UNIVERSITY OF REDLANDS

Code of Student Conduct

MISSION STATEMENT
THE UNIVERSITY OF REDLANDS

The University of Redlands is a private, independent university committed to providing a personalized education that frees students to make enlightened choices.

Redlands emphasizes academic rigor, curricular diversity, and innovative teaching. Redlands fosters a community of scholars and encourages a pluralistic notion of values by challenging assumptions and stereotypes in both classes and activities. A Redlands education goes beyond training to embrace a reflective understanding of our world; it proceeds from information to insight, from knowledge to meaning.

Welcoming intellectually curious students of diverse religious, ethnic, national and socio-economic backgrounds, the University seeks to develop responsible citizenship as part of a complete education. Redlands encourages a community atmosphere with exceptional opportunity for student leadership and interaction. For working adults, the University offers innovative programs at convenient locations and times.

Redlands blends liberal arts and professional programs, applied and theoretical study, traditional majors and self-designed contracts for graduation. Small classes enable each student to participate in class discussion, to work closely with professors, and to receive extensive individual attention. Redlands remains sensitive to contemporary trends in society and challenges students to commit themselves to a lifetime of learning.

Adopted by the Board of Trustees -
May 16, 1987
1. PURPOSE

The purpose for disciplining students is to protect the University community. Efforts are also made to enable the personal and social development of students who violate University Regulations. It should be remembered that the University of Redlands also has an obligation to uphold the laws of the larger community of which it is a part. While the activities covered by the laws of the larger community and those covered by the University of Redlands’ rules may overlap, it is important to note that the community’s laws and the University of Redlands’ rules operate independently and that they do not substitute for each other. The University of Redlands may pursue enforcement of its own rules whether or not legal proceedings are underway or in prospect, and may use information from third party sources, such as, law enforcement agencies, news agencies, and the courts, to determine whether University rules have been broken. Conversely, the University makes no attempt to shield members of the University community from the law, nor does it intervene in legal proceedings against a member of the community. Membership in the University community does not exempt anyone from local, state, or federal laws, but rather imposes the additional obligation to abide by all the University of Redlands’ regulations.

2. DEFINITIONS

a) The term “Administrative Hearing” means:
   1) A procedure for resolving complaints.
   2) A procedure for resolving complaints conducted by one of the Deans in Student Life, Director of Residence Life, Judicial Affairs Officer, or Designee.
   All decisions are final.

b) The term “code” means the University of Redlands Code of Student Conduct.

c) The term “distribution” means sharing, sale, or exchange for personal profit.

d) The term “group” means a number of persons who are associated with each other and who have not complied with University requirements for registration as an organization.

e) The term “hazing” means any method of initiation into a student organization or any pastime or amusement which causes, or is likely to cause, bodily, physical, or emotional harm or injury to any student, employee, or guest of the University; hazing does not refer to customary athletic events or similar contests or competitions.

f) The term “University” means the University of Redlands.

g) The term “organization” means a number of persons who are associated with each other and have complied with University requirements for registration as an organization.

h) The term “reckless” means conduct which one should reasonably be expected to know would create a substantial risk or harm to persons or property or would be likely to interfere with normal University sponsored activities.

i) “Preponderance of the evidence” means evidence that has more convincing force than that opposed to it. If the evidence is so evenly balanced that you are unable to say that the evidence on either side of an issue preponderates, your finding on that issue must be against the party who had the burden of proving it.

j) “Hearsay evidence” is evidence of a statement that was made other than by a witness while testifying at the hearing and that is offered to prove the truth of the matter stated.

k) The term “student” means a person taking or auditing courses at the University either on a full-or-part-time basis, and the relationship to the University has not been terminated.
1. *Accused student:* shall mean any student formally accused of violating any policy of the University.

2. *Charged student:* shall mean any student formally accused of violating any policy or procedure of the University.

l) The term “University premises” means buildings or grounds owned, leased, operated, controlled, or directly supervised by the University.

m) The term “University regulations” means:

1. Any and all rules and policies set forth or referred to in the Student Handbook, Room and Board Contract, or any publication regularly distributed to students.

2. Policies and rules regulating student conduct adopted by the University Board of Trustees.

3. Policies and rules regulating student conduct adopted by the President or administration.

n) The term “weapon” means any object or substance designed to inflict a wound, cause injury, or incapacitate, including, but not limited to firearms, pellet guns, paint guns, knives, and/or switch blades, with blades 2½ or more inches in length, and chemicals such as “Mace” or tear gas.

o) The term “University sponsored activity” means any activity on or off campus that has been formally endorsed by the University.

p) The term “University Official” means any employee of the University to whom authority has been delegated.

q) The term “Dean” means the Dean of Student Life. The term “Administrator” means the Administrator accountable for Judicial Affairs.

r) The term “President” means the President of the University of Redlands.

s) The term “Presiding Officer” means the Presiding Office of the Critical Issues Board (C.I.B.)


u) The terms “will” and “shall” are used in the imperative sense.

v) “Sexual offenses” fall into three broad categories for the purposes of this code. See the California Penal Code for full description:

1. The essential element of the crime of *rape* occurs with any sexual penetration with any object, however slight, or any sexual intercourse accomplished with a person who is not the spouse of the perpetrator, under any of the following circumstances: (Note: Penal Code Section 261)

   a. The California State Penal Code defines rape as the act of having sex with a partner known to you to be intoxicated to the degree of being unable to give consent (or to be “dosed” with some type of designer or date rape drug).

   b. Where a person is prevented from resisting any intoxicating, narcotic (e.g., Rohypnol is classified as a narcotic) or “designer drug” or anesthetic substance, administered by or with the privity of the accused. Use of these substances does not diminish personal responsibility for one’s own actions.

   c. Where a person is incapable, because of mental disorder or developmental or physical disability of giving legal consent.

   d. Where it is accomplished against a person’s will by means of force, violence, or fear of immediate and unlawful bodily injury on the person or another.
e. Where a person is, at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

1) Was unconscious or asleep
2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

f. Where a person submits under the belief that the person committing the act is the victim’s spouse.

g. Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person.

2. The term “sexual battery” is defined as either:
   a. any person who touches an intimate part of another person, if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
   
   b. any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse is guilty of sexual battery.

3. The term “sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature. Such actions violate Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972. An offense occurs when submission to sexual advances is made, either explicitly or implicitly, 1) a term or condition of employment (this is applicable in student employment), 2) a basis for measuring job performance, 3) a condition for accessing educational activities or programs, and 4) a standard used in grading academic work.

4. The term “consent” shall be defined to mean positive cooperation in an act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution.

w) The term “University Judicial System” refers to the system outlined in this Code of Student Conduct.

x) “Need to know” is defined as “necessary to carry out the functions specified in the University Code of Student Conduct.”
3. INTERPRETATION OF REGULATIONS AND DEFINITIONS

This code and University Regulations are provided to give students general notice of prohibited conduct. This code and University regulations should be read broadly and are not designed to define misconduct in exhaustive terms.

4. INHERENT AUTHORITY

The University reserves the right to take necessary and appropriate action to protect its safety and well-being, notwithstanding anything to the contrary as stated in this code. Communications from Student Life are official communications from the University to the student, and thus, students are expected to respond forthwith to requests, directions and directives from University officials acting in the performance of their duties. (Section 9.1 f.4.)

5. STUDENT PARTICIPATION

All students are required to cooperate in disciplinary proceedings brought by the University, including witnesses and victims. A victim of an action taken by a student does not have the right to determine whether disciplinary proceedings will be brought against a student.

6. APPLICABILITY OF CODE / FOCUS OF INQUIRY

1. This code does not apply to any admissions decision or any decisions made by the University for academic reasons. The University prohibits all forms of academic dishonesty, but such violations are under the jurisdiction of the Academic Review Board. This code does not govern the activities of the Academic Review Board.

2. The focus of inquiry in disciplinary proceedings shall be determining whether students accused of violating this code or University regulations are “responsible” or “not responsible” as charged, and assigning any applicable sanctions. Formal rules of evidence shall not apply, nor shall deviations from prescribed procedures (including time deadlines) invalidate a decision or proceeding, unless significant prejudice to a student or the University would result.

7. VIOLATIONS OF LAW AND THIS CODE

Students may be accountable to both civil authorities and the University for acts that constitute violations of law, this code, or University regulations. Disciplinary action will normally proceed during the pendency of criminal proceedings and will not be subject to challenge because criminal charges involving the same incident have been dismissed or reduced. The University reserves the right to wait for the outcome of the civil authorities.

8. PROHIBITED CONDUCT

The following misconduct is subject to disciplinary action:

a) Violations of University regulations including but not limited to those regulations governing residence in University property as well as those regulations relating to entry and use of University facilities, sale or consumption of alcoholic beverages, use of vehicles and amplifying equipment, campus demonstration, misuse of identification cards, computing equipment, or any related act(s) herein that may constitute negligence of clear responsibilities.
Community Civility: these provisions, already established within the Code covering acts committed off-campus, are especially emphasized here to uphold standards of behavior that should be demonstrated by students when they are in the surrounding neighborhoods or in special programs or Study Abroad programs because they are representatives of the University. Students may be referred to law enforcement authorities for violation of laws of the city, county, state, and nation. These guidelines apply 24 hours a day; regardless of whether the University is in session.

Noise: All local laws and ordinances regarding noise should be followed, including stereos and other electronic equipment being operated at reasonable levels, in an apartment, house or automobile.

Automobiles and Transportation Vehicles: All local laws should be followed regarding speed limits and parking restrictions.

Courtesy: Students are reminded to be courteous to residents of the City of Redlands, not to litter, congregate, or disrupt the normal operations of the City.

Respect: Students should respect the property of others. Abusive language should not be used when dealing with any member of the community.

b) Intentionally, negligently, or recklessly causing physical harm to self or harm to any person on University premises, at University sponsored activities or elsewhere, or intentionally or recklessly causing reasonable apprehension of such harm (including, but not limited to, the operation of equipment or vehicles, e.g., automobiles).

1. Harassment: shall include, but is not limited to non-consensual verbal or physical conduct of a nature that interferes with an individual’s well-being, or work, educational or social performance, or creates an intimidating, hostile, or offensive work, educational, or social environment at the University, on University-owned, or controlled property, at University sponsored or supervised activities, or at functions or recognized student activities. Such non-consensual verbal or physical conduct may, without limitation, be of a racial, ethnic, or sexual orientation nature.

2. Stalking: Any person who willfully, maliciously, and repeatedly follows or harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

3. Privacy: any student who fails to respect the rights of privacy of any member of the University community (e.g., judicial hearings and records, F.E.R.P.A., Federal Regulations, student records, personnel records) shall be subject to disciplinary action.

c) Unauthorized use, negligence, possession, or storage of any weapon on University premises or at University sponsored activities.

d) Intentionally or negligently initiating or causing to be initiated, any false report, warning, or threat, including, but not limited to fire, explosion or other emergency on University premises or at University sponsored activities.

e) Intentionally, negligently, or recklessly interfering with normal University or University sponsored activities including, but not limited to, studying, teaching, research, officially invited speakers, administration, fire, police, emergency services or quiet hours of a residence area.

1. Accomplice to, or accessory to, or attempts to commit wrongful acts: any student who acts, aids, abets, solicits, assists, procures or provokes another to act in a manner that would violate any section of the Code of Student Conduct, or attempts to commit any violation of the Code shall be subject to disciplinary action.

f) Knowingly or negligently violating the terms of any disciplinary sanction imposed in accordance with this code.

1. Judicial system abuse: abuse of the judicial system, including but not limited to, the following shall be subject to disciplinary action:

   a. Failure to follow the directions of a University official, judicial body, or their communications.

   b. Falsification, distortion, or misrepresentation of information before disciplinary body.
c. Disruption, interference or being contemptuous with the orderly conduct of a disciplinary hearing.

d. Knowingly initiating judicial proceedings without cause.

e. Attempting to discourage an individual’s proper participation in, or use of the student disciplinary system.

f. Harassment (verbal or physical) and/or intimidation of a member of any judicial body before, during, and/or after a judicial proceeding.

g. Failure to comply with sanction(s) imposed under the Code of Student Conduct.

h. Influencing or attempting to influence another person to commit an abuse of the student judicial system.

g) Use, possession, or dissemination of alcohol on University premises or University sponsored activities in violation of the University Alcohol Policy.

h) Intentionally, negligently, or recklessly misusing or damaging fire safety equipment on University premises or at University sponsored activities, or willfully setting a fire on University premises, without authorization.

i) Intentionally furnishing false information to the University.

j) Forgery, unauthorized alteration, any unauthorized use, or allowing unauthorized use of any University document, records, keys, or instrument of identification including sub-contractor’s identification authorized for use at the University.

k) Interfering with the freedom of expression of others on University premises or at University sponsored activities.

l) Theft or conspiracy to commit theft of property or of service belonging to the University or any other person or entity; knowingly possessing stolen property on University premises or at University sponsored activities.

Computer issues:
1. Abuse of policy for the responsible use of information technology, including but not limited to the following, shall be subject to disciplinary action:

   a. Access, use, inspection, or modification of data or functions that are neither allotted nor authorized as a part of the user’s account nor as specified as public domain information.

   b. Access, use, inspection, or modification of data that refer to computer utilization, computer access authorization, or security.

   c. Abuse or improper use of hardware.

   d. Installing or executing unauthorized or unlicensed software on any University owned computer resource.

   e. Causing disruptive noise, displaying abusive or inappropriate behavior towards other users, or creating other disturbances in any campus computing area.

   f. Sending, printing, or storing obscene, pornographic, fraudulent, harassing, threatening, abusive, racist, or discriminatory images, files, or messages.

   g. Access or use of another user’s account and the data contained in that account. Theft, destruction, or removal of data or university-owned computer resources.

   h. Physical or electronic interference with other computer systems users.

   i. Dissemination or distribution of a user account password to any other person.

   j. Displaying or printing sexually explicit, graphically disturbing, discriminating, racist, or sexual harassing images or text in any campus computing facility or any campus location that can potentially be in view of other individuals.

   k. Use of computing facilities to interfere with the work of another student, faculty member, University official, or the normal operations of the University computing system.

   l. Any other practice or user activity that, in the opinion of the chief information officer or the University of Redlands’ president, constitutes irresponsible behavior, promotes illegal activities, results in the misuse of computer resources, or jeopardizes the operation of computer or network systems.

   m. Use of computing facilities to interfere with the work of another student, faculty member or University official.

   n. Use of computing facilities to interfere with normal operation of the University computing system.
m) Intentionally, negligently, or recklessly destroying or damaging the property of others on University premises or at University sponsored activities including tampering with telephone.

n) Failure to comply with the official and authorized directions, communications, or postings, of University officials acting in the performance of their duties, including parking and traffic notifications, or failure to carry and/or provide proper U of R identification on request.

o) Use or possession or distribution of any controlled substance or illegal drug on University premises or at University sponsored activities.

p) Unauthorized presence in or use of University premises, facilities, or property.

q) Unauthorized use, negligence, or possession of explosives, fireworks, or other dangerous substances on University premises or at University sponsored activities.

r) Unauthorized possession, or use of unapproved pets, creatures, or animals on campus or at University sponsored activities.

s) Gambling of any nature on University premises.

t) Lewd, indecent, or obscene behavior on University premises or at University sponsored activities.

u) Abusive, drunken, violent or excessively noisy behavior on University premises or at University sponsored activities.

v) Hate crime abuses such as but not limited to terrorizing (causing a person of ordinary emotions and sensibilities to fear for personal safety).

w) Hazing of any kind.

x) Knowingly passing a worthless check, money order, credit card, or identification to the University or to a member of the University community acting in an official capacity.

y) Rape of any kind (e.g. acquaintance and/or date rape) that include the use of alcohol, GHB or any other illegal date rape substance (known or unknown at this time) which is used to incapacitate an individual(s) in order to engage in a sexual offense. (Section 2.v.1-4., pages 3-5).

z) Sexual battery.

aa) Sexual harassment.

bb) Acts which constitute a violation of local, state or federal law whether committed upon University premises or elsewhere.

9. SANCTIONS

9.1 One or more of the following sanctions may be imposed for violations of this code or University regulations:

a) EXPULSION: Permanent separation of the student from the University. Permanent notification will appear on the student’s transcript. The student also may be barred from University premises.

b) SUSPENSION: Separation of the student from the University for a specified time. Notice will appear on the student’s transcript during the period of suspension. Formal reapplication to the University also may be required following completion of the suspension period. The letter of suspension may be held in the student’s disciplinary file for a specified time.

c) DISCIPLINARY PROBATION: Disciplinary probation is a final and formal warning status issued by the University to the student. Further violations of the Code resulting in a finding of “responsible” should result in suspension or expulsion unless
mitigating circumstances or evidence is identified. Additional restrictions or conditions also may be imposed. Notification will be sent to appropriate University offices, and will be carried in the student’s disciplinary file for a designated time.

d) DISCIPLINARY REPRIMAND: The student is warned that further misconduct may result in more severe disciplinary action. The reprimand shall indicate that continuation or repetition of specific conduct may be grounds for other disciplinary action. The letter of reprimand will be carried in the student’s disciplinary file for a designated time.

e) RESTITUTION: The student is required to make payment to the University and/or to other persons, groups, or organizations for damage incurred as a result of a violation of this code or University regulations. Damages shall include not only direct costs of items involved but indirect costs of University personnel involved.

f) OTHER SANCTIONS: Other sanctions may be imposed instead of or in addition to those specified in 9.1 sections (a) through (e). Additional or other sanctions include:

1. Disciplinary removal from a residence Hall or other recognized living unit, permanently or for a designated period of time.

2. Loss of such privileges as may be consistent with the offense committed such as driving privileges on campus. Additional examples of loss of privileges may include, but are not limited to: the student shall not represent the University in any extracurricular activity, run for, or hold office in any student organization. Additional restrictions or conditions also may be imposed. Notification will be sent to appropriate University offices, and will be carried in the student’s disciplinary file for a designated time.

3. The assignment of work or research projects.

4. Imposition of fines which shall not exceed $500 for each violation. Not responding to a communication from a University official regarding a judicial matter results in an automatic fine of $100 for each incident of non response.

5. Confiscation: confiscation for a specified time, of property or materials used in violation of University regulations.

6. Statement of agreement (Behavioral Contract): requires a signed or mediated agreement to abide by all University rules, regulations and agreements with the understanding that violation of any rule, regulation, or agreement will result in further sanctions.

7. Referral of student to a recognized professional practitioner for evaluation of behavior. In addition to the assessment and in some cases, the Administrator, or an official designate, will interview the student to determine if disciplinary action is needed. (e.g. suicidal, acts of violence, severe depression, or other emotional distress or concerns).

9.2 Certain violations of this code or University regulations may result in suspension or expulsion unless specific and significant mitigating factors are present. This can include first-time and/or repeated violations. (A list of examples follows as an illustration only and is not meant to be exhaustive.) The presence or involvement of alcohol or drugs shall not constitute a mitigating factor.

a) Incidents of violence, sexual offenses, or sexual harassment.

b) Incidents involving drug possession, use, distribution or sale.

c) Incidents of reckless endangerment, misuse of emergency equipment, or any type of smoking or fire resulting from abuse or negligence of policies and procedures.

d) Incidents of harm brought to oneself or others (including instances when a student knew or should have known such harm might exist or result. This includes instances of hazing, drug involvement, alcohol abuse, and reckless driving even when the perpetrator thought it was a prank).

e) Incidents involving theft, stealing, or false statements or reports.

f) Repeat offenses, or failing to comply with officials in the performance of their official duties.
g) Acts which constitute a violation of local, state, or federal laws.

9.3 Mandated sanctions for alcohol, drugs, and student organization violations.

10. INTERIM SUSPENSION

10.1 The Dean or the Dean’s designee may suspend a student for an interim period pending disciplinary proceedings or medical, psychiatric or psychological evaluation. Such interim suspension becomes effective immediately without notice whenever there is evidence that the continued presence of a student on University premises or at University sponsored activities poses a substantial threat to himself, herself or others, or to the stability and continuance of normal University functions.

10.2 A student suspended on an interim basis shall be given the opportunity to appear before the Administrator within three (3) business days from the effective date of the interim suspension. An informal conference shall be held on the following issues only:

a) The reliability of the information concerning the student’s conduct, including the matter of his or her identity.

b) The question as to whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on University premises or at University sponsored activities poses a substantial threat to himself, herself, others, or to the stability and continuance of University functions.

c) Accused students who fail to appear at the assigned time without reasonable notice will result in a plea of “responsible” and the accused automatically accepts any sanctions decided by the Administrator.

10.3 Within three (3) business days after the limited conference (10.2), or in the event there is no such conference within five (5) business days of the effective date of the interim suspension, the Dean or Administrator shall either determine the complaint through an Administrative Hearing or refer the complaint to the Presiding officer. In the event the complaint is referred to the Presiding officer, the rules governing the Critical Issues Board shall apply except that the hearing shall be commenced within three (3) business days after the date on which the Dean of Student Life or Administrator refers the complaint to the Presiding Officer (as opposed to the usual period of ten (10) business days).

10.4 If an interim suspension has been imposed, such fact shall be disclosed to the Critical Issues Board. The letter of interim suspension shall not be placed in the student’s disciplinary file.

11. DISCIPLINARY AUTHORITIES

The following persons and/or committees shall exercise authority regarding student disciplinary matters:

a) A Disciplinary Conference (Section 15) is conducted by a Student Life Professional and is appealable to the Judicial Affairs Officer. The responsibilities of the Professional include, but are not limited to, the following:

1. Determine charges.
2. Interview the parties involved.
3. Issue sanctions and/or recommendations.
4. Resolve complaints.
5. Maintain disciplinary records.

b) The Dean’s designee or Administrator shall have authority to take action and shall execute duties described in Section 12 of this code. Matters decided by the Administrator in an Administrative Hearing (Section 16) are final and non-appealable.

c) The Peer Review Board (Section 17) will hear all cases referred to them by the Administrator. This Board will assemble on a timely basis.
Appeals will be heard by the Associate Dean. The responsibilities of the Board include, but are not limited to, the following:

1. Determine of charges.
2. Interview the parties involved.
3. Resolve complaints.
4. Issue sanctions and/or recommendations.
5. Maintain disciplinary records.

d) The Student Organization Board (Section 18) is comprised of President’s Council, Panhellenic Council, InterFraternity Council, and/or ASUR Judicial Commission. A representative of one of the aforementioned groups will facilitate the Board meeting. An Assistant Director of SLIC will be present to advise the board of said meeting. The decisions made by the Student Organization Board can be appealed to the Director of SLIC. The Board responsibilities include, but are not limited to, the following:

1. Determine charges.
2. Interview the parties involved.
3. Resolve complaints.
4. Issue sanctions and/or recommendations.
5. Maintain disciplinary records.

e) Disciplinary matters not decided by the Administrator may be referred to the Presiding Officer/Critical Issues Board (Sections 19, 20, 21, 22, & 23). The Administrator shall make a referral to the Presiding Officer in writing, within five (5) business days of the date on which the Administrator receives a written complaint about a student’s conduct.

1. Within five (5) business days of receiving the referral from the Administrator, the Presiding Officer shall complete the following duties:

   a. Contact the Administrator to review the complaints and determine what evidence needs to be secured and/or notified for the Board hearing.

   b. Contact the accused student(s) to review the complaints, advise them of Board hearing rights and procedures, determine what evidence needs to be secured and/or notified for the Board hearing.

   c. Provide written notification for a hearing of the Critical Issues Board within ten (10) business days after receiving the referral from the Administrator to members of the Board and accused student(s). The Presiding Officer shall also assure that evidence, as needed, is secured for presentation at the Board hearing.

   d. If a student is involved in a case, but not currently registered, proceedings may be delayed to a reasonable date as determined by the Presiding Officer.

   e. The Board shall make a finding of “responsible” or “not responsible”. In the event it makes a finding of “responsible”, the Board may also impose an appropriate sanction.

   f. Some cases may be referred immediately to a Mediation or Assessment team. These teams of trained facilitators will help students or student groups work toward a mutual resolution.

   g. The Board’s finding of “responsible” or “not responsible” and imposition of sanction may be appealed by the accused student or the Administrator to the Appeal Board which makes recommendations to the Dean of Student Life and President who have the authority of final review.

   h. There is only one appeal for any and all sanctions imposed per incident. An appeal hearing will be granted only if one or more of the criteria for an appeal is met (Sections 22 & 23).
The Dean’s Designee or the Administrator directs the efforts of students and staff members in matters involving student discipline. The responsibilities of the Administrator include, but are not limited to the following:

a) Determination of the disciplinary charges to be filed pursuant to this code.

b) Interviewing parties involved in disciplinary proceedings.

c) Maintaining student disciplinary records.

d) Resolving complaints, issue sanction and/or recommendations of student misconduct in Administrative Hearing.

e) Referring cases to the Critical Issues Board.

f) Acting as the fact-finder of the University in cases heard by the Critical Issues Board.

g) Serves as an ex-officio member of the Critical Issues Board.

13. COMPLAINTS

Any person may make a written complaint against a student or a student group or organization suspected of violating this code or University regulations to the Administrator. Persons making such complaints are required to provide information pertinent to the case and will normally be expected to appear before a Board hearing as the complainant.

a) Filing of charges: Any member of the University community may file a complaint against a student alleging a violation of the Code of Student Conduct. Except for cases filed by the University and as provided in Section (2) below; all complaints must be filed within thirty (30) days of the date of the alleged incident.

1. At the request of any student, faculty, or staff member, or acting independently, the University may file charges against any student according to the standards established by the Code of Student Conduct alleging a violation of the Code.

2. All complaints must be filed in writing with the Administrator within the time permitted. However, at the sole discretion of the Administrator, the time permitted to file a complaint may be extended. This may be done in any of the following circumstances:

   i) The incident or accused is not learned of by any concerned party or by the University within thirty (30) days of its alleged occurrence.

   ii) Fairness requires an extension of the normal time in which to file a complaint.

   iii) Extenuating circumstances surrounding the alleged incident require an extension of the normal time in which to file a complaint.

b) Off campus: Acts committed off University property, but related to the security or well-being of the University community, its special programs and Study Abroad Programs, or the integrity of the education process shall be subject to disciplinary action.

c) Consolidation: Where more than one student is charged with conduct arising out of a single occurrence or out of connected multiple occurrences, a single hearing may be held for all the students so charged. Students may request that their case be consolidated with others, or separated from others. The Administrator shall make determinations regarding consolidation. All such determinations shall be subject to revision by the Presiding Officer. The separation of one or more cases from a group of cases shall not be considered to affect the remaining cases in the group.

14. AUTHORITY OF THE ADMINISTRATOR; HEARING REFERRALS
14.1 Except according to Section 14.3, the Administrator shall be authorized to impose all sanctions permitted in this Code except the following: expulsion, suspension, or permanent disciplinary record.

14.2 The Administrator will review all complaints to determine whether alleged misconduct might result in expulsion, suspension, a permanent disciplinary record or removal from University housing. Students who might be subject to these sanctions shall be accorded a hearing before a Board.

14.3 Students may elect to have their case determined in an Administrative Hearing or referred to the Presiding Officer/Critical Issues Board. In the event the student elects an Administrative Hearing, the full range of sanctions authorized by this Code may be imposed by the Administrator, without right of appeal. Prior to permitting a student to make such a decision, the Administrator shall notify the student in writing that electing an Administrative Hearing permanently waives the student’s right to a Board hearing and appeal to the Dean.

14.4 The Administrator has the prerogative on behalf of the University to file a complaint or provide testimony for an individual without the individual appearing or his or her name being known.

14.5 In the absence or inability of the Administrator to act, or in the event of a reorganization of administrative positions in the University, the Dean shall designate another or additional persons to assume the responsibilities of the Administrator under this Code. In the event such a designee is named, any reference to the Administrator shall apply.

15. **DISCIPLINARY CONFERENCE**

15.1 First level violations of University policy and the Code of Student Conduct, as determined by the Administrator shall be referred to a Disciplinary Conference.

15.2 The Disciplinary Conference is administered by a professional, usually in Residence Life but not limited to such.

15.3 Conferences are scheduled by said professional and are to be treated in an appropriate manner.

15.4 The Judicial Affairs Officer or designee will hear appeals brought forth from a Disciplinary Conference.

16. **ADMINISTRATIVE HEARING**

16.1 Any complaint not referred to the Critical Issues Board shall be determined by the Administrator by holding an Administrative Hearing with the accused student.

16.2 Administrative Hearings shall be conducted by the Administrator. An Administrative Hearing will consist of an informal non-adversarial meeting between the student and the Administrator. The person filing the complaint would not be required to participate unless such person’s personal testimony is essential to resolving factual issues in the case. Documentary evidence and written statements can be relied upon, so long as the accused student is given access to them and allowed to respond at the Administrative Hearing. The student also will be allowed to bring appropriate, relevant and material witnesses upon notice of such to the Administrator.

16.3 Students subject to or electing an Administrative Hearing are accorded the following procedural protection:

   a) Written notice of alleged misconduct at least three (3) days prior to the scheduled Administrative Hearing.

   b) Reasonable access to the case files before and during the Administrative Hearing. Personal notes of University employees or of the person filing the complaint are not included in the case file to which accused students have access.

   c) An opportunity to respond in evidence against them.
d) Within five (5) days after holding the Administrative Hearing, the Administrator shall deliver or mail to the student, a letter informing the student of the finding of “responsible” or “not responsible” and the sanction imposed.

16.4 Determinations made by the Administrator in an Administrative Hearing shall not be appealable.

17. **PEER REVIEW BOARD**

17.1 Minor violations of the University policy and the Code of Student Conduct, as determined by the Administrator, shall be referred to a student Peer Review Board.

17.2 The Peer Review Board is comprised of seven (7) students and two (2) alternates and is advised by a designee of the Administrator (henceforth called “Advisor”).

17.3 Hearings will be held weekly at a predetermined time. Cases referred will be scheduled during the next week and the accused will be sent notification of the day and time to appear before the Peer Review Board. It is at this time that it is appropriate to bring written statements and evidence as well as material witnesses upon notice of such to the Advisor. Failure to appear at the assigned time without reasonable notice will result in a plea of “responsible” and the accused automatically accepts any sanctions decided by the Peer Review Board.

17.4 Students subject to the Peer Review Board are afforded the following procedural protection:

a) Written notice of the alleged misconduct and day and time of the scheduled hearing will be sent at least three (3) days prior to the hearing.

b) The accused will have an opportunity to present their case to the Peer Review Board and to respond to evidence against them. Evidence may consist of written statements or records or verbal testimony.

c) Hearings will be closed except for the Board, the accused, and any witnesses announced with prior approval of the Advisor.

d) Within five (5) days after the Peer Review Board hears the case, the accused will receive a letter detailing the Board’s decision and any further action to be carried out.

17.5 The Associate Dean or designee will hear all appeals. Requests must be submitted in writing within five (5) days after reviewing the letter from the Board. Failure to appeal within this time will render the original finding and imposed sanctions final and conclusive. The Administrator is the final appeal and will send written notice of the final outcome to the accused within ten (10) days.

17.6 The accused and the Advisor may have an informal conference at any time prior to or following the hearing to discuss procedure, but this information will have no bearing on the decision of the Peer Review Board.

18. **STUDENT ORGANIZATION BOARD**

Student groups and organizations may be charged with violations of this Code or University regulations. A student group or organization and its officers may be held collectively or individually responsible when violations of those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization or of the group’s or organization’s leaders, officers, or representatives.

18.1 The officers, leaders, or identifiable representatives for a student group or organization may be directed by the Administrator to take appropriate action designed to prevent or end violations of this Code by the group or organization or by any persons associated with the group or organization who can be reasonably said to be acting in the group’s or organization’s behalf.
Failure to make reasonable efforts to comply with the Administrator’s directive shall be considered a violation of this Code, both by the officers, leaders, or representatives for the group or organization and by the group or organization itself.

18.2 The Student Organization Board will determine sanctions. Sanctions for group or organization misconduct may include: censure, suspension of pledging procedures (or other applicable procedures), suspension or recommendation of revocation of charter, or denial of recognition or registration, as well as other appropriate sanctions permitted under this Code (section 9.3, page 15).

18.3 An organization may appeal a Student Organization Board decision to the Director of SLIC which can then be appealed to the Associate Dean of Student Life.

18.4 In circumstances where urgent action is required, the Dean of Student Life or designee and/or the President of the University may determine whether a violation has occurred and implement necessary disciplinary measures.

19. CRITICAL ISSUES BOARD

19.1 The Board shall hear complaints that are referred to the Presiding Officer by the Administrator.

19.2 The Board shall be composed of three administrators including the non-voting judicial administrator (a permanent member). A particular member shall be chosen as follows:

a) The administrative members and administrative alternates shall be chosen by the Dean. Neither the administrative members nor the administrative alternates shall be persons who report to the Judicial Administrator

b) The Judicial Administrator is an ex-officio member of the Board.

c) Three voting members of the Board shall constitute a quorum.

19.3 Members of the Board shall be selected as described in Section 19.2, before serving each academic year. Members will serve a one-year term following their selection and ending on May 31, of the next year except for the Judicial Administrator who is a permanent member of the Board.

19.4 In the event the Board is unable to obtain a quorum or is otherwise unable to hear a case, an Ad Hoc Board may be appointed by the Judicial Administrator. Each Ad Hoc Board shall be composed of three members (who do not report to the non-voting Administrator). The final determination whether the Board is “unable to hear a case” shall be within the discretion of the Judicial Administrator. In the event the Ad Hoc Board acts in place of the Board, all procedural requirements of this Code shall apply.

19.5 The Board shall hold hearings according to Section 21 and shall make a factual finding whether the student charged with violation of this Code or University regulation is responsible or not responsible. In the event of a finding of “responsible” the Board shall determine the sanction to be imposed.

20. PRESIDING OFFICER OF THE CRITICAL ISSUES BOARD

The Presiding Officer shall be a member of the Critical Issues Board and is appointed from among the members of the Critical Issues Board. The responsibilities of the Presiding Officer include, but are not limited to, the following:

a) Accept referrals for a Board hearing from the Administrator.

b) Meet with the Administrator prior to a hearing to determine what evidence needs to be secured and/or summoned.

c) Meet with accused students prior to the hearing to review hearing procedures, and determine what evidence needs to be secured and/or summoned.
d) Schedule a hearing of the Board.

e) Notify, in writing, the Administrator, accused student, and members of the Board of the date, time, and location of the scheduled hearing.

f) Preside and render decisions on procedures (e.g., quorum, personal bias, need to know).

g) Deliver or mail written notification of the finding and any imposed sanctions by the Board to accused students and the Administrator.

h) Prepare a written opinion on behalf of the Board as described in Section 21.g.

| 21. HEARING PROCEDURE OF THE CRITICAL ISSUES BOARD |

The following procedural guidelines shall apply to disciplinary hearing before the Board:

a) Students against whom the complaint has been filed (herein “accused students”) shall be given notice of the hearing date and the specific charges against them at least five (5) days in advance and shall be accorded reasonable access to the case file, which will be retained in the office of the Administrator.

b) The hearing before the Board shall be commenced within ten (10) business days of the date on which the Administrator refers a complaint to the presiding Officer.

c) The Presiding Officer may interview witnesses upon the request of the accused students and/or the Administrator. Subpoenas shall be issued by the Presiding Officer and shall be personally delivered by housing staff or sent by campus or certified mail/return receipt requested. University students and employees are expected to comply with subpoenas unless compliance would result in significant and unavoidable personal hardship or substantial interference with normal University activities, of which a good faith determination shall be made by the Presiding Officer.

d) Accused students who fail to appear after proper notice will be deemed to have pleaded “responsible” to the complaint pending against them.

e) Hearings will be closed to the public, except for the immediate members of the student’s families, and/or the student’s campus advisors. An open hearing may be held, at the discretion of the Presiding Officer, if requested by the accused student and complainant. Attorneys are not allowed (including those who are immediate members of the students’ families or those requesting to serve as the student’s advisor).

f) The Presiding Officer shall exercise control over the hearing to avoid needless consumption of time and to prevent harassment or intimidation of witnesses. Any person, including the accused student, who disrupts a hearing or who fails to adhere to the rulings of the Presiding Officer, may be excluded from the proceedings.

g) The Presiding Officer, on behalf of the Board, shall prepare a written opinion containing a brief description of the evidence and testimony, its findings, and imposed sanctions, if any. If the accused student or the Administrator files a timely notice of appeal, a more detailed summary shall be prepared to permit appellate review by the Dean.

h) Accused students and/or the Administrator may challenge a Board member on the grounds of personal bias. Members may be disqualified upon majority vote of the remaining members of the Board, conducted by ballot. In addition, the Presiding Officer may disqualify members challenged by accused students. For the purpose of this section (Section (h)), the term “personal bias” means animosity towards a party or favoritism towards the opposite party.

i) The Presiding Officer shall be disqualified from presiding over a case if he or she has filed the complaint to be heard or is a witness in the case. In the event of the Presiding Officer’s disqualification or inability to preside, the Dean shall appoint an Acting Presiding Officer who meets the qualifications specified in Section 19.
j) All declarations and testimonies of witnesses shall be under oath or under penalty of perjury, and persons giving false testimonies or declarations and/or intentionally furnishing false information to the University may be subject to charges of perjury. Witness’ statements can be requested in writing to expedite hearings.

k) Perspective witnesses, other than the complainant and accused student, shall be excluded from the hearing. All parties, the witnesses and the public shall be excluded during the Board’s deliberations.

l) The burden of proof shall be upon the complainant, who must establish the guilt of the accused student by a preponderance of the evidence.

m) Formal rules of evidence shall not apply to disciplinary proceedings pursuant to this Code. The Presiding Officer shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. The evidence can be requested in writing if the Presiding Officer feels it is appropriate. Unduly repetitious or irrelevant evidence may be excluded. Testimony containing hearsay may be heard if relevant, but a final determination should not be based on hearsay alone.

n) Accused students shall be accorded an opportunity to question those witnesses who testify for the complainant at the hearing. Additional opportunities to question those testifying may be afforded by the Presiding Officer or the Board.

o) Affidavits shall not be admitted into evidence unless signed by the affiant and witnessed by a University employee, or by a person designated by the Administrator or the Presiding officer.

p) Board members may take judicial notice of matters which would be within the general experience of the University community or its students.

q) A determination of “responsible” shall be followed by a supplemental proceeding in which the Administrator may submit evidence or make statements concerning the appropriate sanction to be imposed and may solicit suggestions from either party. The past disciplinary record of the accused student shall not be supplied to the Board before the supplementary proceeding.

r) Final decisions of the Board shall be by majority vote of the members.

s) The Presiding Officer is an ex-officio member of the Board without vote except in the event of a tie vote.

t) A record (such as a tape recording) shall be made of every Critical Issues Board hearing. This record shall be kept in the Student’s Life Office and shall remain confidential. A record may be maintained for up to five years after the accused student’s graduation or withdrawal from the University of Redlands.
22. **THE APPEALS BOARD**

22.1 When a student formally requests an appeal of a decision rendered by the Critical Issues Board, it shall first be reviewed by the Dean of Student Life to determine whether one or more of the following conditions were not present:

   a. The original hearing was conducted fairly in light of the charges and evidence presented, and in conformity with prescribed procedures giving the complaining party reasonable opportunity to prepare and to present a rebuttal of those allegations.

   b. Whether the decision reached regarding the accused student was based on preponderance of the evidence, that is, whether the facts in the case were sufficient to establish that a violation of the Student Code of Conduct occurred.

   c. Whether the sanction(s) imposed were appropriate for the violation of the Student Code of Conduct which the student was found to have committed.

   d. To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the original hearing.

22.2 If none of the aforementioned legitimate criteria for appeal are met, the Appeals Board shall sustain the decision of the Critical Issues Board. If, however, any of the conditions are found to exist, the Appeals Board shall review the case and shall decide upon the appropriate action and make a recommendation to the Dean of Student Life and the President. The Dean of Student Life and the President may accept the Appeals Board decision or return it to the Critical Issues Board for further deliberation in the event that legal or technical concerns are identified.

22.3 The Appeals Board shall be comprised of two faculty members, two students, and an Administrative member, each of whom shall be drawn either from the Student Life Committee or from the respective University constituencies. Members and alternates shall be trained annually by the Judicial Administrator. The responsibility of chairing the Appeal Board shall rotate among its members.

23. **APPEAL PROCEDURE OF THE CRITICAL ISSUES BOARD FINDINGS**

23.1 Requests for appeal must be submitted in writing to the Dean of Student Life within three (3) business days of actual delivery or five (5) business days of mailing the letter notifying the accused student of the findings and imposed sanctions of the Board. Failure to appeal within the allotted time will render the original finding and imposed sanctions final and conclusive.

23.2 A written statement in support of the appeal must be submitted to the Appeals Board through the Dean of Student Life within ten (10) business days from the date notifying the accused student of the original findings and imposed sanctions of the Board. Failure to submit a written statement within the allotted time will render the findings and imposed sanctions of the Board final and conclusive.

23.3 In appealing sanctions, the written protest shall set forth mitigating factors (accused student) or aggravating factors (Administrator) which could justify a lesser or greater sanction.

23.4 Appeals will be decided upon the record of the original proceedings and upon statements submitted by the accused student and/or the Administrator.

23.5 The accused student and the Administrator may have an informal conference with the Appeals Board and Dean, at his or her discretion, to present their arguments regarding their appeal of findings and/or imposed sanctions.

23.6 On appeal, the Appeals Board, in consultation with the Dean may:

   a) Affirm the finding and imposed sanctions of the Critical Issues Board.
b) Remand the case to the Presiding Officer to conduct a new Critical Issues Board hearing if specified procedural errors or errors in interpretation of University regulations were so substantial as to effectively deny the accused student a fair hearing, or if new and significant evidence became available that could not have been discovered through diligent investigation before or during the hearing. The finding as to responsible or not on remand shall be final and conclusive. Imposed sanctions shall be recommended “on appeal” by the Appeals Board to the Dean and President for implementation.

c) Dismiss the case if the finding is held to be arbitrary and capricious or unsupported by substantial evidence.

d) Modify the sanctions to be more or less stringent that those imposed.

23.7 The Dean shall notify the accused student and appropriate University personnel by letter of finding regarding the appeal.

24. ACCESS TO INFORMATION AND RECORDS

- All information pertaining to investigations and hearing proceedings shall be shared only by Critical Issues Board members. The Presiding Officer or the Judicial Administrator may, however, share such information with individual members of the University administration and staff (e.g., Academic Advisor, Residence Life Staff Member, et. al) on a “need to know” basis. “Need to know” is defined as “necessary to carry out the functions specified in the University Code of Student Conduct”.

- Any student, who harms him/herself or others, resulting in even minor medical or emergency services, should expect that their parents or whomever is listed on the University emergency notification may be contacted without permission from the student.

25. DISCIPLINARY FILES AND RECORDS

25.1 Case referrals may result in the development of a disciplinary file in the name of the accused student, which shall be voided if the accused student is found not responsible. Voided files will be so marked, shall not be kept with active disciplinary records, and shall not leave a student with a disciplinary record. The file of students found responsible of any charges against them will be retained as a disciplinary record for the remainder of their years as a University of Redlands student. At that time, they will be destroyed unless otherwise specified by sanctions.

25.2 An expulsion shall be noted on and released with the student’s official college transcript. A suspension can be noted on a transcript, but must be removed when the student graduates from the University of Redlands.

25.3 No student shall receive a diploma while a charge brought against him/her is pending before an Administrative Hearing or the Critical Issues Board. No student shall receive a diploma without first fulfilling the terms of a disciplinary sanction. Participation in the graduation ceremony is at the discretion of the Administrator.

25.4 Disciplinary records may be voided by the Administrator for good cause, upon written petition of the accused student. Factors to be considered in review of such petition include:

a) The present demeanor of the accused student.

b) The conduct of the accused student subsequent to the violation.

c) The nature of the violation and the severity of damage, injury or harm resulting from it.

25.5 Disciplinary records retained for less than ninety (90) days or designated as “permanent” shall not be voided without unusual and compelling justification as determined by the Administrator.

26. SUMMARY OF DISCIPLINARY PROCESS
The following is intended to be a summary of the disciplinary process and procedures specified in this Code:

a) A written complaint is filed against a student with the Administrator.

b) The Administrator reviews the complaint and determines if the case shall be pursued.

c) Students who might be subject to the sanctions of expulsion, suspension, or permanent disciplinary record are given the opportunity to have a hearing before the Board. If an Administrative Hearing is pursued, the finding and sanction imposed, if any, by the Administrator is final and not appealable.

d) The case is referred to one of the conduct bodies. If the case is referred to Peer Review Board, the Advisor may meet separately with the accused student and/or the Administrator to discuss the process. If the case is referred to the Presiding Officer, s/he meets separately with the accused student and/or the Administrator to determine witnesses to be subpoenaed and evidence to be secured.

e) The conduct body is called to hear the case. The case is heard and sanctions assigned.

f) If one or more of the criteria for an appeal is met, the accused student and/or the Administrator may file a written appeal of the finding and/or the imposed sanctions.

g) On appeal, the recommendation by the Conduct Appeals Board to the Dean and the President is final.

h) The Dean and the President confer and define final sanction.

Approved by the Board of Trustees
May 8, 1998
7/03