Code of Student Conduct

“Be devoted to one another in brotherly love. Honor one another above yourselves.” (Romans 12:10)
# Concordia University Code of Student Conduct – 2018 - 2019

## INDEX

### Important Student Information
- Welcome ....................................................................................................................... 4
- Emergency Contact Information .................................................................................. 5
- Email Communication .................................................................................................... 5
- Online Communities ...................................................................................................... 5
- Responsible Employee Policy ........................................................................................ 5

### Article I. Overview
- A. Mission, Vision, and Philosophy ............................................................................. 7
- B. General Rights and Responsibilities .......................................................................... 8
- C. Statement of Complainant and Respondent Rights .................................................. 10

### Article II. Policies - General
- A. Jurisdiction ............................................................................................................... 11
- B. Standard of Proof ...................................................................................................... 11
- C. Definitions .................................................................................................................. 12
- D. Residence Hall Policies ............................................................................................. 14
- E. University Polices ...................................................................................................... 18

### Article III. Policies - Student Welfare
- A. University Medical Amnesty Policy .......................................................................... 31
- B. University Missing Student Policy ............................................................................ 32
- C. University Emotional-Assistance Animal Policy ...................................................... 33
- D. Poster and Posting Policies ......................................................................................... 35

### Article IV. Procedures & Hearings
- A. Reporting ................................................................................................................... 37
- B. Statement on Confidentiality ...................................................................................... 37
- C. Policy on Student Withdrawals with Pending Disciplinary Action ......................... 37
- D. Investigations by Dean of Students ........................................................................... 38
- E. Investigations by Title IX Office ................................................................................. 38
- F. Resolution Options ....................................................................................................... 39
G. Investigation Findings ............................................................................................................. 40
H. Formal Hearing Procedures Prior to the Hearing ................................................................. 40
I. Hearing Procedures ............................................................................................................... 42
J. Formal Hearing Findings ...................................................................................................... 45
K. Sanctions Only Hearing Procedures .................................................................................... 45
L. Sanctions for Individual Students ......................................................................................... 46
M. Sanctions for Student Organizations .................................................................................... 49
N. Sanctioning Guidelines ......................................................................................................... 50
O. Appeals .................................................................................................................................. 56

Flow Charts – Student Conduct Process ..................................................................................... 63

Resource List ................................................................................................................................ 66

Note: This code and other information for students can be found online at:
www.cuw.edu/consumerinformation
Welcome Concordia University Students,

Our Division of Student Life seeks to help students develop by providing opportunities which create a purposeful, open, just, disciplined, caring, and celebrative community. Therefore, Concordia University students are proud to be members of this community. They take pride in the reputation of our faculty and staff; they take pride in our unparalleled programs and services; they take pride in the wealth of diversity of our community members; and they take pride in our beautiful campuses.

For those of you who are arriving at Concordia for the very first time, we want to make you feel at home. The transition to college life is sometimes challenging, and we don’t want you to get lost in the shuffle. We seek to immediately get you involved in activities outside the classroom through a series of programs and events that will enhance your educational pursuits and integrate you into the social life of the campus. Our Student Life staff will help you adjust to college life – don’t hesitate to ask us for assistance and direction.

If you are a returning student, we are glad you are back. We will continue to focus on our Honor One Another (H1A) goals together. To accomplish this, it takes a partnership between the three segments of our university population – students, faculty, and staff.

In order to create the community described above, we must become disciplined in how we relate to one another. The expectation is that this will be accomplished in a respectful, open, and just manner by all members of the University community. While we know that some of our policies will not be the same ones you hold in your own personal lives, we do hope that you will understand that we have built our policies on the basis of Biblical truth and institutional effectiveness. We ask that you remember this guiding principle from Romans 12:10:

“Be devoted to one another in brotherly love. Honor one another above yourselves.”

Have a great year,

The Student Life Staff
Concordia University Wisconsin
Concordia University Ann Arbor
**Important Student Information**

**Emergency Contact Information:** All students are encouraged to provide emergency contact information on an annual basis to the Office of Campus Safety and keep the emergency contact information current throughout their enrollment at the University. This information is recommended for students’ health and well-being.

To enter or update the emergency contact information, go to the portal (http://my.cuw.edu or http://my.cuaa.edu). Once logged in to the portal, click on the Student Services tab. At the top of that tab in the center column there is a large “Concordia University Safety Net” logo. **“Add my Emergency Contact Information” is the middle link available.**

**Email Communication:** It is the student’s responsibility to regularly (daily) read his/her Concordia University (CU) provided email. All pertinent information from a University Official/Office will be sent via the Concordia provided email. Failure to read ones email does not excuse a student from being responsible for the content provided in the communications and will not be considered as exigent circumstances in the student conduct process.

**Online Communities:** Concordia University and its faculty and staff do not monitor online communities and e-communication. Further, the University does not forbid faculty, staff and students from joining and participating in online communities as individuals not acting as agents of the University. However, any behavior that violates the Code of Student Conduct which is brought to the attention of a University official will be treated as any other violation and will be referred through channels outlined in the code.

**Responsible Employee Policy:** Any member of the University community, guest or visitor who believes that the policy on Equal Opportunity, Nondiscrimination, Sexual Harassment, and Other Forms of Harassment has been violated should contact the Title IX Coordinator, or any Assistant Coordinator. It is also possible for employees to notify a supervisor, or for students to notify an administrative adviser or faculty member, or any member of the community may contact Campus Safety. The University website also includes more information on reporting at [www.cuw.edu/consumerinformation](http://www.cuw.edu/consumerinformation).

All employees receiving reports of a potential violation of University policy are expected to promptly contact the Title IX Coordinator or any Assistant Coordinator within 24 hours of becoming aware of a report or incident. All initial contacts will be treated with the maximum possible privacy: specific information on any complaints received by any party will be reported to the Title IX Coordinator or
Assistant Coordinator, but, subject to the University’s obligation to redress violations, every effort will be made to maintain the privacy of those initiating a report of the responding party. In all cases, the University will give consideration to the responding party with respect to how the responding party is pursued, but reserves the right to investigate and pursue a resolution when the reporting party chooses not to initiate or participate in a formal complaint.
Article I. Overview

A. Mission, Vision and Philosophy

Concordia University is an educational institution of the Lutheran Church-Missouri Synod and is dedicated to fostering and building a Christian community in mind, body and spirit for service to Christ in the Church and the world. As members of this community, students will interact with other students, staff, faculty and administrators. Therefore, it is essential that students understand that the Lord calls each person to: “Be devoted to one another in brotherly love. Honor one another above yourselves.” (Romans 12:10).

Honor and respect go hand in hand. Honoring others leads to respect for the rights of others. Therefore, students are required to engage in responsible social conduct that reflects credit upon the University community and models good Christian citizenship. It is clear that in a community of learning, willful disruption of the educational process, destruction of property, and interference with the orderly process of the University, or with the rights of other members of the University, cannot be tolerated. We focus on our Honor One Another (H1A) goals:

1. **Honor Others**: One value of learning lies in understanding what knowledge can contribute to the community. It is expected that students will be open to learning, including learning about and respecting persons and cultures different from their own. Members of the campus community must act out of Christian charity and mutual respect to establish an atmosphere of trust. Therefore, Concordia University expects its members to behave towards one another with civility, sensitivity, consideration, understanding, tolerance and an active concern for the welfare of others. The University is particularly concerned that its members show respect for others regardless of race, creed, gender, disability or nationality, and avoid all forms of harassing or offensive behavior.

2. **Honor the Community**: Concordia University wishes to develop and foster a sense of community among the members of its Christian society. Behaviors which undermine the mission of the University, undermine any department or segment within the University, and/or adversely affect the educational goals of this community are counterproductive. Therefore, CU expects its members to value membership in this community and to honor the community with a high degree of respect. The University also wishes to be a good neighbor to the communities near which we reside. The actions of Concordia University students in these communities directly reflect on the image of the University and of all students attending Concordia. Therefore, the University expects its students to conduct themselves within the laws of the neighboring municipalities, the state and the nation. Students whose behavior (on or off campus) is judged to reflect negatively on the image of the University or who violate municipal, state and/or federal laws will be subject to all the disciplines and sanctions contained in this code.
3. **Honor Oneself:** Concordia University values all of its students and is deeply concerned with their total development. Concordia expects that students will care for their physical and mental well-being (self-care). Therefore, it is appropriate for the University to set expectations for personal integrity with the aim of encouraging students to appreciate their own talents, take responsibility for their behavior and actions, and enhance the quality of their lives. This translates into honoring oneself. When the student’s behavior becomes self-destructive and/or affects the education and lives of other members of the community, the Dean of Student’s office is empowered to respond appropriately as outlined in this Code. Students who engage in such self-destructive behavior or demonstrate an inability and/or unwillingness to provide for self-care may be required to submit to an assessment and/or comply with directions which will protect the student’s and/or others’ well-being. Students engaging in such behaviors are also encouraged to seek help from University resources (e.g., counseling, health services, and academic support services)

**B. General Rights and Responsibilities**

1. **The Right to Fundamental Fairness:** The University is committed to a fundamentally fair conduct process that affords each student alleged to have violated any policy notice of the allegations and a hearing before the designated University official(s). The university also allows for appeals by certain parties, as outlined in the appellate procedures below.

2. **The Right to Review Records:** Consistent with the Family Educational Rights and Privacy Act (FERPA) as amended, the Act assures students "the right to inspect any and all official records, files, and data directly related..." to themselves, and assures the student an opportunity for debate or correction of inaccurate, misleading, or otherwise inappropriate data in the student's file.

3. **Parental Notification:** CU reserves the right to notify parents, in accordance with FERPA, when it determines the circumstances warrant such notification.

   a. According to CU policy we will notify parents/legal guardians of students following the first violation of the CU drug policy.

   b. According to CU policy we will notify parents/legal guardians of students following the second violation of the CU alcohol policy.

   c. For any students, regardless of age, that is in a situation that is threatening to their own health or safety situation or placed another in a situation that is threatening to their health or safety, the parents, legal guardians, and any “emergency contact” may be notified. This may include any referral to any wellness center for an alcohol or drug assessment.

   d. When the Chief Student Affairs Officer (CSAO) or designee determines that circumstances exist where it is in the best interest of the student and University to notify the parent, CU will notify the parents/legal guardians.
e. If it is deemed by the CSAO or designee that it may be counter-productive to notify a parent, then the procedures may be altered as necessary.

4. Anti-Discrimination Statement

a. Concordia University fully subscribes to all federal and state civil rights laws banning discrimination in private, church-affiliated institutions of higher education. CU will not illegally discriminate against any employee, applicant for employment, student or applicant on the basis of race, color, sex, pregnancy, national origin (including ancestry), citizenship status, physical or mental disability, age, marital status, gender, veteran or military status, predisposing genetic characteristics, domestic violence victim status, or any other protected category under applicable local, state or federal law. However, CU is a Christian educational institution operated by The Lutheran Church-Missouri Synod and, in compliance with Title VII of the Civil Rights Act of 1964, reserves the right to give preference in employment based on religion. Gender discrimination and sexual harassment (including sexual assault) are prohibited by Title VII of the Civil Rights Act of 1964 as amended and Title IX of the Education Amendments of 1972.

b. Accommodations for Students with Disabilities: Concordia University is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws pertaining to individuals with disabilities. Under the ADA and its amendments, a person has a disability if he or she has a physical or mental impairment that substantially limits a major life activity. The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the institution whether qualified or not. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

1) Concordia University is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the programs and activities of the University.

2) All accommodations are made on a case-by-case basis. A student requesting any accommodation should first contact the Director of Disability Services who coordinates services for students with disabilities. The director reviews documentation provided by the student and in consultation with the student, determines which accommodations are appropriate to the student’s particular needs and programs. It is then the student’s responsibility to make direct requests for accommodations to the appropriate staff.
C. Statement of Reporting Party and Responding Party Rights

1. Reporting Party’s Rights
   a. To be treated with respect by University officials.
   b. To take advantage of campus support resources, such as Counseling, the Office of Campus Ministry, and University Health Services for students, etc.
   c. To experience a safe living, educational, and work environment.
   d. To have an advisor during this process.
   e. To refuse to have an allegation resolved through conflict resolution procedures.
   f. To be free from retaliation.
   g. To have complaints heard in substantial accordance with these procedures.
   h. To be informed in writing of the outcome/resolution of the complaint.

2. Responding Party’s Rights
   a. To be treated with respect by University officials.
   b. To take advantage of campus support resources, such as Counseling, the Office of Campus Ministry, and University Health Services for students, etc.
   c. To have an advisor during this process.
   d. To refuse to have an allegation resolved through conflict resolution procedures.
   e. To have complaints heard in substantial accordance with these procedures.
   f. To be informed of the outcome/resolution of the complaint.
Article II. Polices - General

Note: Communication to students regarding violations of this code and information concerning this code will be through the students’ University email account. It is the students’ responsibility to regularly check their email account daily. Failure to check a students’ account will not be considered as an exigent circumstance for complying with this code.

A. Jurisdiction

This Code applies to any behaviors that take place on the campuses of Concordia University Wisconsin, Concordia University Ann Arbor and all other satellite campuses of the University and at University-sponsored events on or off campus. This code may also apply off-campus and to actions online when the CSAO or designee determines that the off-campus conduct affects a substantial University interest. A substantial University interest is defined to include:

1. Any action that constitutes criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state or federal law committed in the municipality where the University is located;

2. Any situation where it appears that the accused individual may present a danger or threat to the health or safety of him/herself or others;

3. Any situation that significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder;

4. Any situation that is detrimental to the interests of the University/College; and/or

5. Any online postings or other electronic communication, including, but not limited to, cyber-bullying, cyber-stalking, cyber-harassment, etc.

B. Standard of Proof

- In all cases of alleged violations of University policy, the standard of proof is the preponderance of the evidence (e.g., more likely than not). This standard is also employed when making determinations regarding interim restrictions/actions.
C. Definitions

1. The term “University” means Concordia University Wisconsin, Concordia University Ann Arbor and all other satellite campuses of the University.

2. The term “student” means any person who is admitted, enrolled or registered for study at the University for any academic period and/or those who may attend other educational institutions and reside in a University residence hall or attend University classes. Persons who are not officially enrolled for a particular term but who have a continuing student relationship with, or an educational interest in the University are considered “students.” A person shall also be considered a student during any period while the student is under suspension from the institution or when the person is attending or participating in any activity preparatory to the beginning of school including, but not limited to, orientation, placement testing, and residence hall check-in, preseason athletic camps, summer student employees. This would include but is not limited to undergraduate, graduate, accelerated learning, e-learning, part-time, and full-time students.

3. The term “University official” includes any person employed by the University, performing assigned administrative or professional responsibilities including student employees (e.g., RAs) acting within the scope of his/her assigned position.

4. The term “member of the University community” includes any person who is a student, faculty member, University official or any other person employed by the University. A person’s status in a particular situation shall be determined by the Chief Student Affairs Officer or designee.

5. The term “University premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University including adjacent streets, parking lots, and sidewalks, including sites utilized by Accelerated Learning/Graduate Programs.

6. The term “organization” means any number of persons who have complied with the formal requirements for University recognition as a student organization (e.g., student clubs/organizations, intramural/intercollegiate teams, music/drama groups).

7. The “Chief Student Affairs Officer” (CSAO) is that person designated by the University President to be responsible for the administration of the Code of Student Conduct. Any question of interpretation or application of the Code of Student Conduct shall be referred to the CSAO or his or her designee for final determination.

8. The term “business day” includes all days that the regular business of the University is ongoing. This may include days and times that academic classes are not in session but the University is open for business.

9. Reporting Party: A person that makes a complaint, alleges a violation of University policy, or files a formal allegation against another person.
10. Responding Party: A person alleged to have violated University policy.

11. Advisor: See “Advisor” section for the role and expectations of advisors.

12. Abbreviations used in this code:
   CSAO: Chief Student Affairs Officer (at CUAA or at CUW)
   CU: Concordia University (includes both CUAA and CUW)
   CUAA: Concordia University Ann Arbor
   CUW: Concordia University Wisconsin
   DOS: Dean of Students
   FPH: Formal Panel Hearing
   FAH: Formal Administrative Hearing
   RFA: Request for Appeal
   SCA: Senior Conduct Administrator
   SCO: Student Conduct Officer
D. **RESIDENCE HALL POLICIES**

(Appplies to resident students and guests in residence halls)

1. **Abandoned Property and Confiscated Items:** University officials have the right to confiscate any item(s) which violate University policy. These item(s) may be disposed of or held by the Office of Residence Life or the Office of Campus Safety until the end of the semester in which they were confiscated. For these held items, students must reclaim them the day they leave the halls/campus for the semester. Items not reclaimed will be considered abandoned property.

   Items left in a student’s room or residence hall after the student leaves the hall are considered abandoned property. Items will be disposed of after five business days if no contact is made by the student and/or the student misses an appointment to collect the item(s). Students who abandon property and cause the University additional labor to deal with this property may be charged for this work.

   Left items not considered to be abandoned property include but are not limited to trash cans, toiletries, food items, cleaning supplies, small quantities of office supplies, and coins. These items will be disposed of immediately without notification.

   All alcohol and tobacco products will be discarded immediately. Weapons will be held by Campus Safety and disposed of or returned at the discretion of that office. Road signs will be returned to the municipal highway department.

2. **Appliances:** Only University-approved appliances are permitted in the residence halls. For questions about any appliance or device, see the Residence Life staff. A list of appliances can be found at:
   
   CUW: [https://www.cuw.edu/life/residence-life/student-resources/_assets/appliances.pdf](https://www.cuw.edu/life/residence-life/student-resources/_assets/appliances.pdf)
   
   CUAA: [https://www.cuaa.edu/life/residence-life/what-to-bring.html](https://www.cuaa.edu/life/residence-life/what-to-bring.html)

   It is impossible to list all electrical appliances which are hazardous for use in the residence halls, although a general guideline is that an appliance is prohibited if it is rated over six amps (700 watts), if it has an exposed heating element, or if it is not UL listed. (Level A or B)

   **NOTE:** Use of personal grills are not permitted on campus, unless permitted by Student Life office. Only grills provided by the University in their designated locations will be permitted.

3. **Balconies:** Throwing or hanging items from a balcony is prohibited. Grills are prohibited on the balconies. (Level A or B)

4. **Break Period Housing:** Use of residence halls without permission when closed is prohibited. (Level B or C)

   **NOTE:** No one is allowed to live in the residence halls during break periods (as specified in the Residence Hall and Food Service Agreement) without official written permission from the Office of Residence Life. Overnight guests are prohibited.
5. **Candles:** Candles, incense, incense burners, flammable liquids (e.g., gas/oil), or other items that present a fire hazard are prohibited. For questions about any device, see the Residence Life staff. (Level B)

6. **Cooking:** Cooking in a residence hall room using anything other than the University-approved appliances is prohibited. Leaving food cooking unattended in a residence hall kitchen is prohibited. (Level B)

7. **Displays:** The following displays are prohibited:
   a. Any alcohol containers (e.g., beer cans, liquor bottles);
   b. Any drug substance, drug-related paraphernalia or drug-related images, inc.
   c. Any display that would constitute a hostile work and/or educational environment for students and/or staff in the building.
   d. Any poster/signage of alcohol, drug-related materials, or provocative images. (Level A)

8. **Entry and Search of Rooms:** Failure to give access to a residence hall room when requested to do so by a University official is prohibited. (Level C)
   a. The University recognizes residents’ desire for privacy, particularly in the context of their living situation, and will do all it can to protect and guarantee their privacy. However, the University’s designated staff member reserves the right to enter a resident’s room at any time for the following purposes:
      1) To determine compliance with all relevant health and safety regulations (e.g., fire alarms, lock downs, health and safety checks, etc.);
      2) To provide cleaning and/or pest control;
      3) To conduct an inventory of University property;
      4) To silence unattended loud alarms and music;
      5) Where there is an indication of danger to life, health, and/or property;
      6) Where there is a reasonable cause to believe that a violation of University policy(s) is occurring or has occurred;
      7) To search for missing university or student property; and/or
      8) To perform maintenance work. For most maintenance concerns, prior notice will be given whenever possible.
   b. For a search to take place, conditions for room entry must exist, and permission from the Director of Residence Life, the CSAO/Dean of Students, Director of Campus Safety or a designee will be obtained. A room check may be done by a member of Residence Life or Campus Safety where warranted, per the Housing Agreement Terms. Items that violate university or housing regulations may be confiscated.
9. **Furniture:** The following are prohibited: (Level B)
   a. The arrangement of furniture and other items which restricts the efficient egress from a room;
   b. The stacking of university furniture (except as designed by manufacturer);
   c. Having more than two beds bunked on one fixture;
   d. Removing any university-issued furniture from a room; and
   e. The construction of any loft, partition, or mounted shelves.

10. **Guest Responsibility & Cohabitation:** Resident students are expected to register their guests each time with Campus Safety. A guest is anyone not officially assigned to the room by the Office of Residence Life. Guests may spend up to three nights total per month on campus. The host resident is personally and financially responsible for all the actions and behaviors of all of her/his guest(s). The host is responsible for informing guest(s) of the policies and procedures of campus housing. Guests must abide by University and residence hall policies and procedures at all times. The host is accountable and may be subject to disciplinary action if her/his guest violates a policy or procedure. Guests who exhibit inappropriate behavior may be required to leave campus at their own expense or at the expense of the host resident. Students are reminded that they are accountable for any and all violations their guests may commit while visiting them. (Level B or C)

   **NOTE 1:** Cohabitation (i.e., spending the night) by members of the opposite sex is prohibited.

   **NOTE 2:** Students who permit another person or student who has been expelled, suspended, removed from housing or otherwise banned from the residence halls or any campus access to the building or a room will be subject to immediate removal from housing and possible additional sanctions.

11. **Laundry Room:** The use of residence hall laundry rooms by nonresident students is prohibited. (Level A or B)

12. **Network/Computing:** In addition to the University Computing Policy, residence hall students are prohibited from installing any hubs, wireless access points, switches or other devices that may affect network activity. For questions about any device, see the IT staff. (Level B or C)

13. **Noise/Quiet Hours:** Failure to observe quiet hours is prohibited. This includes but is not limited to loud verbal and physical behavior, playing music/radio, television or other audio equipment such that the noise is disruptive to others. Playing sports in the halls is also prohibited. Please note the Visitation Hours in #16 are different from Quiet Hours. (Level A or B)

   **Quiet Hours are as follows:**
   - Sunday-Thursday: 10:00 p.m.–9:00 a.m.
   - Friday-Saturday: Midnight–9:00 a.m.
**NOTE 1:** Each resident of the hall has the right to live (study, sleep, etc.) in a quiet environment, thus courtesy hours are in effect 24 hours a day. During courtesy hours, any noise that infringes upon the students’ right to a quiet and peaceful environment shall be a violation of quiet hours. Any student disturbed by noise during courtesy hours should first communicate with the person responsible for the source of the noise.

**NOTE 2:** Continuous quiet hours are in effect during finals week each semester beginning Sunday at 10:00 pm and ending Friday at 10:00 am. A daily break period will be set by Residence Life staff. During the break period, noise levels may be a bit louder, but courtesy hours still apply.

14. **Odor:** Any aroma of such intensity that it becomes apparent to others is prohibited. (Level A, B, or C)

15. **Room/Hall Change:** Unauthorized room or hall changes are prohibited. Residents must receive official authorization from the Office of Residence Life to occupy or change rooms. Any student who occupies a room without prior written authorization will be considered in violation of this policy and may incur a fee. (Level B + return to original room)

**NOTE:** Alterations of a resident hall room and/or facility, including but not limited to painting, building partitions, altering electrical/cable boxes and outlets are prohibited. (Level B + cost of repairs)

16. **Visitation:** Presence of an opposite gender person (including non-students) in a residence hall at times different from the established visitation hours or giving access to a person of opposite gender to a residence hall or room at times different from the established visitation hours is prohibited. Visitation hours apply to some resident hall lounges. (Level A: for up to 30 minutes after/before visitation hours; Level B: for violations occurring more than 30 minutes after or before visitation hours)

**NOTE 1:** Resident students may have visitors in their room/hall at times specified below. The University reserves the right to restrict any nonresident student to Visitation Hours.

**NOTE 2:** Visitation Hours also apply during all break periods and summer months.

**Visitation Hours are as follows:**
- Sunday – Thursday: 8:00 a.m. – 1:00 a.m.
- Friday – Saturday: 8:00 a.m. – 2:00 a.m.

17. **Windows:** Tampering with, blocking or opening windows that require tools to open is prohibited. Throwing or dropping items from any window is prohibited. Hanging items outside windows without prior permission is also prohibited. Removing screens or damaging screens is prohibited. (Level B + cost of repairs)
E. UNIVERSITY POLICIES (applies to ALL students)

18. **Aiding or Abetting:** Attempting, aiding, abetting, or being an accessory to an act is prohibited by the University shall be considered the same as a completed violation. Students who anticipate or observe a violation of the Code of Student Conduct are expected to remove themselves from association or participation and bystanders are encouraged to report the violation. (Level A, B, C, or D)

19. **Alcohol:** Students are expected to comply with all University policy, state and local laws.

   **NOTE:** As Christians, we view the care of our bodies as part of our total context for life. God in His Word, gives life and sustains it (Genesis 1:27). He affirms the proper and good care of our bodies as His temple (I Corinthians 6:19-20). As such, He forbids misuse, overuse, and abuse of substances that are harmful for our bodies (2 Corinthians 7:1). Further, God invites and commands us to care for each other, assisting our neighbor in avoiding the abuse of any drug or substance that harms the body and the mind (John 13:34-35). **Therefore, Concordia University is a drug-free and dry campus.**

Please refer to the Resource List at the end of this document to read state alcohol laws.

   a. Use, possession, manufacturing, distribution of alcoholic beverages, and possession of alcohol containers on University premises is prohibited.

   **NOTE 1:** The University will also consider ALL individuals found in a location where an alcoholic beverage is present to be in possession of an alcoholic beverage. This would include locations off campus (e.g., underage students drinking in a bar or at a house party).

   **NOTE 2:** The University reserves the right to, as a condition of enrollment 1) require an offender to enter a University drug or alcohol program, 2) require an offender to get a drug or alcohol assessment and, if deemed appropriate, complete an approved rehabilitation program, and/or 3) ask participants of co-curricular activities to submit to drug testing, which may be at the student’s own expense (failure to comply with this request will result in the participant being barred from further participation in that activity).

   **NOTE 3:** Alcohol includes beverages of low-alcohol content (e.g., “near” beer, cooking sherry/wine).

   **NOTE 4:** Any person who is encountered by Campus Safety and is suspected of having consumed alcohol will be subject to a Preliminary Breath Test (PBT) for the purpose of determining if alcohol has been used by the student. Any student who refuses to provide a PBT breath sample will be considered in violation of this alcohol policy.
NOTE 5: Drinking paraphernalia that contributes to over and mass consumption including beer pong tables, beer bongs, or shot glasses.

b. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.

c. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited. Students hosting (e.g. name is on lease or rental agreement) off-campus events will be considered in violation of providing alcohol and/or access to alcohol if persons under the legal drinking age are present.

d. Violating any provision of the Code of Student Conduct while under the influence of alcohol constitutes a violation of this policy.

e. Common containers (e.g., kegs) are prohibited on campus.

f. Operating a motor vehicle under the influence of drugs or alcohol (DUI/OWI) on campus or off campus is prohibited.

NOTE: Underage students who possess alcohol and/or drugs and/or drink while operating a motor vehicle will be considered driving under the influence.

g. Amnesty: In certain circumstances, students may qualify for amnesty. See the Medical Amnesty Policy as outlined in Article III.

20. Animals/Pets: Pets are not allowed in the resident halls with the exception of fish. The capacity of the fish tank cannot exceed 15 gallons. Animals are prohibited from the campus and at University-sanctioned events off campus. All service and emotional-assistance animals must be approved by the University, per its CU Policy and Guidelines for Emotional-Assistance Animals.

NOTE: The University is committed to compliance with state and federal laws as the laws relate to individuals with disabilities. See the University’s “Emotional-Assistance Animal Policy.”

21. Arrest Policy: Students who are arrested or taken into custody by any law enforcement agency are required to inform the Dean of Students or other appropriate university official (e.g., program director, coach) within 48 hours of their release. Students arrested may be subject to University disciplinary action when their conduct violates University standards. (Level B)

22. Bicycles: Bicycle riding, skateboarding, roller skating, rollerblading, scooter riding, Hoverboards (see note below), shoes with wheels (e.g., “heelies“), remote control toy cars, or other similar behavior within the hallways, rooms, or within the buildings of the University is prohibited. (Level A)

NOTE: Possession or use of Hoverboards is prohibited on campus.
23. **Computer/Technology Misuse:** The theft or other abuse of computer time/resources is prohibited. This includes but is not limited to: (Level B, C, D, E)

   a. Unauthorized entry into a computer to use, read or change the contents, or for any other purpose;

   b. Unauthorized transfer of a file;

   c. Unauthorized use of another individual’s identification or password;

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

   e. Use of computing facilities to send obscene, harassing, or abusive messages;

   f. Use of computing facilities to view pornographic material;

   g. Use of computing facilities and resources to interfere with normal operation of the University computing system;

   h. Use of computing facilities and resources in violation of copyright laws;

   i. The reproduction (still picture, motion picture or video) without permission from the Marketing office or President/Vice President of the University of any University icon, facility, and/or landmark which is posted electronically in a public venue may be subject to disciplinary action as outlined in this section; and/or

   j. Any violation of the University’s “Acceptable Use Policy.” (see here)

   **NOTE 1:** This includes, and is not limited to, acts originating on University-owned computers in and out of student labs and privately owned computers in the resident hall rooms using University networking. All students are required to sign and follow an acceptable use policy annually.

   **NOTE 2:** The University and its faculty and staff do not monitor online communities and e-communication. Further, the University does not forbid faculty, staff and students from joining and participating in online social communities as individuals not acting as agents of the University. However, any behavior that violates this Code which is brought to the attention of a University official will be treated as any other violation and will be referred through channels outlined in this Code.

24. **Damage to Property:** Damage to or destruction of property or actions that have the potential for such damage or destruction is prohibited. Conduct which threatens to damage, or creates hazardous conditions such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies or roofs is also prohibited. This includes, but is not limited to, unauthorized application of graffiti, paint, etc. to property or removal of window restrictors, security screens, etc. (Level A-D + cost of repairs)
25. **Disruptive Activity:** No person or organization may interfere with, disrupt normal activity and operations of, or promote the interference or disruption of students, faculty, administration, staff, or the educational mission of the University or its buildings, equipment or facilities. Any form of expression that materially interferes with such activities and operations or invades the rights of persons is prohibited. (Level A, B, C, or D)

   a. Non-compliance with reasonable time, place, or manner restrictions on expression is considered a violation of this section. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter’s ability to conduct the class or program, or the ability of others to profit from the class or program.

   b. To remain in the vicinity of activity that is disrupting normal University functions when requested to leave by a University official is prohibited. Bystanders, if their presence incites or adds to the disruption, may be in violation of this policy as well.

   c. No student shall engage in disrespectful or uncivil behavior directed toward a University official, regardless of whether the official is on duty or off, or CU students, including but not limited to verbal statements or written communication.

26. **Dress:** As Christians, we view the care of our bodies as part of our total context for life. God in His Word, gives life and sustains it (Genesis 1:27). He affirms the proper and good care of our bodies as His temple (1 Corinthians 6:19-20). Inappropriate dress such that the attire could be considered provocative or would make others uncomfortable is prohibited. Recognizable gender parts must be covered at all times in public areas. (Level A or B)

   **NOTE:** Please remember that shoes must be worn in all academic, administrative, and campus food service locations.

27. **Drugs:** Students are expected to comply with all University policies as well as all federal, state and local laws.

   **NOTE:** As Christians, we view the care of our bodies as part of our total context for life. God in His Word, gives life and sustains it (Genesis 1:27). He affirms the proper and good care of our bodies as His temple (1 Corinthians 6:19-20). As such, He forbids misuse, overuse, and abuse of substances that are harmful for our bodies (2 Corinthians 7:1). Further, God invites and commands us to care for each other, assisting our neighbor in avoiding the abuse of any drug or substance that harms the body and the mind (John 13:34-35). Therefore, **Concordia University is a drug-free and dry campus.**

   a. The unauthorized possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, "designer," or controlled drug or other substance is prohibited. This includes prescription medications. Violating any other provision of the Code of Student Conduct while under the influence of any illegal or illegally obtained drug is also a violation...
of this policy. The possession of drug paraphernalia is also prohibited. A diluted, late, missed, forged, or failed university required drug screen will constitute a violation of this policy.

b. Amnesty: In certain circumstances, students may qualify for amnesty. See the Medical Amnesty Policy. (see Article III for complete policy)

NOTE 1: The University will also consider ALL individuals found in a location where a drug is present to be in possession of a drug. This would include locations off campus (e.g., underage students drinking in a bar or at a house party). The University reserves the right to, as a condition of enrollment 1) require an offender to enter a University drug or alcohol program, 2) require an offender to get a drug or alcohol assessment from a licensed agency and, if deemed appropriate, complete an approved rehabilitation program, and/or 3) ask participants of co-curricular activities to submit to drug testing, which may be at the student’s own expense (failure to comply with this request will result in the participant being barred from further participation in that activity).

NOTE 2: Student who test positive to an athletic drug screen will be referred to the Dean of Student’s office for possible violations of the code of student conduct.

NOTE 3: Occasionally, local, state, and/or federal laws do not align. When that is the case, the University must establish a position that best allows its mission to be fulfilled in the University community. For example, the University does not recognize medical marijuana as an exception to its drug policy.

28. Failure to Comply: Students and student organizations are expected to comply with and respond appropriately to the reasonable requests of University officials in the performance of their duties. Students are expected to appear at conduct hearings to respond to allegations or testify as a witness. A failure to properly comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may also be considered failure to comply with an official request. (Level A, B, C, or D)

29. Fire Alarms/Safety Equipment: No person shall make, or cause to be made, a false fire alarm or emergency report of any kind. No person shall tamper with, damage, disable or misuse fire safety equipment including, but not limited to, fire extinguishers, fire hoses, fire alarms and fire doors. Tampering with or disabling any fire safety equipment in a residence hall may result in a student’s immediate removal from University Housing and a fine. Students are required to evacuate any University building when a fire alarm is sounding and/or when instructed to do so in an emergency or drill by University staff. (Level A, B, C, D + municipal fee for MFD response)

NOTE 1: No lights or decorations may be hung across ceiling or on door.

30. Fraud/Lying: Lying or fraudulent behavior in, or with regard to, any transaction with the University, whether oral or written, is prohibited, including but not limited to misrepresenting the truth before a hearing of the University or knowingly making a false statement orally or in writing to any University official. (Level B, C, D + retraction when appropriate)
31. **Gambling**: The University prohibits gambling, as defined by state law. (Level A, B, C)

32. **General Laws**: Students or student organizations involved in alleged violations of any federal, state, or local laws may be subject to disciplinary action. These allegations will be adjudicated using the University standard of proof and procedure. Disciplinary action imposed by the University may precede and/or be in addition to any penalty imposed by an off-campus authority. (Level A, B, C, D, E)

33. **Harassment (and Bias-related Incidents)**: Conduct that creates or attempts to create an intimidating, hostile, or offensive environment for another person is prohibited. Such conduct includes, but is not limited to, action(s) or statement(s) that threaten, harm or intimidate a person, stalking, voyeurism (or peeping), or any other form of unwanted contact. (see sanctioning grid)

   **NOTE**: Bias-related incidents are behavior that constitutes an expression of hostility against a person or property of another due to the targeted person’s race, religion, sexual orientation, ethnicity, national origin, gender, age, marital status, political affiliation, or disability. These acts or behaviors may not rise to the level of a crime, or a violation of state or federal law, but may contribute to creating an unsafe, negative, or unwelcome environment for the targeted person.

34. **Harm to Person(s)**: Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited. Conduct that threatens to cause harm to persons, or creates hazardous conditions for persons, is also prohibited. (see Violence sanctioning grid)

   Harm to person(s) includes but is not limited to:
   a. Physical fights;
   b. Slapping a boyfriend/girlfriend; and
   c. Pranks which injure or have the potential of injury to another person

   **NOTE**: Fighting is considered a form of “Harm to Person(s).” The University expects that students will withdraw from situations that may result in fighting. Students always have the option of contacting a University official to assist with a situation. Therefore, the University will charge both/all students who participate in fighting. The burden of proof will fall upon the student to demonstrate that he/she took reasonable measures to withdraw from the situation.

35. **Hazing**: An act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, a group or organization. The express or implied consent of the victim will not be a defense. Apathy and/or complicity in the presence of hazing are not neutral acts; they are violations of this policy.
Hazing includes, but is not limited to:
   a. All forms of physical activity deemed dangerous or harmful;
   b. The application of foreign substances to the body;
   c. Scavenger hunts involving illegal activities, kidnapping, or ditching a member of the community;
   d. Depriving students of sleep;
   e. Not providing decent and edible foods;
   f. Depriving students' means of maintaining personal hygiene;
   g. Forcing, coercing, pressuring, or requiring students to consume alcohol or foreign or unusual amounts of substances;
   h. Nudity or forcing students to dress in a degrading manner; and/or
   i. Psychological hazing: any act which is likely to compromise the dignity of a student; cause embarrassment or shame to a student; cause a student to be the object of ridicule or malicious amusement; or inflict psychological or emotional harm.

36. **Host Responsibility:** Students are accountable for any and all violations their guests may commit while visiting the University student. (Level A, B, C)

   **NOTE 1:** Current students may not host persons banned from the campus or any facility (e.g., Fieldhouse, academic buildings, residence halls), including but not limited to individuals whose housing agreements have been cancelled or revoked for any reason. Resident students may not host banned persons in the residence halls.

   **NOTE 2:** Hosting a relative or non-relative child without parental supervision is prohibited (i.e., baby-sitting). Exceptions to this policy may be granted by a University official tasked with the supervision of a given facility (e.g., Resident Director for a residence hall, Director of Athletics for the Fieldhouse, Coordinator for Student Activities for the Student Center).

37. **Interference/Obstruction of the Conduct Process:** Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to: (Level C, D, or E)

   a. Failing to participate in a hearing or investigation;
   b. Colluding with or intimidating witnesses;
   c. Intimidating any member of a student conduct panel or hearing board; and
   d. Providing false information or intentionally omitting relevant information from an investigation or hearing.

38. **Littering:** Littering on University premises is prohibited, including but not limited to the improper disposal of personal garbage (e.g., placing trash in non-designated areas). (Level B + clean-up costs)

39. **Misuse of Documents:** Forgery, alteration, or misuse of any document, record, or officially-issued or legal identification is prohibited. (Level B, C, D, E)
40. **Misuse of Student Identifications:** Providing access to unauthorized persons, failing to present a Student ID card when requested by a University official acting in the performance of his or her duties, or possessing or using a fraudulent ID card, may subject the owner and/or the holder to disciplinary action. (Level A, B, C, or D)

41. **Misuse of Keys:** No person may use or possess any University key without proper authorization. No student is allowed under any condition to have a University key duplicated. (Level A, B, C, D, or E)

42. **Motor Vehicles:** Operating a motor vehicle on University property in a manner that causes or might potentially cause physical harm to an individual or property is prohibited. Failure to register a vehicle with Campus Safety, parking a vehicle in unauthorized parking lots or in unauthorized areas (e.g., parking outside striped double parallel lines and in restricted parking areas), driving or parking a vehicle on the grass or in an unsafe manner anywhere on campus is prohibited. Driving on University-owned or controlled property without a valid driver’s license is prohibited. (Level A, B, or C)

   **NOTE:** After multiple parking tickets within one year, the student may be subject to referral to the student conduct system. Habitual offenders may be subject to having their car towed at the owners'/students’ expense.

43. **Posting:** Publication and/or dissemination of materials on campus which have not been previously approved are prohibited. (Level A)

44. **Retaliation:** Retaliation is defined as any adverse action taken against a person participating in a protected activity because of his/her participation in that protected activity. (see sanctioning grid)

   **NOTE 1:** Retaliation against an individual for alleging harassment or discrimination, supporting a complainant, or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of University policy and will be treated as an instance of harassment or discrimination.

   **NOTE 2:** Acts of alleged retaliation should be reported immediately to the Title IX Coordinator, to the CSAO, Dean of Students and/or Campus Safety and will be promptly investigated. The University will take all appropriate actions to protect individuals who fear that they may be subjected to retaliation.

45. **Searches:** Failing to comply with a reasonable request to search is a violation of this policy, including events held on University premises or at off-campus University-sponsored functions. Students who are in possession of a bag, purse, backpack, or any other container where contraband, weapons, alcohol, or any other prohibited substance could be contained is subject to search by a University official. This includes, but is not limited to, vehicles parked on University premises, or at off-campus University sponsored events, when there is reason to believe the vehicle contains any prohibited item. (Level B, C, or D)
46. **Sex:** Consensual sexual behavior outside of marriage is prohibited.

**NOTE 1:** As Christians, we view sex as part of our total personality and part of the total context of life. However, God in His Word forbids sexual union or intercourse outside of the marriage relationship. In a relationship between two unmarried individuals, their sexuality performs primarily one function—the building of the relationship through physical and emotional communication and sharing. However, this physical, sexual sharing must be seen as only one part of a total relationship, which also involves emotional, social, spiritual and intellectual aspects. Any relationship should develop in all of these areas at a somewhat even pace. This means that individuals involved in relationships should be getting to know one another as total persons—not just as physical, sexual beings, but also as emotional, social and spiritual beings. Getting to know another person must be seen as a lifelong process; for as each person grows and matures, there is always more to learn about him or her. Therefore, sharing one’s self sexually (e.g., sexual intercourse) outside of marriage would be inappropriate and unhealthy.

**NOTE 2:** The viewing and/or possession of pornography will also be considered a violation of this policy. The focus of pornography is purely sexual and thus does not promote individuals getting to know one another within the context of a healthy Christian relationship or promote individuals in developing their own Christian moral fiber.

**NOTE 3:** Because sex can involve a wide range of behavior, and pornography can take many forms, the Dean of Students (or the Dean’s designee) is charged to evaluate each case individually.

47. **Sexual Misconduct:** Sexual Misconduct as defined below is prohibited.

**NOTE:** The investigation, adjudication, and sanctioning for violations of the Sexual Misconduct policy is different from other policy violations. See Article IV Procedures & Hearings, Section K.

47a. **Sexual Harassment** is:
- unwelcome, sexual or gender-based verbal, written or physical conduct that is,
  - sufficiently severe, or persistent or pervasive and,
  - has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the university’s educational, social, athletic, and/or residential programs, and is based on real or reasonably perceived power differentials (quid pro quo), and/or the creation of a hostile environment or retaliation.

47b. **Non-Consensual Sexual Intercourse** is defined as:
- any sexual penetration or intercourse (anal, oral or vaginal),
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.
• Note: “Sexual penetration” includes actual or attempted vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.
• See Statement on Consent below.

47c. **Non-Consensual Sexual Contact** is defined as:
- any intentional sexual touching or attempts,
- however slight,
- with any object,
- by a person upon another person
- that is without consent and/or by force.
- Note: “Sexual touching” includes any actual or attempted bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
• See Statement on Consent below.

47d. **Sexual Exploitation**
- Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

1) Sexual voyeurism (e.g., watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed);
2) Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (e.g., allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent);
3) Prostitution; and
4) Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted infection (STI) and without informing the other person of the infection, and further includes administering alcohol or drugs (e.g., “date rape” drugs) to another person without his or her knowledge or consent.
• See Statement on Consent below.

47e. **Stalking, Domestic and Dating Violence**
Note: The states of Michigan and Wisconsin have defined stalking and domestic violence as violations of state law. The University will consider stalking behavior, domestic violence behavior, and dating violence behavior as violations of this sexual misconduct policy. In addition to the state law definition, the University has defined the terms as follows:

• Stalking is engaging in a course of conduct composed of a series of 2 or more separate
non-continuous acts directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others and suffer emotional distress.

- Domestic Violence includes asserted violent behavior committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
- Dating Violence means violence (physical, verbal, and/or emotional) committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

**47f. False Imprisonment**

- The detaining of a person without the person’s consent and/or against the person’s will to leave is prohibited. Therefore, false imprisonment can apply to any act in which a person intentionally restricts another person’s freedom to move or to leave without consent.
- This can occur on or off campus, in a building, on the streets, in a vehicle, or any other place, in which a person is restrained, against their will, from moving, whether physically, by threat, or intimidation.
- This can also include, but is not limited to, removing that person’s means of leaving (e.g. taking and/or holding someone’s keys, wallet, phone, or other means that would provide that individual with the means to leave the vicinity).
- Note: This policy applies to restricting a person from leaving a resident hall room and/or failing to leave a resident’s room when requested to do so. However, this policy does not apply to authorized personnel acting within the scope of their responsibilities (e.g. Campus Safety Officers, Resident Hall Staff).

**Statement on Consent:**

- Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

- A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated/lacks capacity has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity/lack of capacity of the other.
• Incapacitation/lack of capacity is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

• Consent to some sexual contact, such as kissing or fondling, cannot be presumed to be consent for other sexual activity, such as intercourse. A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

• A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

• A minor below the age of consent according to state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.

48. **Theft:** Theft or attempted theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner’s permission is also prohibited. (Level B for assessed value of property up to $100; Level C for assessed value of property > $101 - $2499; Level D for assessed value of property $2500 and above)

49. **Tobacco/Smoking:** Use of smoking/inhalant/vaping materials within all rooms and buildings and outside within 100 feet perimeter of any building except within designated and posted areas is prohibited, including but not limited to cigarettes, electronic cigarettes, cigars, pipes, hookahs, personal aromatherapy devices and smokeless/chewing tobacco. (Level A + clean-up costs as appropriate)

    **NOTE:** Possession of electronic cigarettes/vape pens are prohibited in the residence halls.

50. **Unauthorized Presence in or Use of University Facilities or Property:** Unauthorized entry into, presence in, or use of University facilities, residence halls, equipment or property that has not been reserved or accessed through appropriate University officials is prohibited. (Level A, B, C, D, or E)

51. **Unmanned Aircraft Systems (sUAS):** The use or operations of unmanned aircraft systems (sUAS) on campus is prohibited. This includes un-crewed aerial devices and drones. Students seeking exceptions for use of such devices for recreational or university-related purposes may apply to Student Life for limited approval. Any use of these devices must comply with local, state, and federal regulations and requires the prior filing and approval of an operating plan.
NOTE: Approval forms can be found in the Forms Repository under the Resource Tab in the Portal, the Student Life office, or the Campus Safety office.

52. Weapons/Explosives: The unauthorized possession or use of firearms, or weapons of any other kind (including but not limited to five-inch blade knives, slingshots, metal knuckles, straight razors, paintball guns, BB guns, air pistols, Tasers, stun guns, batons, brass knuckles, folding knives with lock blades) is prohibited. Look-alike weapons are also prohibited. The ignition or detonation of anything which could cause damage to persons or property or disruption by smoke, explosion, noxious odors, stain, corrosion or similar means is prohibited. Possession of anything in the nature of fireworks, explosives or chemical explosives is prohibited on any property owned or operated by the University or off-campus University-sponsored events without prior University authorization. (see Violence sanctioning grid)

NOTE 1: Food preparation knives and safety (disposable) razors for the purpose of shaving, are exempt from this policy.

NOTE 2: Any student who violates this section of the Student Conduct Code shall be notified of the violation and will be referred to the Office of Student Conduct. CU may also refer the matter to the local police for prosecution. Any weapon on campus in violation of this Policy may be confiscated by Campus Safety and turned over to the local police.

NOTE 3: Any student with a reasonable basis for believing another person is in possession of a firearm, ammunition or weapon of any kind in violation of this Policy is required to report the suspected act immediately. Reports should be made to the Police Department (9 + 911 from a campus phone), or Campus Safety CUW: (262-243-4344); CUAA (734-995-7371). Students may be asked to provide a written statement regarding the weapon incident to Campus Safety within 24 hours of the incident. Any student who makes such a report in good faith will not be subjected to retaliation of any kind; however, failure to report such activity may result in a referral to the Office of Student Conduct. A student may choose to remain anonymous by using the Campus Safety Tip Line Call CUW: (262-243-2200); CUAA (734-995-7371) when making the initial report to Campus Safety.
A. University Medical Amnesty Policy (MAP) – “CALL FIRST”

Purpose: The purpose of the policy is to facilitate access and remove barriers to students who require medical assistance in drug or alcohol related emergencies, and to provide the opportunity for caring, non-punitive interventions in response to such incidents.

Policy: The Medical Amnesty Policy (MAP) is a key component of the University’s comprehensive approach to reducing the harmful consequences caused by the use of drugs or excessive consumption of alcohol. The MAP represents the University’s commitment to informed decision making and promotion of healthy behaviors. In order to achieve these goals, the MAP mandates that discretion be exercised, including the possibility of conversations with supportive people such as the Dean of Students, Resident Director, etc. and may involve some educational programming to support a transition to a healthy lifestyle. All of this can be possible as permitted under the University’s Code of Student Conduct, as follows:

1. Students are expected to contact Resident Hall Staff or Campus Safety when they believe that assistance for an impaired student is needed. Also see Contact Protocol below.

2. At the discretion of the Department of Campus Safety, the Department will assist intoxicated individuals by facilitating transport to medical facilities.

3. In cases of concern for the health and safety of an individual, students should utilize one of the following options: notifying Resident Life Staff, notifying Campus Safety Staff, or by calling 911 for assistance by City Rescue Squad - then notify Campus Safety or Resident Hall Staff.

4. Students seeking assistance for drug or alcohol related emergencies will not be referred through the University’s student conduct system. However, a student will not be granted protection under this policy if campus officials (e.g., Resident Hall Staff, Campus Safety) intervene beforehand.

5. Students who seek emergency assistance on behalf of a person(s) experiencing drug or alcohol-related emergencies will not be referred through the University’s student conduct system. However, a student will not be granted protection under this policy if campus officials (e.g., Resident Hall Staff, Campus Safety) intervene beforehand.

6. Records of all requests for assistance under this policy shall be maintained by the Office of the Dean of Students. Participation in any program as a result of this policy shall not be noted on the student’s conduct record.

7. This policy does not preclude disciplinary action regarding other violations of the University
Code of Student Conduct, such as causing or threatening physical harm, sexual abuse, damage to property, harassment, hazing, etc. Students should also be aware that this policy does not prevent action by local and state authorities.

8. Nothing in this policy shall prevent an individual who is obligated by state or federal law to do so from reporting, charging or taking other action related to the possible criminal prosecution of any student.

9. Students who may have violated the Code of Student Conduct when s/he became a victim of sexual misconduct shall be granted Amnesty. Therefore, an alcohol/drug violation will not be applied to a student who reports that s/he was under the influence at the time of a sexual assault or harassment incident.

B. University Missing Student Policy

In compliance with the “Higher Education Opportunity Act, P.L. 110-315, sec. 488, 122 Stat. 3301 (2008)” Missing Student Notification Policy and Procedures, it is the policy of the Office of Campus Safety to actively investigate any report of a missing resident who is enrolled at the University and residing in on-campus housing. Each resident will be notified of the Missing Student Notification Policy and Procedures via this Code.

For purposes of this policy, a student may be considered to be a “missing person” if the person’s absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, where there are concerns for drug or alcohol use, is in a life-threatening situation, or has been with persons who may endanger the student’s welfare.

Each resident, on or before checking into his/her assigned room, has the option to identify the name and contact number of the individual(s) who are a primary contact to be notified in case of an emergency or in the event that the resident is reported missing (see Emergency Contact Information at the beginning of this document). In the event the resident is under the age of 18 or is not emancipated, the University is required to have the primary emergency contact be a custodial parent or guardian.

If a member of the University community has reason to believe that a student is missing, Campus Safety should immediately be notified.

Note: This notification can be made anonymously.

Upon receiving notification, Campus Safety, through the Vice President of Student Life/Dean of Students, will make reasonable efforts to locate the student to determine his or her state of health and well-being. These efforts may include, but are not limited to, checking the resident’s room, class schedule, friends, ID card access, locating the resident’s vehicle, and calling his/her reported cell phone number. As part of the investigation, the University reserves the right to contact the individual(s) whom the student has identified as his/her emergency contacts person(s) to help determine the whereabouts of the resident.
If, upon investigation by Campus Safety and concurred by the Vice President of Student Life/Dean of Students, that the resident has been determined to be missing for at least 24 hours, the following will occur. A University representative will contact the resident’s designated emergency contact and the Director of Campus Safety or his designee who will contact the Local Police Department and request a missing person report initiating a police investigation. Even if a student has not registered a contact person, the local law enforcement agency will be notified that the student is missing. Investigation will continue in collaboration with law enforcement officers as appropriate.

C. University Emotional-Assistance Animal Policy

Concordia University is committed to compliance with state and federal laws as the laws relate to individuals with disabilities. As the laws pertaining to emotional-assistance animals are evolving, CU reserves the right to modify its policies and guidelines accordingly. The use of an emotional-assistance animal is determined in accordance with these applicable laws and regulations regarding whether such an animal is a reasonable accommodation for a disability. Students with disabilities may seek an addendum to their housing contract to include an emotional-assistance animal as an accommodation. This determination will be made on a case-by-case basis as described below. The needs of the disabled person will be balanced with the impact that the animal has on programs or other members of the campus community.

Sufficient information and documentation may be required to determine whether the animal qualifies as an emotional-assistance animal under the applicable law. Documentation should be provided on the letterhead of a treating physician or mental health provider, and permit a determination as to whether:

- The individual has a disability for which the animal is needed;
- How the animal assists the individual, including whether the animal has undergone any training;
- The relationship between the individual’s disability and the assistance the animal provides.
- Animals whose sole function is to provide comfort and emotional support, meaning that they have not been trained to perform a specific task, do not qualify as service animals under the ADA.

Consistent with federal and state law, an emotional-assistance animal may be prohibited from the residence halls if the animal’s behavior or presence poses a direct threat to the health or safety of others. It may be excluded from areas where its presence fundamentally alters the nature of a program or activity, if the animal is disruptive, if its presence would result in substantial physical damage to the property of others, or if it substantially interferes with the reasonable enjoyment of the housing or public accommodation by others.

The owner of the emotional-assistance animal is responsible for the following requirements: vaccination, leash control, clean up rules, animal health and hygiene, etc. Individuals seeking the use of a service animal as a reasonable accommodation must follow the procedures for implementation of this policy as described below.
Procedures for Gaining Authorization to Bring an Emotional-Assistance Animal to Campus

1. Students must be registered with the Learning Resources Center (LRC) and the Disability Support Services (DSS). Students must gain authorization to bring an emotional-assistance animal to the campus or at University sanctioned events off campus. The request must be directed to the Office of Disability Services.

2. Students must complete form requests for Emotional-Assistance Animals.


4. Complete the medical documentation required (animal and student documentation).

5. Contact Disability Support Services (DSS) for intake appointment.


7. Paperwork is completed 30 days prior to approval. Once you receive approval, students will be contacted by appropriate departments to schedule a meeting.

For questions about emotional-assistance animals please see the Disability Support Services (DSS) on your campus.

University Service Dog Statement:

Concordia University recognizes some students with disabilities may require the use of a service animal. Service animals are defined as dogs that are individually/specifically trained to perform certain tasks for people with disabilities. The task that the dog has been trained to provide must be directly related to the person’s disability in order for that dog to qualify as a service animal.

Dogs whose sole function is to provide emotional-assistance do not qualify as service animals under the Americans with Disabilities Act. Concordia University has a separate residence hall policy regarding emotional-assistance animals (see CU Policy and Guidelines for Emotional-Assistance Animals).

When it is not obvious what service the animal provides, students and campus visitors may be stopped by University personnel and asked the following questions:

1. Is the dog a service animal required because of a disability?
2. What task has the dog been trained to perform?

While not required, it is beneficial for students and campus visitors with service animals to register their dogs with the appropriate campus disability support services coordinator. The DSS coordinator will, in turn,
coordinate efforts across campus (instructors, residence life, student life, and campus safety, among others) to ensure that the student or campus visitor and their service animal have a safe and enjoyable experience while on campus.

The DSS Coordinator for CUW is Mary Louise Edwards
MaryLouise.Edwards@cuw.edu

The DSS Coordinator for CUAA is Kellie Durham
Kellie.Durham@cuaa.edu

D. Poster and Posting Policies

1. Student organizations, Faculty and Staff are allowed to post signs, posters, or fliers in designated areas in buildings and residence halls in compliance with established posting procedures. All information must first be entered onto the Campus Calendar and approved for posting by the Student Life Office.
   • For more information regarding posting on the CUAA campus, visit this link:
2. Regulations
   a. Posters and fliers may not exceed 11 x 17 inches in size. Any sign bigger than this must receive special approval from the Student Life Office.
   b. The name of the sponsoring group must appear on each item approved for display. It is preferred to have the name spelled out (acronyms and logos may be used if they are easily recognizable and easily identify the sponsor).
   c. Sponsoring groups shall remove all posters after the advertised event. Signs without a Student Life stamp, those left after the expiration date, or those posted in an unauthorized area will be removed.
   d. Signs may not be posted on walls (interior or exterior), trees or shrubs, trash cans, elevators, or any other area other than specific bulletin boards. Any signs posted in unapproved areas will be removed. Only one poster per event is allowed on each bulletin board.
   e. Any CU sponsored events that require lawn signs must be approved by the Campus Safety office. Such signs are restricted to use on the day of the event.
   f. Guidelines for Approval: It is difficult to set definitive standards for the approval of the content contained in posters. Therefore, CU sets forth in writing these guidelines in order to give students general notice of appropriate conduct. The regulations should be interpreted broadly and are not designed to define posting conduct in exhaustive terms. The following are examples of content (explicit or implied) which are inappropriate:
1) Any poster/posting which is not compatible with the Mission of the University and/or the doctrines of the Lutheran Church-Missouri Synod;
2) Words or images which demean the University, any office/organization/entity of the University, or student organization of the University;
3) Words or images which demean an individual/group by targeting an individual/group’s race, gender, and/or religion;
4) Words or images which are sexually suggestive; or
5) Words or images of alcohol or drugs.

g. Students who identify themselves as a student of the University (explicitly or implied) or a member of a University organization on the internet (e.g., student organization, athletic team, choir) and/or electronic social networks (e.g., Facebook, YouTube) assume the responsibility for the content posted and are subject to sanctions contained in the Student Conduct Code for failure to abide by the posting guidelines directly above.
Article IV Procedures & Hearings

A. Reporting

1. Concordia University will investigate all official reports of alleged violations of University policy (See exception under “Title IX Policies” below).

2. Reporting an allegation of a violation of policy:

   - Anyone who believes a policy of the University has been violated should contact the office identified in the Resource List at the end of this document.

   - For more information on reporting requirements of the University, see the University’s Clery and Responsible Employees policies.

B. Statement on Confidentiality

   - In some cases, the confidentiality of a reporting party may not be able to be kept. In cases where this is requested, the Investigator, CSAO, Dean or designee will take all steps to protect a victim.

C. Policy on Student Withdrawals with Pending Disciplinary Action

   - Concordia University may place a hold on a student’s account and/or Student ID Card if that student has a complaint pending for violation of Code of Student Conduct or any CU policy. Should a student decide to leave and not participate in an investigation and/or hearing, the process will nonetheless proceed in the student’s absence to resolution and that student will not be permitted to return to Concordia University unless all sanctions have been satisfied.

   NOTE: The University reserves the right to place a Student Life hold on the student’s account until investigations have been completed and/or the disciplinary sanctions have been satisfied.
D. Investigations by the Dean of Students’ Office

1. Following receipt of notice or a complaint, the Dean or designee of the Student Conduct Office will promptly investigate the complaint. The individual(s) designated are hereinafter referred to as the “Investigator” (e.g., Campus Safety, Resident Hall Staff).

2. In some instances (e.g., housing violations and minor conduct violations), these investigations will be comprised of an interview with the reporting party and the person(s) alleged to have violated the policy (the “Respondent”). In other instances, more in-depth investigation may be required.

E. Investigations by Title IX Office

Process: Title IX Coordinator (Associate Title IX Coordinator) will assign trained individual(s) to investigate the allegations. The authority and responsibilities of an investigator is as follows:

a. Investigate the allegations of a violation of the University Sexual Misconduct policy.

b. Regularly communicate the investigation progress to the Title IX Coordinator.

c. Using the standard of a preponderance of evidence, reach one of the following conclusions:
   - no violation of policy has occurred,
   - a violation(s) of policy has occurred, or
   - no finding (not enough evidence to reach a decision)

d. If the findings conclude that a violation of policy has occurred, the Investigators will determine the sanction(s) for the responding party per the appropriate University policy.

   Note: In cases where the responding party, a student, has previous violations of the student Conduct Code which are not related to violations of the Sexual Misconduct policy, the Title IX Coordinator will confer with the Dean of Students in determining the appropriate sanction(s).

e. Communicate the findings and sanctions, if applicable, to the Title IX Coordinator who has the authority to:
   - accept the findings
   - accept the sanctions
   - require more investigation be conducted
   - alter the sanctions
1. **Interim Actions/Restrictions:** The University may take interim actions as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of a substantial disruption to the normal operations of the University. These actions may include, but are not limited to:

   a. **Interim Suspension:** A student who or organization that is suspended on an interim basis is subject to all of the same restrictions as if he/she/it had been suspended as a final sanction.

   b. **Interim Restriction:**

      1) These restrictions may include, but are not limited to: restricted access to facilities, housing and/or events, no-contact orders with specific individuals, etc. or any other restrictions deemed by the Dean or designee to be necessary to achieve the goals stated above.

      **NOTE:** The University will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.

      2) Altering any of these restrictions may be predicated on the requirement to engage in a psychological assessment, drug/alcohol testing, interviews, etc. at the discretion of the Dean or designee.

2. The Investigator will meet with all appropriate parties and will make a determination using the University’s standard of proof. After the investigation is complete, the Respondent (and when appropriate, the Reporting Party) may meet with the Investigator to learn the results of the investigation and one of the Resolution Options will be implemented. (See “Resolution Options” below).

F. **Resolution Options**

   **NOTE:** Should a student fail to appear for an Informal Administrative Resolution meeting, Formal Administrative Hearing, Formal Panel Hearing, Appeal Hearing, or Title IX Process Meeting, that student may be considered as having waived his/her right to be present for the hearing and a decision will be made in his/her absence.

1. **Informal Administrative Resolution:** The Respondent accepts the findings of the Investigation and, if appropriate, sanctions (see “Investigation Findings” below), as explained by the Investigator. (Not applicable in Title IX cases)

2. **Formal Administrative Hearing:** In certain cases, the Dean of Students may desire a formal hearing that does not involve the full Formal Hearing Panel (due to timing, sensitivity, or seriousness of incident). In these cases, a Formal Administrative Hearing will be convened. These hearings are subject to all of the requirements of the Formal Panel Hearing (e.g., they are
recorded, all parties may be present, etc.) with the exception of the composition of the Panel. In these cases, the Panel is a single administrator, typically the Dean of Students. (Not applicable in Title IX cases)

3. **Formal Panel Hearing:** A formal hearing before the Formal Hearing Panel (FPH) is to determine if a policy has been violated and sanctions, if appropriate. (See “Formal Hearing Findings” below.) For more information on the procedures, see the “Formal Hearing Procedures.” (Not applicable to Title IX cases)

4. **Sanctions Only Hearing:** See below “For Sanctions Only Hearing”. (Not Applicable to Title IX Cases)

**G. Investigation Findings**

1. **Not Responsible** (not a violation of policy): In these cases, the Investigator has determined that insufficient evidence exists for a finding of Responsible for the allegation(s). The case is closed and a record of the Not Responsible finding(s) is retained.

2. **Responsible** (a violation of policy): The Investigator determines that sufficient evidence exists for a finding of Responsible for the violation(s). In this case, the Respondent may opt to resolve the case and acknowledge both the finding and sanctions. This may be rendered during the Informal Administrative Resolution (see description above).

3. **No Finding** (not enough evidence to reach a decision)

4. **Referral to Formal Hearing**

   a. For a Formal Hearing: When the Investigator determines that there is sufficient evidence for a finding of Responsible for any of the allegations, and the Responding Party does not acknowledge or accept the finding – in whole or in part – then the case will be referred to the FPH for a Formal Hearing.

   b. For Sanctions Only Hearing: When the Investigator determines that there is sufficient evidence for a finding of “Responsible” for any of the allegations, and the Responding Party acknowledges and accepts the findings, but does not accept the sanctions as presented by the Investigator, then the case will be referred to the FPH for a Sanctions Only Hearing.

**H. Formal Hearing Procedures Prior to the Hearing**

1. The FPH shall consist of three (3) members. The FPH is a pool of students, faculty and staff selected by the CSAO or designee and trained to deliberate on cases that involve allegations of violations of University polices.

2. Notice of Allegations and Hearing
• The Student Conduct Office will send a letter to the parties with the following information:

1) A description of the alleged violation(s), a description of the applicable policies and a statement of the potential sanctions/responsive actions that could result;

2) The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus/work activities. If any party does not appear at the scheduled hearing, the hearing will be held in his/her absence. For compelling reasons, the Dean or designee may reschedule the hearing.

3. Prior to the Formal Hearing:

a. The FPH members (and alternates), the Responding Party and the Reporting Party, may be provided access to copies of all appropriate documentation. This will include, but is not limited to:

1) The investigation report.
2) A list of any witnesses who will be available for the hearing, should their testimony be necessary.
3) The names of the FPH members and alternates, to allow for any Responding Party challenges for cause/bias to be made to the Dean or designee.
4) The Dean of Students and Chair (or designee) will consider all challenges and the parties will be notified as to the determination.
5) Any other supporting documentation.

4. Role of the Advisor: The reporting party or responding party is entitled to only one advisor of his or her choosing to guide and accompany him/her throughout the campus investigation, adjudication, and/or resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise him/her. Parties must notify the Title IX Coordinator (for sexual misconduct cases) or the Dean of Students (for all other misconduct cases) of their advisor of record before the first meeting or hearing. If requested, a student may (not must) be granted advisor status for both parents by the Title IX Coordinator (for sexual misconduct cases) or the Dean of Students (for all other misconduct cases).

Note: To view the complete advisor policy, consult the Portal under the Resources Tab in the Title IX Compliance and Sexual Harassment box and look for the “Advisors” link.

5. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to University consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own
experiences if they so choose, and should discuss doing so with their advisors.

6. In hearings involving more than one Responding Party or in which two Reporting Parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the complaints jointly; however, the Dean and/or Title IX Coordinator or Assistant Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

7. In Preparation for the Hearing

a. The proceedings may be audio recorded, with the exceptions of deliberations. Persons given access to the recording will be required to sign an agreement confirming that they will protect the privacy of the information contained in the recording.

b. Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern of evidence and/or behavior. The Chair will address any evidentiary concerns prior to and/or during the hearing and may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The Chair will determine all questions of procedure and evidence.

c. Character witnesses are not permitted to testify in the findings stage of the hearing, nor are statements of character to be introduced in the findings phase. Two letters of character support may be submitted for the sanctioning phase of the hearing.

d. “Impact statements,” describing the effect that the incident has had on the Responding Party or the Reporting Party, will not be permitted in the findings phase of the hearing, but may be offered in person or in writing during the sanctioning phase of the hearing.

I. Hearing Procedures (Not applicable to Title IX cases)

1. Informal Administrative Resolution Meeting

a. The Conduct Officer will send a letter and/or email to the parties involved with the following information:

   • A description of the alleged violation(s), and a link to the Code of Student Conduct for further information; and

   • The time, date and location of the hearing and a reminder that attendance is mandatory, superseding all other campus/work activities. (If any party does not appear at the scheduled hearing, the hearing will be held in his/her absence. For compelling reasons, the Conduct Officer may reschedule the hearing. Hearings for possible violations that occur near or after the end of an academic term will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by the University.)
b. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to university consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisor(s).

c. Students may ask questions throughout the Informal Administrative Resolution Meeting.

d. The Conduct Officer will greet the student and review the Respondent’s Rights of the Code of Student Conduct.

e. The Conduct Officer will briefly review the general conduct system and procedures for the Meeting.

f. The Conduct Officer will review the specific alleged violation(s) and the documentation to support the charge(s). The student is allowed to view the documentation and may ask questions at any time.

g. The Conduct Officer will ask the student to respond to the alleged violation(s) by addressing the facts of the case, and whether the facts are in dispute or not. Both parties may ask questions to seek clarification.

h. The Conduct Officer will deliberate his/her decision. Typically, the decision of a Finding is made during the Informal Administrative Resolution Meeting, unless further information or consultation is warranted at the discretion of the Conduct Officer.

i. The Conduct Officer will inform the student of the Finding(s) and, if appropriate, Sanction(s) to the student, or official notification of their formal resolution option.

2. Formal Panel Hearing

a. The Chair will call the hearing to order, and will explain the procedures, including having all parties introduce themselves, and then offering a prayer.

b. The Chair will ask the Investigator to present his/her report. This will include:
   1) A reading of the allegations/polices;
   2) A reading of the facts not in dispute; and
   3) A reading of the facts in dispute.
   4) A reading of any prior records, only if they are relevant to the current case. (i.e. to establish a pattern of behavior)

c. The Investigator will ask the parties if they have any comments or questions on the reading of the disputed and non-disputed facts.

d. The Investigator will accept any questions from the FPH, including those to the parties that the FPH chooses to ask through the Investigator.
e. The FPH may then ask the parties any relevant questions.

f. The student will offer his/her testimony.

g. The parties may ask relevant questions of the Investigator or one another when appropriate.

h. The FPH and the parties may request the Investigator to call witnesses that are available.

1) The Investigator, as the individual who interviewed all witnesses, should be questioned prior to calling a witness in for live testimony.

2) If a witness is called, the requesting party may ask him/her questions first, followed by the Investigator and the FPH.

i. The Chair will dismiss all parties and the FPH will deliberate on the findings.

1) The deliberations are to be private and not recorded. All notes from deliberation are to be destroyed after the hearing.

2) Should the members of the FPH have a procedural or other question for the Chair or the Investigator, they may ask the question to the Chair. The Investigator should communicate the nature of the question to the Responding Party and, when appropriate, the Reporting Party.

   NOTE: In a sanctions-only hearing, after the reading of the allegations, the Responding Party will acknowledge responsibility for the violations. The hearing will then proceed to the sanctioning phase.

j. Once the FPH has deliberated, they will reconvene and the Chair will read the findings into the record. If the Responding Party has been found in violation of any of the allegations, the hearing will proceed to the Sanctioning Phase. If the findings are Not Responsible on all allegations, then the Chair will dismiss all parties.

k. The Sanctioning Phase of the Formal Panel Hearing

1) The Chair (or the Investigator) will disclose the full prior record of the Respondent.

2) The Chair will inform the FPH with the range of sanctions that would allow for institutional consistency.

3) The Chair will ask the Responding Party to read his/her impact statement to the Panel.
4) The Chair will ask the Responding Party to read up to two letters of character support to the Panel.

5) The Chair will remind all parties that the sanctions determined by the FPH are recommendations to be made to the Dean of Students.

6) The Chair will dismiss all parties for deliberation.

I. The results of the Hearing will be sent to the Responding Party within three (3) business days of the conclusion of the hearing, barring exigent circumstances.

J. Formal Hearing Findings

1. In a formal hearing, the FPH has the option of finding the Responding Party Responsible or Not Responsible. An FIO is not permitted as an outcome.

2. In a Sanctions Only hearing, the FPH will not be permitted to alter the findings as admitted by the Responding Party.

K. Sanctions Only Hearing Procedures

1. The Chair will call the Hearing to order, explain the procedures, conduct introductions, and offer a prayer.

2. The Chair (or Investigator on the case) will present the findings for the violation(s), read the applicable range of sanctions, and disclose the full prior record of the Responding Party.

3. The Responding Party will acknowledge responsibility and read his/her impact statement.

4. The Panel may ask questions of the Responding Party.

5. In cases where there is a victim, the Chair will ask the victim for his/her impact statement. Alternatively, the statement may be submitted in writing to the FPH. The Chair will determine if he/she or the Investigator will read the letter.

6. Two letters of character support for the Responding Party may be read into the record.

7. The Chair will dismiss all parties from the room to deliberate, with the exception of the members of the Panel.

8. The Panel will determine its recommendations for sanctions (modified or affirmed) and forward the recommendations to the Dean.
9. The results of the Hearing will be sent to the Responding Party within three (3) business days of the conclusion of the Hearing, barring exigent circumstances.

I. Sanctions for Individual Students

1. The following University-wide disciplinary sanctions may be imposed upon students found Responsible for a violation of the Code of Student Conduct. All sanctions may be imposed either singularly or in combination.

2. The purposes of imposing sanctions are twofold: 1) to protect the University community from behavior which is detrimental to the community and/or the educational mission of the University; and 2) to assist students in identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is/are intended to correspond with the severity or frequency of violations, as well as the student’s willingness to recommit himself/herself to behaviors that fall within the Code of Student Conduct of the University and are consistent with the mission and values of the University. Other factors that may affect the sanctions are:

   a. The nature, severity of, and circumstances surrounding the violation;
   b. An individual’s disciplinary history;
   c. Previous complaints or allegations involving similar conduct;
   d. The need for sanctions/responsive actions to bring an end to the actions that were in violation of the Code;
   e. The need for sanctions/responsive actions to prevent the future recurrence of the actions that were in violation of the Code; and
   f. The need to remedy the effects of the actions that were in violation of the Code on the victim and the community.

3. Sanction Options:

   a. Expulsion: Dismissal from the University without the ability to apply for re-admittance.

      **NOTE:** Any student expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of expulsion (typically immediately). The student may not return to campus or University property without prior written permission by the CSAO or designee. Failure to comply with this request will constitute criminal trespass.

   b. Suspension: Denial of enrollment, attendance, and other privileges at the University for a specified period of time. Students will be subject to complete a period of disciplinary probation upon their return to the University.

      **NOTE 1:** Any student suspended for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension (typically immediately). The student may not return to campus or University property during the term of the suspension without prior written permission by the CSAO or designee. Failure to comply with this request will constitute criminal trespass.
NOTE 2: Students who are readmitted following University or Housing suspension may be immediately subject to suspension should they violate policies upon return, per the discretion of the CSAO or designee.

c. University Probation: A period of review and observation during which a student is under an official notice that subsequent violations of University rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the University. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or University privileges (see Conditions/Restrictions below).

d. Conditions/Restrictions: Limitations upon a student's behavior and/or University privileges for a period of time, or an active obligation to complete a specified activity. This sanction may include, but is not limited to restricted access to the campus or parts of campus, denial of the right to represent the University in any way, denial of housing or parking privileges, required attendance at a workshop, or participation in public service.

e. Written Warning: An official reprimand that makes the misconduct a matter of record in University files. Any further misconduct could result in further disciplinary action.

f. Fee/Restitution: An order may be issued to make restitution or to pay a fee when a student has engaged in conduct including but not limited to the damage or destruction of property, the theft or misappropriation of property, fraudulent behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of payment, community service, or other special activities designated by the hearing authority. Additional fees may be assessed as a punitive measure for any conduct violation.

g. Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending, or as a sanction if the student is found responsible for an alleged violation.

h. Revocation of Degree: The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed prior to the awarding of the degree.

i. Other sanctions: The University reserves the right to impose other sanctions as necessary to remain consistent with the mission and vision of the University. These may include, but are not limited to mandated psychological assessment, research projects, drug/alcohol classes or testing, online educational classes, proof of employment or attendance at classes, and/or apology letter, etc.
4. Residence Life Specific Sanctions:

a. Permanent Housing Removal; Immediate removal from University housing with no ability to return.

**NOTE:** Any student permanently removed from University housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the CSAO or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

b. Temporary Housing Removal: Immediate removal from university housing for a set period of time with an ability to reapply to return to university housing.

**NOTE:** Any student removed from university housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the CSAO or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

c. Housing Relocation: Immediate removal from a specific hall, room, or floor within University housing, and reassignment to another hall, room, or floor.

**NOTE 1:** Any student removed from any specific hall within University housing for disciplinary reasons must vacate that hall within the period of time noted in the notice of relocation (typically immediately). The student may not return to the residence hall from which they were removed without prior written permission by the CSAO or designee. Failure to comply with this request may constitute criminal trespass and will result in more severe disciplinary action.

**NOTE 2:** The CSAO or designee reserves the right to charge the student for the housing relocation.
M. Sanctions for Student Organizations

The following disciplinary sanctions may be imposed upon student organizations or their membership when they have been found Responsible for violating the Code of Student Conduct. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any organization-sponsored function.

1. Permanent Revocation of Organizational Charter: "Permanent revocation" of the organization's registration charter means revocation without the ability to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the University and/or the Student Government Association are to be surrendered to the CSAO or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to revocation may be reassigned to other eligible University organizations.

2. Suspension: Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the University and/or the Student Government Association are to be surrendered to the CSAO or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible University organizations. Leave to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

3. Probation: A period of review and observation during which a student organization is under official notice that subsequent violations of University rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the University and may be subject to one or any combination of the following conditions and/or restrictions:

a. Denial of the right to represent the University;
b. Denial of the right to maintain an office or other assigned space on University property;

c. Denial of the privileges of:
   1) Receiving or retaining funding;
   2) Participating in intramurals;
   3) Sponsoring or co-sponsoring any social event or other activity;
   4) Sponsoring any speaker or guest on campus; and
   5) Participating in any social event.

4. Conditions/Restrictions: Limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

5. Written Warning: An official written reprimand making the misconduct a matter of record in University files for a specified period of time. Any further misconduct may result in further disciplinary action.

6. Restitution/Fines: An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct including but not limited to the damage or destruction of property, the theft or misappropriation of property, fraudulent or disruptive behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of financial payment, public service, or other special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.

N. Sanctioning Guidelines

A point system, university fee, educational sanction, and probation period are employed for the level of offenses identified in this Code. Under normal circumstances the University will follow the schedule listed below. However, the University does reserve the right to impose harsher discipline for those offenses judged as involving extraordinary circumstances. As outlined in this code, the student may appeal sanctions which exceed the parameters below. The following sanctions may be imposed upon any student found to have violated this Code. Fees, at the discretion of the Conduct Administrator, can be substituted with Community Restitution (assigned work hours). The number of work hours shall be calculated by dividing the fee by the minimum student worker hourly wage and rounded up to the nearest ½ hour.

See sanctioning grids below
<table>
<thead>
<tr>
<th>Violation</th>
<th>Fee</th>
<th>Points</th>
<th>Probation, Suspension, or</th>
<th>Education or Remediation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Violation PBT = 0</td>
<td>$0 to $15</td>
<td>0-1</td>
<td></td>
<td>AoD Assessment and/or Education when appropriate</td>
</tr>
<tr>
<td>1\textsuperscript{st} Violation PBT = 0 or &gt;0</td>
<td>$100</td>
<td>5</td>
<td></td>
<td>AoD Assessment and Education</td>
</tr>
<tr>
<td>2\textsuperscript{nd} Violation PBT = 0 or &gt;0</td>
<td>$200</td>
<td>7</td>
<td>Probation = 7 months</td>
<td>AoD Assessment, Education, and Notice to Parents</td>
</tr>
<tr>
<td>3\textsuperscript{rd} Violation PBT = 0 or &gt;0</td>
<td>Residence students who incur a third violation within 18 calendar months are subject to Resident Hall Suspension. Commuter students who incur a third violation within 18 calendar months are subject to Conditions/Restrictions that limit time on the campus. Violations beyond the 3\textsuperscript{rd} alcohol violation make a student eligible to be suspended from the University or other appropriate sanctions. This meeting will be held with the Dean of Students.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**NOTE 1:** If alcohol is found in a resident’s room or common area, and PBT = 0, all residents and guests will be subject to the student code of conduct.

**NOTE 2:** The fine above may be waived with proof of payment to the Municipality in which an off-campus drinking citation was issued. If a student is found Responsible for hosting an off-campus event in which underage persons received citations, CU will treat hosts of the event who violate the alcohol policy as a second violation. CU will enforce the above fine for hosts regardless of Municipal consequences.

**NOTE 3:** A combination of one alcohol violation and one drug violation on a students’ record may also result in the equivalent sanction to a third alcohol violation.
### Drug Policy Violations

**NOTE 1:** Because drugs can manifest itself in a range of severity, the University has established 2 levels of severity (see below). The sanctioning administrator reserves the right to evaluate the gravity of the student’s behavior (Severity Level 1 or 2) and impose any of the sanctions listed below to remediate the violation, as deemed appropriate.

<table>
<thead>
<tr>
<th>Violation</th>
<th>Fee</th>
<th>Points</th>
<th>Probation, Suspension, or Expulsion</th>
<th>Education or Remediation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Possession or Use Violation</td>
<td>$200</td>
<td>9-12</td>
<td>Probation = 9 months With possible Housing Suspension</td>
<td>AoD Assessment; Notice to parents</td>
</tr>
<tr>
<td>Severity Level 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Possession or Use Violation</td>
<td>None</td>
<td>None</td>
<td>One full semester suspension from the University with possible Expulsion</td>
<td>AoD Counseling to return; Notice to parents</td>
</tr>
<tr>
<td>Severity Level 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sale or Distribution</td>
<td>None</td>
<td>None</td>
<td>1 year Suspension or Expulsion</td>
<td>AoD Counseling to return; Notice to parents</td>
</tr>
</tbody>
</table>

**NOTE 1:** A combination of one alcohol violation and one drug violation on a students’ record may also result in the equivalent sanction to a third alcohol violation.
### Sexual Misconduct Policy Violations – Code Policy #’s 47a, b, c, d, & e

**NOTE 1:** Because sexual misconduct can manifest itself in a range of severity, the University has established 3 levels of severity (see below). The sanctioning administrator reserves the right to evaluate the gravity of the student’s behavior (Severity Level 1, 2, or 3) and impose any of the sanctions listed below to remediate the violation, as deemed appropriate.

**NOTE 2:** The minimum sanction for those found responsible for sexual misconduct (47b & 47c) that includes sexual penetration is University suspension for one year or until the survivor graduates or otherwise leaves the University for an indefinite period of time, whichever is longer. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth-to-genital contact or genital-to-mouth contact.

**NOTE 3:** Any multiple violations not identified below are subject to any sanction identified below including suspension and expulsion. Sexual Misconduct violations accumulate over the student’s entire academic career.

<table>
<thead>
<tr>
<th>Violation Classification</th>
<th>Sanctions</th>
<th>Education or Remediation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st Offense</strong>&lt;br&gt;Severity Level 1&lt;br&gt;(47a, d, &amp; e)</td>
<td>Fee: $50 to 100&lt;br&gt;Points: 2-5&lt;br&gt;Probation, Suspension, or Expulsion: Up to 6 months’ Probation</td>
<td>Online education program as appropriate; counseling as appropriate; mediation as appropriate; letter of reprimand; housing relocation for residents; academic class section reassignment.</td>
</tr>
<tr>
<td><strong>2nd Offense</strong>&lt;br&gt;Severity Level 1&lt;br&gt;Or&lt;br&gt;1st Offense&lt;br&gt;Severity Level 2&lt;br&gt;(47a, b, c, d, &amp; e)</td>
<td>Fee: $100 to 200&lt;br&gt;Points: 6-9&lt;br&gt;Probation: 6-12 months’ Probation</td>
<td>Housing relocation for residents; academic class section reassignment; restricted campus access for commuters; counseling as appropriate; loss of privileges; student worker position revoked; additional restrictions/conditions as appropriate</td>
</tr>
<tr>
<td><strong>3rd Offense</strong>&lt;br&gt;Severity Level 1, or&lt;br&gt;2nd Offense&lt;br&gt;Severity Level 2 or&lt;br&gt;Severity Level 3&lt;br&gt;(47a, b, c, d, &amp; e)</td>
<td>None&lt;br&gt;None&lt;br&gt;University Suspension or Expulsion</td>
<td>Documentation of a completed program through a licensed agency with agency’s recommendation for return</td>
</tr>
</tbody>
</table>
**Violence Policy Violations – Code Policy #’s 33, 34, 35, 44, 52**

**NOTE 1:** Because violence can manifest itself in a range of severity, the University has established 3 levels of severity (see below). The sanctioning administrator reserves the right to evaluate the gravity of the student’s behavior (Severity Level 1, 2, or 3) and impose any of the sanctions listed below to remediate the violation, as deemed appropriate.

**NOTE 2:** Any multiple violations are subject to any sanction identified below, including suspension and expulsion. Violence violations accumulate over the student’s entire academic career.

<table>
<thead>
<tr>
<th>Violation Classification</th>
<th>Fee</th>
<th>Points</th>
<th>Probation, Suspension, or Expulsion</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Severity Level 1</td>
<td>$50 to 100</td>
<td>2-5</td>
<td>Up to 5 months’ Probation</td>
<td>Online education program as appropriate; counseling as appropriate; mediation as appropriate; apology to victim; letter of reprimand</td>
</tr>
<tr>
<td>Severity Level 2</td>
<td>$100 to 200</td>
<td>6-9</td>
<td>6-12 months’ Probation</td>
<td>Housing relocation for residents; restricted campus access for commuters; counseling as appropriate; apology to victim; letter of reprimand; loss of privileges; student worker position revoked; additional restrictions/conditions as appropriate</td>
</tr>
<tr>
<td>Severity Level 3</td>
<td>None</td>
<td>None</td>
<td>University Suspension or Expulsion</td>
<td>Apology to the victim; loss of privileges; student worker position revoked; documentation of a completed program through a licensed agency with agency’s recommendation for return</td>
</tr>
</tbody>
</table>
## All Other Policy Violations (see specific policy number)

<table>
<thead>
<tr>
<th>Violation Classification</th>
<th>Fee</th>
<th>Points</th>
<th>Sanctions</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Fee Points Probation, Suspension, or Expulsion Education or Remediation</td>
</tr>
<tr>
<td>Level A</td>
<td>$0-$15</td>
<td>0-1</td>
<td></td>
</tr>
<tr>
<td>Level B</td>
<td>$35-$50</td>
<td>2-4</td>
<td>2 months’ Probation as appropriate for repeated offenses</td>
</tr>
<tr>
<td>Level C</td>
<td>$70-$85</td>
<td>5-9</td>
<td>5 months’ Probation Online education program as appropriate as appropriate</td>
</tr>
<tr>
<td>Level D</td>
<td>$100-$200</td>
<td>9-12</td>
<td>6-12 months’ Probation Online education program as appropriate as appropriate</td>
</tr>
<tr>
<td>Level E</td>
<td></td>
<td></td>
<td>Residence Hall Suspension or Expulsion; University Suspension or Expulsion</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Conditions may be imposed as a condition to be readmitted</td>
</tr>
</tbody>
</table>

## Points: The accumulations of student conduct points have the effect(s) as described below.

<table>
<thead>
<tr>
<th>Break Period Violations</th>
<th>Students found reasonable for violating the student conduct code on campus during periods of hall closures (Christmas and Spring break) will have all student conduct points doubled.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yearly Conduct Points</td>
<td>Student conduct points awarded for violations occurring after room selection of the current year carry over to the next academic year.</td>
</tr>
<tr>
<td>Resident Students</td>
<td>Current resident students who accumulate more than 19 student conduct points in the current year are not eligible to participate in the following year’s room selection process. Note: All accumulated points affect a student’s housing priority.</td>
</tr>
<tr>
<td>All Students</td>
<td>Students who accumulate a yearly student conduct point total of more than 24 points are subject to immediate resident hall suspension or expulsion or University suspension or expulsion.</td>
</tr>
</tbody>
</table>
O. Appeals

1. General Guidelines:

   a. Any party to a complaint (Reporting Party or Responding Party) may submit a Request for Appeal (RFA) form to the Vice President of Student Life or designee who will review the appeal (Hereinafter the “RFA Reviewer”). Any party to a complaint may only file one appeal per incident, exigent circumstances notwithstanding.

   b. All sanctions instituted by the original hearing body are to be implemented, barring extreme exigent circumstances. Final exams, graduation-related events, and/or proximity to the end of a term are not considered exigent circumstances.

   c. The presumptive stance of the RFA Reviewer is to be that the original hearing body was correct in its initial finding. The burden is on the appellant to show error as outlined below in the Grounds for Appeal.

   d. Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal. No interviewing of or testimony by the parties is appropriate.

   e. The RFA Reviewer may, at his/her discretion, request information regarding procedure from the Investigator or Formal Hearing Panel Chair. Ideally, this information would not be necessary, as it should be included in the written requests and/or response memorandums.

2. Grounds for Appeal:

   a. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).

   b. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

**NOTE:** When a party fails to provide a statement under advice of counsel during an investigation, and subsequent to the hearing decides to provide a statement, it will not be considered “new evidence” for the purposes of this ground. Additionally, subsequent findings of a criminal or civil court (e.g., dismissals, plea bargains, settlements) alone do not constitute sufficient grounds for appeal, but may be considered if new evidence was the grounds for said finding.
c. The sanctions fall outside the range of sanctions the University has designated for the offense. As the Dean of Students and Title IX Coordinator reviews all sanctions, this ground for appeal is only appropriate when this review has not taken place.

3. Procedures for Appeals:

   a. A Request for Appeal must be submitted in writing to the RFA Reviewer within three (3) business days of notification of the outcome of the Formal Hearing. All outcomes are assumed received by all parties three business (3) days after sent via e-mail.

   b. Any Request for Appeal not filed in a timely fashion will be denied. No exceptions to this timeline are permissible without the express permission of the RFA Reviewer.

   c. The RFA Reviewer, who was not involved in the investigation, will review all Requests for Appeal to insure the request has standing.

   d. The RFA Reviewer, reviewing the Request, may consider credibility, plausibility, and weight in his/her assessment of the Request.

   e. Any Request for Appeal will be shared with all parties (Reporting Party, Responding Party, Investigator and Formal Hearing Panel Chair) who may respond to the Request in a “Response Memorandum.”

   f. All Response Memorandums must be submitted to the RFA Reviewer for consideration within three (3) days of the notification of the Request for Appeal.

   g. All Response Memorandums will be shared with all parties.

   h. The RFA Reviewer, after considering all Requests and Response Memorandums, will make and communicate one of the following determinations within three (3) business days of receiving the final response Memorandum:

      1) The findings of the original hearing panel are affirmed, therefore, the Request for Appeal is denied. This decision is final and there is no appeal to this decision permitted by any party.

      2) The Request for Appeal is denied in part and being forwarded in part for consideration.

      3) The Request for Appeal is being considered.
4. Appeals under consideration

a. Forwarded Requests for appeals will be considered and decisions will be communicated to all parties in writing within five (5) business days of receipt from the RFA Reviewer.

b. The decisions are limited to the following:

1) Affirming the decision of the original hearing body.

2) In cases where it is determined that the procedural error did significantly impact the finding or sanction, it will either:

   • Remand the case back to be reheard by a new Formal Hearing Panel/Hearing Officer. This is typically done in cases where the procedural error is so profound as to render the original panel too biased or influenced. Or,

   • Remand the case back to the original hearing body with instruction to repair the procedural error.

c. In cases where it is determined that the new evidence, unavailable during the original hearing or investigation, is now available and could substantially impact the original finding or sanction it will either:

1) Remand the case back to the original hearing body with instruction to consider the new evidence.

   • In these cases, the original hearing body will convene solely to consider the new evidence. Whether all parties are required to be in attendance is at the discretion of the Chair/Original Hearing Officer.

2) Remand the case back to be reheard in its entirety by a new Formal Hearing Panel/Hearing Officer. This is typically done in cases where the new evidence is accompanied by a procedural error so profound as to render the original panel too biased or influenced.

3) In rare cases, the decision may be to alter the finding or sanction based on the new evidence. This will only be done in cases where reconvening the Panel would put an undue burden on the parties (e.g., the Panel is not available).

   • In cases where a new panel is convened or the original hearing panel is reconvened, the appellate process may still be available to the parties, but only on the outcomes and proceedings of the most recent hearing, and subject to the same grounds and restrictions. There are no appeals procedures applicable to a decision affirming the original findings.
The flow chart below identifies the normal process the University has established to address allegations of a violation(s) of the University Code of Student Conduct.

**Flow Chart 1: Informal Administrative Resolution**

- **Responsible**
- **Not Responsible**
- **Sanctions Affirmed**
- **Sanctions Modified**

**Informal Administrative Resolution Meeting**

- **Formal Panel Hearing (FPH)**
  - The FPH has the option of finding the Respondent Responsible or Not Responsible.

- **Sanctions Only Hearing (SOH)**
  - In a SOH, the FHP will not be permitted to alter the findings as admitted by the Responding Party.

The Responding Party may accept the findings of the Investigation and, if appropriate, the sanctions as explained by the Investigator. The Responding Party may also request a hearing before a hearing panel to address the violation and/or the imposed sanctions.
Flow Chart 2: Formal Administrative Hearing

Formal Administrative Hearing (FAH)

The Dean of Students may desire a formal hearing that does not involve the full Formal Hearing Panel (due to timing, sensitivity, or seriousness of incident).

Informal Administrative Resolution Meeting
Flow Chart 3: Appeal of a FAH or FPH Decision(s)

Request for Appeal (RFA) Made to VP of Student Life

- RFA Denied
  - FHP or FAH Decision Is Affirmed
  - VP Renders New Finding
- RFA Accepted
  - Remands to FHP/FAH With Instructions

Grounds for Appeal:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).

- To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included.

**NOTE:** When a party fails to provide a statement under advice of counsel during an investigation, and subsequent to the hearing decides to provide a statement, it will not be considered “new evidence” for the purposes of this ground. Additionally, subsequent findings of a criminal or civil court (e.g., dismissals, plea bargains, settlements) alone do not constitute sufficient grounds for appeal, but may be considered if new evidence was the grounds for said finding.

- The sanctions fall outside the range of sanctions the University has designated for the offense. As the Dean/CSAO/Title IX Coordinator reviews all sanctions, this ground for appeal is only appropriate when the Dean/CSAO’s review has not taken place.
Resource List

Alcohol Laws:

Wisconsin state law can be found at: http://docs.legis.wisconsin.gov/statutes/statutes/125/I/07


Drug Laws:

Wisconsin laws can be found at: http://docs.legis.wi.gov/statutes/statutes/961/IV/41

Michigan laws can be found at:

Emergency Contact Information: To enter or update the emergency go to the portal (http://my.cuw.edu or http://my.cuaa.edu). Once logged in to the portal, click on the Student Services tab. At the top of that tab in the center column there is a large “Concordia University Safety Net” logo. “Add my Emergency Contact Information” is the middle link available.

Hazing Laws:

Wisconsin hazing law can be found at: http://docs.legis.wi.gov/statutes/statutes/948/51

Michigan hazing laws can be found at: http://legislature.mi.gov/doc.aspx?mcl-750-411

Disability Office:

**Mequon Campuses**
- Contact Person: Director of Learning Resources
- Room: LU 200
- Phone: (262) 243-4332
- Email: swlrc@cuw.edu

**Ann Arbor Campus**
- Contact Person: Director of Academic Resource Center
- Room: ARC
- Email: arc@cuaa.edu
Posting Approval:  
**Mequon Campus**  
Student Life  
Academics  
Student Activities  
Marketing  
Career Services  
Residence Life  
Location  
AL 107  
LU 128  
AL 108D  
Luther  
AL 107 (Res. Halls only & RD’s can approve) 
For CUW Center sites – see your Center Director  

**Ann Arbor Campus**  
Student Life  
Academics  
Student Activities  
Center for Career  
Engagement  
Residence Life  
Location  
SSC 106  
SSC 101  
SSC 106  
SSC 108  
SSC 106  

**Reporting (Violation of Policy and/or Crime)**

Contact Information for Mequon Campuses:  
Email: campus.safety@cuw.edu  
Office: Rinker 023  
Off Campus Phone: (262) 243-4344  
On Campus Phone Extension: 4344  
Tip Form: [https://www.cuw.edu/academics/services/campus-safety/anonymous-tip-form.html](https://www.cuw.edu/academics/services/campus-safety/anonymous-tip-form.html)

Contact Information for Ann Arbor Campus:  
Email: security@cuaa.edu  
Office: Student Service Center 114  
Off Campus Phone: (734) 358-1340  
On Campus Phone Extension: 7502

**NOTE:** If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with on-campus counselors, campus health service providers, sexual assault victims’ advocates, off-campus local rape crisis counselors, domestic violence resources, state assistance agencies, and members of the clergy who will maintain confidentiality. For a specific list of names of individuals, please access one of the following sites:

[Confidential Individuals](https://www.cuw.edu/academics/services/campus-safety/anonymous-tip-form.html)
## Reporting a Violation of the Sexual Misconduct Policy (#47)

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Office</th>
<th>Phone (262)</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Title IX Coordinator</td>
<td>Andrew Luptak</td>
<td>S001</td>
<td>243-4331</td>
<td><a href="mailto:andrew.luptak@cuw.edu">andrew.luptak@cuw.edu</a></td>
</tr>
<tr>
<td>Assistant Coordinator – Employees</td>
<td>Kimberly Masenthin</td>
<td>S104</td>
<td>243-4414</td>
<td><a href="mailto:kimberly.masenthin@cuw.edu">kimberly.masenthin@cuw.edu</a></td>
</tr>
<tr>
<td>Assistant Coordinator - Athletics</td>
<td>Stacey Brunner Jones</td>
<td>FH106</td>
<td>243-4492</td>
<td><a href="mailto:stacey.brunnerjones@cuw.edu">stacey.brunnerjones@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Doug Borys</td>
<td>PH 237</td>
<td>243-2787</td>
<td><a href="mailto:douglas.borys@cuw.edu">douglas.borys@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Leah Dvorak</td>
<td>LU 128C</td>
<td>243-4522</td>
<td><a href="mailto:leah.dvorak@cuw.edu">leah.dvorak@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Katherine Liesener</td>
<td>H002B</td>
<td>243-2338</td>
<td><a href="mailto:katherine.liesener@cuw.edu">katherine.liesener@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Matt MacKelly</td>
<td>LU 203I</td>
<td>243-2338</td>
<td><a href="mailto:matthew.mackelly@cuw.edu">matthew.mackelly@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Eugene Pitchford</td>
<td>AL 107</td>
<td>243-2604</td>
<td><a href="mailto:eugene.pitchford@cuw.edu">eugene.pitchford@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Hilary Vatter</td>
<td>S104B</td>
<td>243-4521</td>
<td><a href="mailto:hilary.vatter@cuw.edu">hilary.vatter@cuw.edu</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
<th>Office</th>
<th>Phone (734)</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Associate Coordinator</td>
<td>Kellie Etzel</td>
<td>ARC</td>
<td>995-7582</td>
<td><a href="mailto:kellie.etzel@cuua.edu">kellie.etzel@cuua.edu</a></td>
</tr>
<tr>
<td>Assistant Coordinator – Students</td>
<td>Suzy Siegle</td>
<td>SS 134</td>
<td>995-7315</td>
<td><a href="mailto:suzanne.siegle@cuua.edu">suzanne.siegle@cuua.edu</a></td>
</tr>
<tr>
<td>Assistant Coordinator – Employees</td>
<td>Kim Masenthin</td>
<td>S104</td>
<td>(262) 243-4414</td>
<td><a href="mailto:kimberly.masenthin@cuw.edu">kimberly.masenthin@cuw.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Cassidy Tirmenstein</td>
<td>Gym</td>
<td>995-7321</td>
<td><a href="mailto:cassidy.tirmenstein@cuua.edu">cassidy.tirmenstein@cuua.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Julia Cassell</td>
<td>SL Suite</td>
<td>995-7342</td>
<td><a href="mailto:julia.cassell@cuua.edu">julia.cassell@cuua.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Luke Diekevers</td>
<td>SL Suite</td>
<td>995-7342</td>
<td><a href="mailto:Luke.diekevers@cuua.edu">Luke.diekevers@cuua.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>John Rathje</td>
<td>SL Suite</td>
<td>995-7419</td>
<td><a href="mailto:john.rathje@cuua.edu">john.rathje@cuua.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Earl Schumake</td>
<td>ARC</td>
<td>995-7325</td>
<td><a href="mailto:earl.schumake@cuua.edu">earl.schumake@cuua.edu</a></td>
</tr>
<tr>
<td>Investigator</td>
<td>Sandra Harris</td>
<td>KR 128</td>
<td>995-7309</td>
<td><a href="mailto:sandra.harris@cuua.edu">sandra.harris@cuua.edu</a></td>
</tr>
</tbody>
</table>

Concordia University Code of Student Conduct