



## **Cheyney University of Pennsylvania**

# **THE STUDENT CODE OF CONDUCT**

Cheyney University of Pennsylvania strives to maintain an intellectual atmosphere that is designed to foster and support students' educational objectives and which protects the health, safety, and welfare of all members of the University community. Moreover, Cheyney University works in collaboration with numerous stakeholders to nurture responsible, conscientious, and contributing citizens. To enforce these standards, Cheyney University has adopted the Student Code of Conduct.

The Student Code of Conduct is Cheyney University of Pennsylvania's formal policy pertaining to the adjudication of violations of the standards of behavior and conduct expected of students enrolled at the University. Every student is expected to uphold high standards of conduct and civility in their day-to-day contact with all members of the University community. Additionally, students must observe all established policies, procedures, rules, and regulations, which govern the institution, as well as all Local, State, and Federal laws. Reasonable efforts are made to foster the personal, educational, and social development of those students who are found in violation of the Student Code of Conduct.

The Office of Student Activities is responsible for providing oversight of the process for protecting students' rights to live and learn in a safe, orderly, caring, and crime-free environment. On-campus residential students may also be subject to disciplinary action by the Office of Residence Life and Housing.

## STANDARDS OF BEHAVIOR AND CONDUCT

The following represent those standards of behavior and conduct, which are considered violations of the Student Code of Conduct. These acts, and in some cases, the failure to act, necessitates disciplinary attention and will subject students to disciplinary action through the student judicial process.

The policies and rules outlined herein are not exclusive; students are advised that they are subject to additional policies and rules by Cheyney University of Pennsylvania. Students who participate in the Residence Life and Housing program are reminded that, in addition to the policies and rules identified in the Student Code of Conduct, they must also adhere to the provisions of the Student Housing Agreement, as well as other procedures and regulations as directed by the Office of Residence Life and Housing.

## AWARENESS OF POLICIES

Every student, including those who are participating in any program that is University sponsored, on or off campus, must abide by the rules and regulations underlying the Student Code of Conduct. The rule and regulations listed here are available on the Office of Student Activities, and Office of Residence Life and Housing web pages.

## VIOLATIONS

### 1. Acts of Intolerance:

Hate crimes that show evidence of prejudice based on race, ethnicity, sexual orientation (known or perceived), or affectional preference. Those found to be in violation of this policy will be dealt with severely and subject to harsh penalties.

### 2. Alcohol:

The Commonwealth of Pennsylvania law prohibits possession, consumption, and distribution of alcoholic beverages by, and to, those under the legal drinking age of 21 years of age. Cheyney University of Pennsylvania is a dry campus, which means that alcohol is not permitted on campus or any affiliated campus property. Accordingly, the possession, consumption, and/or distribution of an alcoholic beverage on campus and in the residence halls are prohibited, regardless of an individual's age.

Underage students found to have consumed alcoholic beverages, as well as those who are publicly intoxicated, will be subject to disciplinary action. In addition, Cheyney University prohibits the display of empty containers of alcohol in the

residence halls by resident students. Empty alcohol containers, including those with trace amounts, found in residence hall rooms as well as others places on campus will subject those students to disciplinary action. Furthermore, students found to be in possession, consumption, or who have distributed alcoholic beverages will also be subject to disciplinary action. Providing alcoholic beverages to minors is a violation of the Commonwealth of Pennsylvania and University policy. **Violations of this policy include, but are not limited to:**

- A) Consumption
- B) Display of Empty Alcohol Containers
- C) Driving Under the Influence
- D) Excessive Alcohol (Keg, Liquor, Beer Ball, 30-pack or more...etc)
- E) Open Alcohol Containers
- F) Possession and/or Distribution of Alcohol
- G) Public Intoxication
- H) Selling and/or Furnishing Alcohol to Minors

**3. Civil or Criminal Statues:**

Any violation of university policies, rules, and regulations that are also a violation of the laws of the Commonwealth of Pennsylvania or of the United States of America that would have an adverse impact on the university. Any behavior and conduct that is unbecoming of a Cheney University student affects the University in adverse ways. Students are reminded that they should represent the University in a positive manner at all times on or off campus.

In addition, students who are cited and/or arrested for violations of Local, State, and/or Federal laws will face the Pennsylvania Judicial System and the University's Judicial System. The sanctions to be imposed upon a student for a violation of this policy will depend upon charges brought against the student by outside agencies.

**4. Dining Hall:**

All Cheney University students and their guest(s) are expected to comply with all specified rules and regulations governing dining facilities on campus.

**Violations of this policy include, but are not limited to:**

- A. Failure to comply with Dining Service Policies
- B. Failure to Provide valid CU Identification Card
- C. Involvement in Food Fights

**5. Dishonesty:**

Knowingly altering and/or providing false information to include misrepresenting oneself through written, verbal, electronic, digital, and social media communications such as texting, Face Book, MySpace, Twitter, and Skype, etc. to any University official, office and/or the University Disciplinary Committee. This includes but is not limited to records, documents, parking permits, University identification cards, meal cards, access card, keys, etc. The above mentioned items must be used solely by the student to whom they were issued. Fraudulent use and/or possession of university-issued property, use of the University's name or brand, without proper authorization are prohibited. Misrepresentation of a University recognized student group/organization without specific prior consent from authorized officials. **Violations of the University's Academic Integrity Policy will be handled by the Office of the Provost and Vice President for Academic Affairs. Violations of this policy include, but are not limited to:**

- A. Destruction or Misuse of any Official University Document
- B. Forgery
- C. Furnishing False Information
- D. Misrepresentation of an Unauthorized and/or Authorized Group/Organization
- E. Misuse and/or Possession of Unauthorized Keys and Student Identification Card
- F. Unauthorized Use of University Name, Brand, and Likeness

**6. Disorderly Conduct:**

Any conduct, as defined by Cheyney University of Pennsylvania, which deviates from acceptable standards of appropriate behavior that is unbecoming a student, or which impedes, hinders, threatens, or prevents the orderly functioning of any of the university's academic or administrative operations and/or an individual's ability to work, study, or participate in activities of the University. **Violations of this policy include, but are not limited to:**

- A. Causing a Public Disturbance
- B. Fighting or Engaging in a Brawl
- C. Leading, Instigating, and/or Inciting a Riot
- D. Lewd or Indecent Conduct
- E. Unreasonable Noise

**7. Environmental Health and Safety, including Fire Safety:**

Students and their guests are expected to observe environmental health and safety mandates, including fire safety guidelines by adhering to the procedures and regulations established. **Violations of this policy include, but are not limited to:**

- A. Creating Hazardous conditions

- B. Failure to Evacuate and Exit Any Building (upon the activation and sounding of a fire alarm, including failure to participate in a fire drill)
- C. Failure to secure an Event Permit (to include Outdoor Cooking/Grilling with the use of an open flame on university premises)
- D. False Fire Alarms (Students can be expelled from the University for this offense)
- E. Possession of candles/incense
- F. Setting or causing a fire and/or including Arson
- G. Smoking in any University facility
- H. Smoking in Any University facility (carrying and/or consumption by a person of a lit cigar, cigarette, pipe, or other lit smoking device).
- I. Tampering with fire safety equipment (to include damage, destruction, misuse, or other inference with life-safety equipment. This includes, but is not limited to emergency exit doors, fire extinguishers, pull stations, smoke detectors, sprinklers, etc.)
- J. Unauthorized cooking
- K. Any other violation of university procedures and regulations intended for the health, safety, and welfare of the university community.

**NOTE: Barbeques and cookouts must be approved by the Office of Public Safety and the Office of Student Activities. For more information about the University's Outdoor Events Policy, please consult the Cheyney University Student Handbook or the Office of Student Activities, located in room 108 in the Marcus Foster Student Center.**

**8. Gambling:**

Engaging in any game of chance or that involves the exchange of money, goods, or services on University property or in University facilities is prohibited

**9. Guest Policy Violation:**

Visitors to the residence halls are expected to adhere to the procedures and regulations established by the Office of Residence Life and Housing and the policies and rules established by Cheyney University of Pennsylvania.

Students who participate in the Residence Life program assume responsibility for their guests when they sign them into the residence hall. Students will be held accountable for their guests' actions and behaviors. Student should not sign-in individuals whom they do not know. **Violations of this policy include, but are not limited to:**

- A. Violation of the Student Code of Conduct by the Resident and/or Guests

- B. Opposite/Same Sex Guests in the Residence Hall (during non-visitation hours without prior approval from the Assistant Director of Designee)
  - C. Illegal Use of the Opposite Sex Bathroom
10. **Harassment, Intimidation, Stalking, or Threats:**  
The following behaviors are prohibited:
- A. Harassing behavior, meaning conduct directed at a specific individual(s) that is sufficiently severe or pervasive to substantially interfere with the individual's employment, education, or access to University programs, activities, and/or opportunities. Behavior is considered to be punishable harassment if: (1) it has a harmful effect on the individual in question and (2) is behavior that would have a harmful effect on other reasonable individuals who experienced the same treatment.
  - B. Stalking, meaning the act or repeated conduct directed at another person that causes the person to fear his/her safety.
  - C. Interfering with the freedom of any person to express his/her views as long as they are within legal limits.
  - D. Conduct that constitutes unlawful discrimination based on another person's race, color, sex, religion, age, national origin or sexual orientation.

Those found to be in violation of this policy will be dealt with severely and subject to severe sanctions.

11. **Hazing:**

The Pennsylvania Hazing Law mandates that colleges and universities across the Commonwealth adopt policies prohibiting hazing. Accordingly, participation in any activity that can be described as hazing is strictly prohibited.

"Hazing," as defined by the Pennsylvania Hazing Law, is "Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of, or recognized as, an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the

individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public property. ...Any activity...upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.”

## 12. **Illegal Drugs:**

Commonwealth of Pennsylvania law, as does, Federal law, prohibits possession, consumption, and distribution of illegal drugs. This includes, but is not limited to depressants, hallucinogens, and narcotics. Cheyney University of Pennsylvania has zero tolerance for illegal drugs on campus and in the residence halls.

Students found to have consumed illegal drugs, as well as those students who are found to be in possession of, consumption of and/or distributing (including those with the intent to sell) illegal drugs, will be subject to disciplinary action, arrest, and criminal prosecution. Possession of drug contraband and paraphernalia is also a violation and will be subject to disciplinary action.

Additionally, the use of substances that give off odors similar to illegal drugs (*e.g.*, marijuana), which cause university officials to respond because of suspected use, and which causes material and substantial disruption or interference with the day-to-day operations of the residence halls will also be considered a violation of this policy whether or not actual illegal drugs are recovered. **Violations of this policy include, but are not limited to:**

- A. Consumption and/or Use of Illegal Drugs
- B. Possession and/or Distribution of Illegal Drugs
- C. Possession with the Intent to Sell Illegal Drugs
- D. Public Intoxication / Under the Influence

## 13. **Infliction of Harm:**

The use of physical force of any kind on another person, including beating or inappropriate and/or offensive touching without the person’s consent is prohibited. **Violations of this policy include, but are not limited to:**

- A. Aggravated Assault (causing serious bodily injury to another, intentionally or recklessly)
- B. Domestic Violence and Abuse
- C. Fighting
- D. Indecent Assault (touching of the intimate parts of another person's body without the person's consent).
- E. Rape (forcing or coercing another, regardless of gender, to engage in a sexual act (anal, oral, or intercourse) without that person's consent or when the act is deemed without the person's consent because the person was incapable of consenting or understanding the nature of the act for any reason)
- F. Simple Assault (causing bodily injury to another, intentionally or recklessly)
- G. Sexual Assault (touching without the person's consent of any of the intimate parts of another person's body with the intent to commit a sexual act).

14. **Non-Compliance:**

Failure to comply in any capacity when issued a verbal or written directive by a University official to include gross disobedience manifested by any of the following listed below. This includes hindering, obstructing, and interfering with the implementation of the Student Code of Conduct. University officials are defined as any individual who is serving within the scope of his/her employment responsibilities. **Violations of this policy include, but are not limited to:**

- A. Failure to comply with established rules and regulations
- B. Failure to comply with a reasonable request by a University official
- C. Failure to provide a valid Cheyney University student identification card.
- D. Failure to provide information.

15. **Retaliation:**

Harassment of the person(s) alleging misconduct, including but not limited to intimidations, threats, and infliction of harm.

16. **Failure to Comply with Sanctions:**

Violations of or failure to complete a sanction imposed by the Disciplinary Committee, Residence Life Hearing Officers, the Office of Residence Life and Housing, and/or the designated University Administrators can result in additional and more severe sanctions. Students who repeatedly violate the Student Code of Conduct, Local, State, Federal Laws, and University policies and procedures will be subject to imposed sanctions that are greater in severity with each offense.



**Violations of this policy include, but are not limited to:**

- A. Failure to fully comply with a sanction by the deadline
- B. Violation of the terms and conditions of a sanction
- C. Violation of the Student Code of Conduct during a period of probation or interim suspension.

**17. Sexual Harassment:**

Cheyney University of Pennsylvania specifically prohibits sexual harassment of students, staff, faculty, administrators and/or any member of the University community in any form.

The term “sexual harassment” may be used to describe a wide range of behaviors between students, employees or between students and employees. The Equal Employment Opportunity Commission (EEOC) guidelines below describe these behaviors. It is within this context that Cheyney University references “employment”, “work” or “education” to include “the entire range of academic and non-academic functions of the university community”.

Cheyney University has modified the EEOC’s definition of sexual harassment to include students; therefore, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

Submission to such conduct is made either explicitly or implicitly a term or condition of employment or a favorable course grade; submission to or rejection of such conduct by an individual is used as a basis for employment decisions or grades affecting such individuals or such conduct is sufficiently severe or pervasive as to have the effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working, educational or residential environment. (See [www.cheyney.edu/student-life/documents/student\\_handbook\\_2010.pdf](http://www.cheyney.edu/student-life/documents/student_handbook_2010.pdf))

**18. Student Housing Agreement:**

Residents and their guests are expected to be familiar with and abide by all policies, procedures, rules and regulations governing the residential community as established by the Office of Residence Life and Housing and the University. These procedures and regulations apply to all Cheyney University residential students and their guests, while in the residence halls. Furthermore, residential

students and their guests are also expected to treat other students, faculty, staff, members of the Cheyney University community, and the Residence Life and Housing staff with dignity, civility, and respect at all times. Violations of any of the terms and conditions outlined in the Student Housing Agreement will result in disciplinary action at the discretion of the Assistant Director and in consultation with the Director for Residence Life and Housing.

Such action may include, but is not limited to referral to the Assistant Director, Director of Residence Life and Housing, University Disciplinary Committee, a designated Residence Life Hearing Officer, immediate removal from the Residence Life program, or Student Housing Agreement termination. **Violations of this policy include, but are not limited to:**

**A. Courtesy Hours/Quiet Hours Policy:**

Members of the residential community and their guests are expected to exhibit respectful and civil conduct, and be mindful at all times that others may be attempting to study and sleep. Courtesy Hours and Quiet Hours are designated hours where noise should be kept to a minimum and during the evening hours, not heard outside of a student's room.

**B. CU Roommate Agreement:**

Residential students will be required to complete a CU Roommate Agreement with their roommate(s) once they have moved into their rooms or any time a new roommate moves into a room. The CU Roommate Agreement is a binding contract between all roommates and students will be held accountable for violations of the agreement.

**C. Discarding Objects Out of a Residence Hall Window:**

Due to safety concerns, students are prohibited from discarding any items outside of the residence hall windows.

**D. Failure to Attend Advertised Mandatory Residence Hall Meetings:**

Throughout the academic year and to protect the health and safety of the residential community, it may be necessary to schedule mandatory residence hall meetings where students will be required to attend.

**E. Failure to Vacate During Official Check-out:**

It is expected that all members of the residential community follow and adhere to all advertised check-out, closing procedures, and guidelines when the University is closed for official University breaks.

**Guest / Visitation Policy:**

Students and their guests must adhere to all University guidelines, policies, procedures, and local, state, and federal laws. Students must escort their guests at all times during their visit and are responsible for their guests and the actions of

their guests. All individuals visiting the residence halls will be required to sign in and out at the courtesy desk located in the lobby of each hall. Unescorted guests will be cited for trespassing.

**Illegal Entry into a Residence Hall:**

Students may enter into their assigned residence hall by swiping via the card access system and producing a valid Cheyney University ID. Individuals not assigned to a particular residence hall must be signed in by a resident of the visiting residence hall. Any other entry into a residence hall is a violation.

**Illegally Entering or Exiting Emergency Doors:**

Emergency doors are marked and designated for use during emergency situations only as designated by a University official. Use of these doors at any other times is prohibited.

**Illegal, Prohibited, and Unauthorized Appliances and Equipment:**

The University considers fire safety and the safety of all residential students as serious business. Students are prohibited from possessing any illegal and/or prohibited items which pose a health and safety risk in their room, to themselves, and/or the residential community.

**Pets:**

Pets of any kind are not allowed. This includes fish.

**Pranks:**

Mischievous acts that harass or harm another individual or cause that individual to have a reasonable fear of bodily harm or harm to his/her property is considered inappropriate behavior.

**Prevention of Authorized Room Assignment:**

Residence Life and Housing staff reserves the right to assign another student to a room at any time where empty spaces have been identified. Students, who hinder, prevent, and/or who exhibit uncivil behavior towards another student who has been assigned to the room will be held accountable.

**Propped Doors of a Secured Building:**

For the safety of all members of the residential community, propping entrance and exit doors of a residence hall is prohibited.

**Removal of Window Screens:**

Removal of window screens from any residential facility is prohibited.

**Repeated Room Lock-outs (three or more per semester):**

Students are required to carry their room key with them at all times. Failure to provide your key on three or more occasions will be considered as a violation.

**Unauthorized Event/Party:**

All events, programs, and functions must be approved by completing the events policy guidelines and obtaining the approval of the Assistant Director of the requested residence hall. Students are prohibited for hosting unauthorized events.

**Unauthorized Possession/Use of University Property:**

Any items that are the property of the University must not be removed and or used if approval has not been granted from the appropriate University official.

**Unauthorized Room/Hall Change:**

Room and residence hall assignment changes must be approved by an Assistant Director or the Director of Residence Life and Housing.

**Unauthorized Selling or Solicitation:**

Selling and the distribution of unauthorized items and goods in and/or near the residence halls are prohibited.

**Unnecessary Mess/Trash:**

All members of the residential community are expected to take pride in their community, clean up after themselves, and discard all trash and unwanted items in the appropriate manner.

**Use of the Opposite Sex Bathroom:**

Use of bathrooms of the opposite sex is prohibited. An individual who is not a resident of the hall, must be escorted to the bathroom facilities for persons of the same sex as that individual. Individuals can use the designated same sex bathroom in the opposite sex hall located in the lobby of each residence hall.

**Unsanitary / Unacceptable Conditions in a Residence Hall Room:**

Students will be in violation of the health and safety guidelines in the event that their assigned room is in unsanitary, unsafe, and/or unacceptable conditions.

**Vandalism:**

The intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of University property and/or the property of any person and/or business is prohibited.

**Violations of Health & Safety Inspections:**

Violations and/or conditions in a residence hall room that endangers the health, safety, and welfare of any member of the residential community are prohibited.

**Other:**

Any violation of the Student Housing Agreement

**19. Theft:**

For the purpose of this policy, theft shall be defined as, “taking, receiving, or attempting to take or receive the property of an individual or of the University, without the expressed consent of the owner.” Additionally, the removal of any University owned items and furniture from classrooms, the dining hall, lounges, or other public areas without the permission of a University official will also constitute a violation.

**20. Trespassing:**

Entering, and remaining in an area, including University residence halls, when not authorized to be there by a University official, when the individual had knowledge, by actual communication, whether verbal or written.

**21. Vandalism:**

Causing damage to, or destroying the property of the University or the belongings or possessions of an individual.

**22. Weapons, Firearms, and Dangerous Devices:**

Cheyney University guards against violence, the threat of violence, and the possession of a deadly weapon or illegal drugs by any person residing, working, or visiting on the campus. Violations of this policy can result in severe and immediate penalties, including but not limited to arrest, expulsion, and suspension from campus, residence halls, or university-sponsored activities pending the outcome of the hearing.

Weapons, firearms, and dangerous devices are instruments capable of causing harm and injury to the campus population. Prohibition of such devices and instruments on University property is an attempt to reduce the possibility of injury to the campus population.

Accordingly, it shall be prohibited for anyone to possess or control weapons, firearms or dangerous devices at Cheyney University of Pennsylvania.

Exceptions to this policy may be granted in appropriate circumstances by the Director of Public Safety.

In cases where the definition is unclear, the context in which a particular object was used will determine whether it is indeed a weapon. Items modified or adapted so that it can be used or was used as a weapon will, for the purpose of this definition, be considered as such. The use or intended use of a laser pointer, mace, or pepper spray when used to inflict serious bodily injury is considered in this definition.

Students who have used, or who are found in possession of a weapon will be subject to immediate disciplinary action. Furthermore, they may be subject to arrest by the Department of Public Safety and criminal prosecution.

**Cheyney University of Pennsylvania has zero tolerance for weapons.**

**Some examples of such items but are not limited to are the following:**

Weapons, explosives, explosive materials, ammunition, fireworks, chemicals, knives, swords, cutting instruments or cutting tools, firearms (BB guns, paintball guns, rifles, handguns, etc.), mace / pepper spray, explosives, etc.

## **SANCTIONS:**

Violations of the Student Code of Conduct will result in a sanction being imposed. Sanctions are intended to provide educational experiences that will provide the opportunity to develop behaviors and conduct demonstrative of responsible citizenship. However, the primary purpose of sanctions in this Student Code of Conduct is to protect the University Community from behavior which is disruptive, threatening, and or dangerous to others, or which is lewd, indecent, obscene, or which impairs the primary function of the University to educate students. Sanctions under the Student Code of Conduct may be tailored to suit the circumstances of each offense. For that reason, sanctions are levied relative to the nature and scope of the violation. Repeat offenders will be subject to more severe sanctions than first-time offenders.

To ensure that an educational environment characterized by collaboration, collegiality, and cooperation is maintained, Cheyney University of Pennsylvania has the right to levy sanctions against any student or student organization, including Greek letter and social organizations, found responsible for violating the standards of behavior and conduct established by the University. Students who aid, abet, encourage, request, initiate, assist, or have knowledge of any other student, non-student, or student organization in acts which violate this document or participates in a violation of this document will be subject to disciplinary action as if the student or student organization has actually committed the violation. Elected student officials, more specifically, class and Student Government Cooperative Association (SGCA) officers who are found responsible for a violation of

the Student Code of Conduct by the University Disciplinary Committee or a Residence Life Hearing Officer may be subject to removal from the elected office.

Serious violations that threaten the health, safety, and welfare of individuals may result in immediate suspension or expulsion from Cheyney University. In addition, students found to repeatedly violate the Student Code of Conduct, or are found to disrupt the academic and/or life environment of the university community due to continuous acts of misbehavior, the Vice President for Student Affairs and Student Life shall have the right to expel such students from the campus of Cheyney University of Pennsylvania.

## **DISCIPLINARY SANCTIONS**

The following are possible disciplinary sanctions, which may be imposed for a violation. This list shall not be taken to be exhaustive and may be enlarged or modified to meet the particular circumstances in any given case:

1. **Disciplinary Reprimand:** Students will be informed, in writing as an official warning that their conduct is unacceptable and the behavior displayed violates one or more of Cheyney University of Pennsylvania's policies, procedures, rules, or regulations.
2. **Disciplinary Probation:** Students will be informed, in writing that their conduct is unacceptable and the behavior displayed warrants probation for a specified period of time. Students to whom a sanction of disciplinary probation is imposed are not considered in good standing with the university. Disciplinary probation is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated.
3. **Restrictions:** Students and student organizations will be informed, in writing, that student(s) is/are banned from specific University sponsored and/or approved activities and events for a specified period of time.
4. **Restitution:** Students will be required to provide reimbursement for damage to or misappropriation of property. Restitution may take the form of appropriate service or other compensation. Either full payment or an agreement for partial payment according to a schedule agreed to by Residence Life Hearing Officer and/or the University Disciplinary Committee is required before the student may register for classes again, or in the case of seniors, before the student may graduate.

5. **Residence Hall Reassignment:** Students will be informed in writing that they are being involuntarily reassigned to a new housing assignment on campus. This action may include restriction from entering specific University-owned or affiliated buildings for a designated period of time.
  
6. **Educational/Developmental Assignments:** The purpose of this university sanction is to guide students toward more mature and positive decision-making. In addition, students will be given the responsibility of completing an assignment or project that offers opportunities for increased continued character building and/or educational growth and development. Students may be required to demonstrate responsibility as a member of the university community by performing certain reasonable and relevant educational activities. It is our hopes that students will learn from the experience that brought them to our office and we believe the educational assignment we provide will help students meet that goal. Educational assignments are based on an individual assessment of each case. Thus, there may be situations in which an individualized assignment is given. **Educational /developmental assignments include, but are not limited to:**
  - **BASICS** (Brief Alcohol Screening Intervention for College Students): Individualized and/or group sessions to address alcohol consumption and its adverse consequences, promote healthy choices, and develop coping skills for risk reduction.
  
  - **Community Service:** Students will be assigned a specific number of hours to perform service for the Cheyney University of Pennsylvania community. The department supervisor must submit written approval for service, as well as confirmation upon completion.
  
  - **Written Assignment:** Students can reflect on a violation in writing. If the paper does not meet the minimum requirements and/or is not satisfactory in its content, the Residence Life Hearing Officer or University Disciplinary Committee can return the paper and require it to be rewritten. All assignments need to be submitted electronically and a hard copy to the Residence Life Hearing Officer or University Disciplinary Committee on or before the due date.
  
  - **Letter of Apology:** Students will be required to write a letter of apology to the individual(s) that the violation was transgressed against. All letters of apology must be reviewed by the Residence Life Hearing Officer or the Chair of the University Disciplinary Committee before it can be distributed



to the designated student(s).

- **Collaborate and Coordinate an Educational Program with an Office on Campus:** Students will be assigned to an on-campus office to collaborate and assist with the facilitation of a University sponsored program.
  - **Educational Assignment:** Students will be assigned and given written directions to attend, assist, create and/or complete an educational project and/or University-sponsored event that will benefit the student as well as the University community.
  - **Interview of an on Campus Professional:** Students will be assigned the task of interviewing an on campus professional to gain a better understanding of a specific topic or policy.
  - **Mentorship Program:** Students will be assigned to a volunteer professional University mentor for a specific period of time.
1. **Referral:** Students may be required to seek evaluation through off campus counseling resources and comply with the recommendations that result from the evaluation.
  2. **No Contact Directive:** The University Disciplinary Committee or Residence Life Hearing Officer may find it necessary to issues a written directive for parties involved in an incident to have no contact with each other. Failure to abide by the No Contact Directive is grounds for a student to be issued more severe sanctions and/or arrested depending on the severity of the violation.
  3. **Residence Hall Suspension:** Students will be involuntarily separated from the Residence Life program at Cheyney University of Pennsylvania for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. Students residing on campus will be required to schedule an appointment with the Director of Residence Life and Housing to discuss receive approval and to be reinstated into housing. When a suspension from the University of its residence hall is imposed, the student loses the privilege to reside in in the residence halls of Cheyney University, as specified by the University Hearing Officers and/or the University Disciplinary Committee. Students who are suspended from the residence halls forfeit room and board charges that have been paid. **See REFUND POLICY in the Cheyney University Student Handbook.** *Students suspended from the residence halls or*

*the University are prohibited from entering or visiting any University residence halls.*

4. **Fines:** Fines levied are sanctioned as a means to deter unacceptable and unsafe behavior. All fines will be paid directed to the Business Office. These funds will be used to create education programs for the University community. Students found in violations of these policies may be subject to the following fines:
- **Improper Check-out and/or Excessive Trash in Residence Hall Room:**  
Each offense - \$50
  - **Conduct Requiring Excessive Cleaning and Removal of Trash Charges in a Residential Area:**  
\$30/hour
  - **Failure to Evacuate the Residence Halls During a Fire Alarm**  
1<sup>st</sup> offense - \$100  
2<sup>nd</sup> offense - \$200
  - **Failure to Provide Residence Hall Room Key (after 3 lockouts)**  
1<sup>st</sup> offense and 2<sup>nd</sup> offense - \$10 each occurrence
  - **Possession or Use of Alcohol and Alcohol Containers Violations**  
1<sup>st</sup> offense - \$50  
2<sup>nd</sup> offense - \$100  
3<sup>rd</sup> Offense - \$200
  - **Possession or Use of Drugs and Drug Paraphernalia Violations**  
1<sup>st</sup> offense - \$100  
2<sup>nd</sup> offense - \$200
  - **Fighting / Infliction of Harm**  
1<sup>st</sup> offense - \$100  
2<sup>nd</sup> offense - \$200
5. **Interim/Immediate Suspension:** This action will be imposed if it is determined that the student's continued presence constitutes an immediate threat of harm to the student, other students university personnel, or university property. Students will be informed, in writing, that he/she is suspended from Cheyney University of Pennsylvania, pending final disposition of the student's case. Suspensions can be issued by the following persons: Vice President for Student Affairs and Student

Life, Director of Residence Life and Housing, or the University Judicial Officer. If an interim suspension is imposed, a hearing shall be convened within ten (10) business days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date. Students will be required to return their Cheyney University ID card and room key (if applicable) before they vacate the University premises. ***Students suspended from Cheyney University are prohibited from visiting any and all affiliated University premises and facilities during the term of the suspension and will be considered to be trespassing if they violate this directive.***

6. **Deferred Suspension:** Students will be informed, in writing, that even though their conduct is unacceptable and the behavior displayed warrants suspension, a suspension is being deferred at this time. Students to whom a sanction of deferred suspension is imposed are not considered in good standing with the university. Deferred suspension, like disciplinary probation, is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated. If during the period of deferred suspension, a student is again found responsible for a violation of the Student Code of Conduct or violating an order of the University Disciplinary Committee or Residence Life Hearing Officer, the student can be immediately suspended from Cheyney University of Pennsylvania.
  
7. **Disciplinary Suspension:** Students will be involuntarily separated from the University for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. This action involves the following: loss of the privilege to be enrolled as a student at Cheyney University, from one to eight semesters; notation of the suspension on the student's disciplinary records; withdrawal from all courses in accordance with university policy; and forfeiture of tuition and fees. ***See REFUND POLICY in the Student Handbook.*** Students will be required to return their Cheyney University ID card and room key (if applicable) before they vacate the University premises. ***Students suspended from Cheyney University are prohibited from visiting any and all affiliated University premise and facilities as they will be considered as trespassing.***
  
8. **Expulsion:** Students will be permanently separated from the University. This action involves the following: forfeiture of all rights and degrees not conferred at the time of expulsion; permanent notation of the expulsion on the student's academic and disciplinary records; withdrawal from all courses in accordance with university policy; and forfeiture of tuition and fees. ***See REFUND POLICY in the Student Handbook.*** Students will be required to return their Cheyney

University ID card and room key (if applicable) before they vacate the University premises. *Students expelled from Cheyney University are prohibited from visiting any and all affiliated University premises as well as complete all requirements pertaining to withdrawing from the University.*

9. **Stops on Account/Records:** The University may withhold transcripts, diplomas, or other official records and/or suspend certain privileges such as class registration, moving into a residence hall, participation in the housing selection process, etc. pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the University's ability to enforce its disciplinary rules.

## **DISCIPLINARY PROCEDURES**

Student conduct that contradicts basic interests and policies of the University community will be addressed under the disciplinary procedures designed to facilitate fair and impartial resolution. Hearings, whether held before a Residence Life Hearing Officer or the University Disciplinary Committee are unlike courts. These conduct procedures involve a full discussion of charges and circumstances. Rules of evidence and procedures differ from proceedings before criminal or civil authorities. A University Disciplinary Committee member or Residence Life Hearing Officer who has a conflict with, bias about, or interest in the case should recue himself.

When a student is charged with a violation of conduct regulations, disposition of the student's case shall be according to constitutional regulations and due process as outlined below:

- Complaints of alleged violation by a student shall be made in writing and submitted to the Office of Public Safety or to the Office of Student Activities. Infractions which take place in the Residence Life and Housing community will be addressed by the designated Residence Life Hearing Officer depending on the severity of the infraction.
- Each complaint shall contain a statement of facts outlining each alleged act of misconduct, and shall state all regulations that the student is alleged to have violated.
- The student shall be notified of the alleged violation in writing by the Chairperson of the University Disciplinary Committee or the designated Residence Life Hearing Officer at least 72 hours in advance of the hearing. Residence Life Hearing Officers will be assigned cases of violations that occur in all residence halls except their

assigned residence hall. Notices will be delivered to the residence halls or sent to the home address, where appropriate. Where there is reasonable proof that a letter has been delivered, the student will be held responsible for honoring the hearing date.

- Notices shall include: the date, time, and location of the hearing; a statement of the specific charges and notice to the student that he/she is entitled to bring witnesses and one advisor of his/her choosing.
- Students accused of minor violations will be offered the opportunity to waive their right to a hearing, admit responsibility for the violation, and accept the sanction. Students can waive their rights to a hearing by signing the “*Waiver of Rights to a Hearing*” form.
- Students or student organizations who fail to appear at an initial scheduled hearing will be scheduled for a second hearing only if a written excuse is submitted to the chair of the Disciplinary Committee or the Residence Life Hearing Officer and a new date is approved by same. Failure to appear for the scheduled hearing will result in the hearing being conducted in the student’s absence if no written excuse is offered 24 hours after the scheduled hearing. Any students or student organizations, who fail to appear at the second scheduled hearing, consent to the conducting of said conference in their absence.
- The decision reached at the hearing will be communicated in writing to the student. Additionally, the student shall be notified in writing of his or her right to appeal the decision of the University Disciplinary Committee or Residence Life Hearing Officer. In cases of appeal, any action assessed by the hearing body or officer shall remain in effect, pending the outcome of the appeal University Disciplinary Appeals Committee.

### **Family Educational Rights and Privacy Act (FERPA)**

This statute protects the privacy of a student’s educational records and prohibits the release of student information to third parties, **including the student's parents**. Parents of all students 18 years of age or older will not be provided with disciplinary information except as permitted by Family Educational Rights and Privacy Act (FERPA). Therefore, a student will be expected to notify his or her parent(s) or guardians of the charges. Parent(s) or guardians may request a conference with the University Disciplinary Chair or judicial officer. However, absent permission from a student who is 18, Cheyney University administrators will not discuss the matter with or provide notification to the parents of that student. This practice is based upon federal regulations which address the privacy of a student’s educational record.

## **STUDENT RIGHTS AND PREPARATION FOR THE HEARING**

At hearings of the University Disciplinary Committee or the Residence Life Hearing Officer, a student shall be afforded all rights required of due process, including:

- The right to one advisor of his/her choice. (Advisors may not speak during the hearing to the University Disciplinary Committee or the Residence Life Hearing Officer. However, the advisor may consult privately with the student).
- The right to question the complainant.
- The right to present evidence in his/her behalf.
- The right to call witnesses in his/her behalf and cross-examine other witnesses.
- The right to remain silent and have no inference of guilt drawn from such silence.
- The right to request a “*Waiver of Rights to a Hearing*” form.
- The right to be advised of his/her right to appeal the decision of the University Disciplinary Committee or the Residence Life Hearing Officer.
- The right to become familiar and review the Student Code of Conduct prior to the scheduled hearing.
- The right to request mediation with approval from the chair of the University Disciplinary Committee or the Residence Life Hearing Officer. (This request can only be granted if all parties agree to the medication process).
- The right to attend classes and required university functions until a hearing is held and a decision is rendered. Exceptions to this would be made in the event of an interim/immediate suspension, when the University, in its sole discretion determines that the student’s presence would create a substantial likelihood of material interference with the normal operation and processes at the university by posing a risk to the health, safety, or welfare of the campus community.
- A written summary or audiotape record of the hearing at the University’s expense. The student may be required to pay the cost of copying requested record.

### **HEARING PROCEDURES:**

- i. Before presenting any testimony, each witness must submit to an oath where he or she swears and affirms the truth of statements to be made.
- ii. The University Disciplinary Committee or the Residence Life Hearing Officer shall open the proceedings by reading the statement of charges.
- iii. The student will have the opportunity to enter a plea of guilty or not guilty.

- iv. The charging party shall then present its case against the referred party. This shall be done by the submission of written, physical, and testimonial evidence. The referred party and the University Disciplinary Committee or the Residence Life Hearing Officer shall have the right to conduct reasonable and pertinent questioning of the charging party and the charging party's witnesses.
- v. At the conclusion of the charging party's presentation, the referred party shall present a response to the charges. This shall be done by the submission of written, physical, and testimonial evidence. The charging party and the University Disciplinary Committee or the Residence Life Hearing Officer shall have the right to conduct reasonable and pertinent questioning of the referred party and the referred party's witnesses.
- vi. Witnesses will be allowed in the hearing to testify and answer questions posed by the University Disciplinary Committee or the Residence Life Hearing Officer. Witnesses will be asked to leave after their testimony has been given and before closing statements are made.
- vii. Each party will have the opportunity to make a closing statement.
- viii. The University Disciplinary Committee or the Residence Life Hearing Officer will determine the outcome of the case based on the all materials, testimony, and evidence presented. In addition, the testimony and evidence presented at the hearing, the University Disciplinary Committee or the Residence Life Hearing Officer may consider the following elements before rendering a sanction:
  - Academic record and class year
  - Previous discipline record including that which is public record
  - Attitude of the accused during the hearing
- ix. The Chair of the University Disciplinary Committee or the Residence Life Hearing Officer shall be responsible for maintaining order and room decorum, and make all rules reasonable and necessary for the orderly and efficient disposition of the cases. All hearings are closed proceedings.

## **THE UNIVERSITY DISCIPLINARY COMMITTEE**

The composition of the University Disciplinary Committee shall be as follows:

- Faculty members to be approved by the Provost and Vice President for Academic Affairs.
- Fulltime-enrolled students, to include one (1) from each residence hall to be recommended by the Assistant Director of Residence Life and Housing in charge of the building and one (1) recommended by the Student Government Cooperative Association (SGCA).
- Administrative staff members to be approved by the Vice President for Student Affairs and Student Life.

Students who serve as members of the University Disciplinary Committee must have a minimum cumulative grade point average (GPA) of 2.5, a good judicial standing, and will be formally appointed as university volunteers, in accordance with Board of Governors policy.

Preliminary investigations of charges against students shall be made by the University Disciplinary Committee through its Chairperson or the Residence Life Hearing Officer.

The Chairperson of the Disciplinary Committee or the Residence Life Hearing Officer shall expeditiously set the time and place for a hearing and shall notify the other members. From that point, all summoning of defendant(s) and witnesses shall be done by the Chairperson of the Disciplinary Committee or the Residence Life Hearing Officer. Students subject to an interim/immediate suspension by the Vice President for Student Affairs and Student Life or his/her designee shall have a hearing within ten (10) business days, as dictated by Commonwealth regulations.

Decisions of the University Disciplinary Committee shall be by majority vote. A quorum will be necessary to hold a hearing. A quorum shall consist of four members; two faculty/staff, one student, and the Committee Chair or Designee. Any member of the University Disciplinary Committee or the Residence Life Hearing Officer shall disqualify himself/herself if personal involvement in the case is of such a nature as to be detrimental to the interest of the accused or the institution. All potential facts that may give rise to a question of disqualification should be provided to the Chairperson for final resolution. The decision of the Chairperson shall be final. In the event that the Chairperson has a conflict, such conflict shall be disclosed to the Vice President for Student Affairs and Student Life. The decision of the Vice President for Student Affairs and Student Life, as to the Chairperson's participation, is final.

The decision shall be based on inherently-reliable evidence. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish responsibility in any case. A



student's previous disciplinary record shall not be used to establish responsibility in a current case; however, the hearing may include a student's previous disciplinary record in the event that the student is found responsible for violating the Student Code of Conduct, in an effort to determine the appropriate sanctions to be imposed.

The hearing, and other deliberations of the University Disciplinary Committee or the Residence Life Hearing Officer, shall be closed except for the accused, an advisor for the accused, the University Disciplinary Committee or the Residence Life Hearing Officer, the University official presenting the case, witnesses and/or persons who have been asked to testify by either the accused or accuser. Such witnesses asked to testify should only be present for the portion of the hearing that involves their testimony and questions arising from that testimony.

A brief determination letter shall be sent to the student(s), the Vice President for Student Affairs and Student Life, and others as appropriate, within twenty (20) business days after the hearing.

Members of the University Disciplinary Committee or the Residence Life Hearing Officer shall execute a Statement of Confidentiality, as to information received concerning any student disciplinary matter.

## **DISCIPLINARY APPEAL PROCEDURES**

An appeal of the decision of the University Disciplinary Committee or the Residence Life Hearing Officer may be filed with the Vice President for Student Affairs and Student Life or his/her designee on the following grounds:

1. The hearing process was conducted unfairly and in accordance with established procedures.
2. There is new evidence or relevant information, not available at the time of the original hearing, which may alter the outcome of the case.
3. The university policies, procedures, rules, or regulations alleged to have been violated were not properly interpreted or applied by the University Disciplinary Committee or the Residence Life Hearing Officer.
4. The sanction imposed was not proportionate to the gravity of the misconduct.

In all cases, the student shall clearly state his/her grounds for appeal in his/her written statement to the University Disciplinary Appeals Committee or by following the guidelines below:

- The aggrieved student must, within five (5) business days of receiving notification of the determination from the University Disciplinary Committee or the Residence Life Hearing Officer, appeal in writing to the Vice President for Student Affairs and Student Life.
- Within five (5) business days of receiving the student's written appeal, the Vice President for Student Affairs and Student Life will notify the Chair of the University Disciplinary Appeals Committee who will then convene the members of the University Disciplinary Appeals Committee and review all of the information presented (written summaries, audiotapes, and/or transcripts, any party involved to include the Chair of the University Disciplinary Committee) in the case file and make a final decision.
- Should the Vice President for Student Affairs and Student Life elect to appoint a Special University Disciplinary Appeals Committee, then the composition will be as follows: (4) four tenure/tenure-track faculty or staff members and (1) one Fulltime-enrolled student, none of which would have a conflict of interest in reviewing the decision of the University Disciplinary Committee.