting of three (3) members from a pool of trained faculty and staff.

The Appellate Review Panel will limit its review of the Code Administrator's decision to the record, including the investigator's report, supporting documents or other evidence, and any statement by the Complainant, the Respondent, and/or Code Administrator regarding any issue raised in the appeal. In order for an appeal to be granted, the appeal must demonstrate at least one of the following:

- i. procedural error(s) that may have prejudiced the Code Administrator; or
- ii. evidence unavailable at the original proceeding, which would likely have affected the decision.

If the Panel grants the appeal, it shall direct the Code Administrator to reconsider the case with appropriate corrections or appoint a designee to hear the case, either of which could eliminate, reduce or increase the sanction. If no appeal is granted, all decisions shall be considered final and binding on all parties.

If the Appellate Panel grants an appeal, all decisions there-in-after shall be considered final and binding on all parties.

*Article X.* **Interim Measures**

During the investigation and until allegations are resolved, the Dean of Student Life or Code Administrator, may issue interim restrictions, including, but not limited to the following: no-contact or stay away orders between the Complainant and the Respondent; interim suspension; temporary exclusion from areas of campus; removal from or relocation to another residence hall; changes in academic/course schedules; or limiting participation in certain events, gatherings, or activities, among other measures. Interim measures should not be construed to suggest that any decision has been made about the merits of the case. Accommodations may be provided to individuals involved, regardless of whether formal proceedings are instituted, including academic/course schedule changes; housing reassignments; safety escorts; safety/crime prevention briefings; and other protective or safety measures. Interim restrictions and accommodations are considered and implemented on a case-by-case basis by the Dean of Student Life or Code Administrator.

*Article XI.* **Acceptance of Responsibility**

At any point after a Complaint has been filed, the Respondent may accept responsibility for violation(s) of this *Student Conduct Code* or *Residential Policies & Procedures*. Even with assumption of responsibility, in cases of separation or expulsion, an investigation shall be conducted. If a Respondent accepts responsibility for having violated this *Student Conduct Code*, the Code Administrator will determine the appropriate sanction within ten (10) business days and send written notification of the sanction imposed or accepts responsibility for having violated *Residential Policies & Procedures*, the Conduct Officer will determine appropriate sanctions and send written notification of the sanction imposed.

Acceptance of responsibility is for all alleged violation(s) within a Complaint; alleged violation(s) are acted upon as a whole and not individually.

The appeal process does not apply when a Complainant assumes responsibility for his/her violation(s) of this *Student Conduct Code* or violation(s) of *Residential Policies & Procedures*.

*Husson University reserves the right to amend this policy to better align with or to respond to changes in federal, state, or local laws, regulations, or University policies and procedures. Concerns or questions regarding this policy may be directed to:*

*Office of Student Life  
Husson University  
One College Circle  
Bangor, ME 04401*