



UNITED STATES UNIVERSITY  
KNOWLEDGE IS EMPOWERMENT



UNITED STATES UNIVERSITY  
**STUDENT CODE OF CONDUCT**



## Statement of General Principles

US University students are expected to observe standards of conduct consistent with respect for the law, fulfillment of contractual obligations, consideration for the rights of others, and a high level of personal integrity. All members of the University should be aware that their behavior, both on and off campus, reflects on the University. The personal behavior and ethical conduct of students impact the climate and reputation of the entire institution. It is essential that students act with integrity and with respect toward all members of the campus community.

The University assumes that all students will conduct themselves as mature, responsible, law-abiding citizens who will comply with all University policies and regulations, as well as local, state, and federal laws. Individuals in violation of local, state and federal law are subject to prosecution by appropriate state and federal authorities regardless of whether the activity occurs on or off campus. In addition, the student may be subject to disciplinary action by the University pursuant to this Code. The severity of the imposed sanctions will be appropriate to the violation.

In seeking to encourage responsible behaviors, the University places much reliance upon personal example, counseling, and admonition. In certain circumstances where these preferred means fail or are not appropriate to the situation, it must rely upon the rules and procedures described in this Code.

The version of the Code distributed by the Vice President of Student Operations is the latest version, and supersedes all previous versions.

### *I. Jurisdiction*

The University Student Conduct Code shall apply to the following:

1. Any person that has applied for admission or is enrolled in any course or program offered by the University at the time of the alleged violation.
2. Any recognized student organization.
  - a. A student group or organization and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group or organization have received the consent or encouragement of the group or organization or the group's or organization's leader or officers.
  - b. The officers or leaders or any identifiable spokesperson for the student group or organization may be directed by the University designee to take appropriate emergency or interim action designed to prevent or to end violations of this Code by the group or organization. Failure to make reasonable efforts to comply with the order shall be considered a violation of this Code, both by the officers, leaders, or spokesperson for the group or organization; and by the group or organization itself.
3. The conduct code shall be applied in cases of inappropriate conduct:
  - a. Occurring on University real property, including any leased property; or
  - b. Involving University personal property wherever so located; or
  - c. Regardless of where it occurs, when occurring at activities pursued under the auspices of the University, including clinical assignments, internships, field trips, international study, travel, student teaching, and/or any activity supporting pursuit of a degree; or
  - d. Regardless of where it occurs, when clearly indicating that the presence of the student or organization at the University results in a substantial danger of physical harm to persons or property in the University community; or
  - e. Regardless of where it occurs, any activity in which a police report has been filed, a summons or indictment has been issued, or an arrest has occurred for a crime.

## ***II. Definitions***

The following terms are defined as:

1. "Member of the University or campus" is defined as meaning any US University Board of Trustees member, academic, non-academic and administrative personnel, students, and other persons on the University property and at campus functions.
2. "University or campus property" includes real or personal property in the possession of, or under the control of, the Board of Trustees of United States University.
3. "Deadly weapons" includes any instrument or weapon of the kind known as a blackjack, sling shot, billy, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.
4. "Behavior" includes conduct and expression.
5. "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the University, but the term "hazing" does not include athletic events or other similar contests or competitions.
6. "Activities pursued under the auspices of the University" include any activities specifically sponsored or participated in by the University or by any University organization.
7. "Class Day" is any day that either classes or final exams are scheduled.
8. "Business Day" is any day the University is open and conducts business.
9. "Calendar Day" is any day of the calendar.

## ***III. Violations***

Violations include those activities which interfere with either the University's primary educational responsibility of ensuring the opportunity of all members of the University community to attain their educational objectives; or the University's commitments to community, maintaining and protecting property, keeping records, providing services, and sponsoring non-classroom activities such as, but not limited to, lectures, concerts, and social functions.

Upon satisfactory demonstration that a student or student organization has violated a University policy, rule, or regulation, the student and/or organization may be subject to disciplinary action. The violations listed below are considered in the context of the student's and/or organization's responsibility as a member of the academic community. The following violations indicate categories of inappropriate conduct or activity. Those listed have been delineated in such a way as to give reasonable notice to students that such conduct or attempted conduct is inappropriate.

**"Intent to commit"** any of these offenses is not a required element to prove the student and/or organization committed any of the offenses. There is no need to prove the student and/or organization "intended" to commit the violation. The fact the student and/or organization committed the act (whether or not they intended to) is sufficient to prove a violation of the Code. Whether a student and/or organization "intended" to commit the violation may be used when determining appropriate sanction(s); proof of "intent" in its use in determining an appropriate sanction will rest solely with the student and/or organization.

### ***A. Interference with the Educational Mission***

1. Violation of a published and/or distributed professional code of ethics to which the student is bound.
2. Misrepresentation of oneself or of an organization to be an agent of the University.
3. Forgery, alteration, or misuse of campus documents, records, or identification or knowingly furnishing false information.
4. Acts of dishonesty, including, but not limited to, cheating or plagiarism in connection with any academic program

5. Obstruction or disruption, on or off campus, of the educational process, administrative process or other function. This includes disruption of a class and/or classroom activities. Management of the classroom environment rests with the faculty, who may direct a student to leave the class for the remainder of a class period. The student may be subjected to further academic sanctions outside the disciplinary process.
6. Failure to comply with directions of University officials, security, or any law enforcement officers acting in the performance of their duties and/or failure to identify one's self to these persons when requested to do so.
7. Intentionally and substantially interfering with the freedom of expression of others to the extent the affected person feels his/her freedom to express themselves is prevented or is otherwise subject to improper constraint.

***B. Offenses Harmful to the Safety and Environmental Health of Others***

1. Physical abuse of the University, family members, or the threat of physical abuse.
2. Engaging in lewd, indecent or obscene behavior on campus property or at a campus function.
3. Abusive behavior, directed toward, or hazing of, a member of the University campus.
4. Physical assault or attempted physical assault.
5. Harassment, intimidation, bullying or stalking.
6. Causing, making, and/or circulating a false report or warning of fire, explosion, crime, flood, or other emergent circumstances.
7. Possession and/or use of alcohol.
8. Unlawful manufacture, distribution, dispensing, possession or use of illegal controlled substances as used in California and/or federal statutes, on University campus, off-campus sites, or any University-sponsored event.
9. The sale of dangerous drugs, restricted dangerous drugs or narcotics as those terms are used in California statutes, except when lawfully prescribed pursuant to medical or dental care, or when lawfully permitted for the purpose of research, instruction or analysis.
10. Knowing, possessing, or use of explosives, dangerous chemicals or deadly weapons on University property or at a University function. "Dangerous weapons" include those listed herein as well as those as may be defined under the laws of the State of California and the United States.
11. Disorderly conduct that interferes with University-authorized activities, including teaching, research, administration, and/or other activities conducted, sponsored, and/or permitted by the University.
12. Creation of a fire hazard or other dangerous condition.
13. Restriction of normal traffic flow into and/or out of university facilities.
14. Placing a person or persons in reasonable fear of imminent physical harm.
15. Sexual harassment.
16. Sexual assault.
17. Communication of a threat (verbal abuse).

***C. Offenses against Property***

1. Theft of, or non-accidental damage to, University property, or property in the possession of, or owned by, members of the University.
2. Attempted theft or unauthorized use of University property or services, or property in the possession of, or owned by, members of the University.
3. Unauthorized entry into, unauthorized use of, or misuse of University property.
4. Possessing property known to be stolen that may be identified as property of the University and/or any other person or business.
5. Misuse, destruction, and/or defacement of University property and/or that of other people, while located on University property.
6. Forcible and/or unauthorized entry into any building, structure, or facility, or unauthorized entry to and/or use of University grounds.

7. Tampering with fire and safety equipment.
8. Misuse and/or abuse of any computer, computer system, service, program, data, network, cable television network, or communication network. Unauthorized access to University networks, theft and/or attempted theft and/or the unauthorized access, use and/or possession of University computers and/or other equipment, programs, or data. Violation of any part or parts of the University's regulations concerning computers and/or technology.
9. Attempting to commit any violations of the rules/regulations listed above.

#### ***D. Conduct Code***

1. Violation of any order of the University President, notice of which had been given prior to when such violation occurs; either by publication in the campus bulletin, or by posting notice on the official bulletin board designed for this purpose, and which order is consistent with any of the other provisions of this section.
2. Failure to comply with a sanction(s) imposed by the Conduct Committee or President.
3. Interference with an investigation and/or other procedures defined in this Code.
4. Continued infractions of this Code.
5. Knowingly assisting in the violation of any provisions of this Code, including association with, and/or presence during, any violation of this Code.
6. Falsification, distortion, and/or misrepresentation of information at any point during a judicial process.
7. Attempting to discourage an individual's participation in the judicial system, and/or attempting to influence the impartiality of a member of the judicial system prior to and/or during the course of the judicial process
8. Soliciting, assisting, influencing and/or attempting to influence another person to commit a violation of the Code.
9. Violations of other university policies, including, but not limited to, Verbal, Written and Email communication policy, smoking regulations, recreational sports rules and regulations, and/or any other policy published by United States University.

#### ***IV. Sanctions***

If a student or student organization admits to a violation of this Code to the Conduct Committee (hereinafter referred to as "Committee") or the President; or upon determination by the Committee or President that the student or organization has committed a violation of the Code, one or more of the following sanctions may be imposed in accordance with the provisions of this Code.

Progressive discipline is a method of corrective action that may be used; however, United States University is not required to use progressive discipline. The Committee, President, or University has broad authority for imposition of sanctions. The following sanctions may be imposed in any order and/or in any combination deemed appropriate by the University.

##### ***A. Dismissal***

Permanent separation from the University, and exclusion from University premises, privileges, events, and activities. A student or student organization may be readmitted if, at some future time, it can be demonstrated that another opportunity is warranted. The burden of demonstrating that another opportunity is warranted rests with the student or student organization requesting re-admittance.

##### ***B. Suspension***

Separation from the University for a stated period of time and/or until stated condition(s) is (are) met, and exclusion from University premises, privileges, events, and activities. Suspended students or student organizations must petition the President or designee for readmission.

### ***C. Interim Suspension***

Suspensions in cases where there is reasonable cause to believe immediate suspension is required to protect lives or property and to insure the maintenance of order. A student shall not, without prior written permission from the President or designee, enter the campus other than to attend a disciplinary hearing. Violation of interim suspension will be grounds for immediate dismissal.

### ***D. Deferred Suspension***

Suspension that is delayed or deferred pending specified behavioral performance. A finite period of observation and review occurs during the deferred suspension. If a student or student organization is again found responsible for violations of the Code, or fails to meet the behavioral performance, the suspension will take place immediately without appeal.

### ***E. Disciplinary Probation***

Exclusion from participation in extra-curricular institutional activities for a specified period of time; or from participation in specific institutional activities, events, or programs that may include holding leadership positions in any student club or organization. Additional restrictions or conditions may also be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation will normally result in suspension or dismissal from the University.

### ***F. Official Censure***

A written reprimand given to a student for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.

### ***G. Official Warning***

Notice to the student, orally or in writing, that continuation or repetition of prohibited conduct may be cause for additional action.

### ***H. Restitution***

Payment up to the replacement value of the items damaged (but not to exceed same). Restitution could include costs for cleaning, staff time, materials, supplies, and similar charges related to the violation and/or the adjudication of the violation.

### ***I. Educational Sanction***

An order requiring the student or student organization to perform mandated service or to participate in educational programs or activities, including, but not limited to, educational seminars, research or educational projects, educational programs for alcohol or other drugs, treatment programs for alcohol or other drugs, psychological counseling, or any other programs, tasks, or events designed to assist the student in learning more about how their behavior(s) affect themselves and/or the community.

### ***J. Other Action***

Such other action as the President or Conduct Committee, within reason, may deem appropriate (e.g. counseling assessment and compliance; fines; denial of financial assistance from programs funded by the University; prohibition of contact with specified person(s); withholding of registration, diplomas, transcripts or other records; and payment of costs for educational programs).

Attempts to commit acts prohibited by this Code may be punished to the same extent as completed violations. Any violation of this Code motivated by consideration of race, gender, color, religion, ancestry, national origin, age, disability, veteran status, sexual orientation, or other protected status under federal and/or state statutes and/or University policy may subject the student to the imposition of a sanction more severe than would be imposed in the absence of such motivation.

Students who fail to complete sanctions will have a disciplinary hold placed on their records, affecting their ability to perform registration, transcript, and other functions, and may receive additional judicial charges. Disciplinary holds will not be lifted until sanctions are completed. The University reserves the right to revoke an awarded degree for fraud in receipt of the degree, or for serious disciplinary violations committed by a student prior to the student's graduation.

## ***V. Procedures***

The Conduct Committee, assigned by the Provost and approved by the University's Academic Council and President, shall perform the functions of the Conduct Committee. Administration and interpretation of the Student Conduct Code shall be solely within the jurisdiction of the Conduct Committee and the President or his/her designee, such interpretation being pursuant to the procedures of this Code. Rules of Evidence, as well as civil and criminal procedure, applicable to civil and criminal cases, shall not apply in any student conduct proceedings.

If the Committee determines that the presence of the student or student organization at the University results in possible danger of physical harm or emotional safety and well-being to person, persons, or property at the University or poses a threat to the stability and continuance of normal University functions, the Committee will refer the case to the President. The President may suspend a student or student organization for an interim period, pending disciplinary or criminal proceedings, or medical / psychological evaluation.

The maximum period of such an interim suspension prior to an interim suspension hearing shall be ten (10) business days. An interim suspension shall be operative immediately upon receipt of notice (verbal or written) of the suspension and the reasons therefore. A student or student organization suspended on an interim basis shall be given a prompt opportunity to appear personally before the President or a designee for an interim suspension hearing to discuss the reliability of the information concerning the conduct, including the matter of identity; and/or whether the conduct and surrounding circumstances reasonably indicate the continued presence results in possible danger of physical harm or emotional safety and well-being to person, persons, or property at the University or poses a threat to the stability and continuance of normal University functions. The student and/or organization may not be accompanied by legal counsel at this meeting. It is within the discretion of the President or designee to allow a parent, legal guardian or other advisor to attend and/or to remain in the meeting with the student and/or organization. If, after a hearing on the charges, the accused student is found not responsible for the charges, he/she will receive an excused absence for the interim suspension period.

### ***A. Responsibilities of Conduct Committee***

1. Investigation: The Committee shall initiate, investigate, or supervise the investigation of alleged violations of this Code that are brought to their attention by University officials, faculty, employees, students, or members of the general public.
2. Informal Hearing: The Conduct Committee may attempt to informally resolve any disciplinary matters with the student and/or organization. This can include, but is not limited to, imposition of any sanction or sanctions set forth in the Code. The student and/or organization will be presented with a written notice of resolution if an informal resolution is achieved with the student and/or organization. The student and/or organization shall sign the written notice of resolution acknowledging acceptance of the terms and conditions therein.
3. There is no appeal from any signed informal resolution.
  - a. The student and/or organization may refuse/decline an informal resolution prior to signature of the written informal resolution agreement. Upon refusing/declining informal resolution, the matter shall proceed in accordance with the processes set out in the Code.
  - b. The student and/or organization shall acknowledge in writing that they are refusing/declining informal resolution and that they waive any and all rights associated with Family Education Rights and Privacy Act (FERPA) and/or the Health Insurance Portability and Accountability Act (HIPAA) they may have during any formal hearing in this matter.

4. Upon conclusion of the investigation, the Committee shall notify the student of the charge(s), the complaint(s), the date(s) of alleged occurrence(s), the Code section(s) which is (are) alleged to have been violated, the maximum possible sanction which may be imposed, date of hearing, and the student's rights of appeal.
  - a. This notice shall indicate if the hearing is to be before the Committee or President.
  - b. This notice shall be given in writing to the student, mailed by way of U.S. mail, to the last known address of the student as provided by the student to the University Registrar, or e-mailed to the student at the official University address. Delivery of the notice shall be deemed complete three (3) calendar days from the date of sending unless the student indicates receipt of the notice prior to the expiration of the three (3) calendar days. The student may be given the written notice by personal delivery, such delivery acknowledged in writing by the Conduct Committee.
  - c. If the hearing is to be before the President, this notice will afford the student the opportunity to meet with the Committee at a designated time and place for a pre-hearing conference.

### ***B. Administrative Hearing(s)***

1. If a student fails to schedule or attend a hearing, the case will be heard in the student's absence and they will be informed of the decision in writing as set forth in this Code.
2. During administrative hearing(s) with the student, no party present shall be accompanied by legal counsel. The student may be accompanied by an advisor who may be a parent, legal guardian, another student, faculty, or staff member. If that person happens to be an attorney, that person may not act as attorney during the hearing.
  - a. Advisors may not directly participate in the hearing proceedings. The Conduct Committee may order the removal of any person from the hearing, including, but not limited to, the student, advisors or any other person, who is disruptive during the hearing. "Disruptive" conduct may include, but is not limited to, continued interruption of the proceedings and/or attempts to participate in the hearing.
3. During the hearing(s), the Committee may hear and consider any relevant information. The determination of what is and is not relevant rests solely with the Conduct Committee.
  - a. In cases involving multiple students charged, information provided at one hearing may be used as relevant information in the related case(s).
  - b. When two or more individual cases stem from the same incident, those cases may be heard jointly.
4. Information relevant to one case may be used in other related cases, whether or not heard jointly.
5. In cases where information regarding an accused student may prejudice the other accused student(s), the case may be heard separately.
6. The Committee shall summarize the information in writing; and
  - a. Dismiss the case, or
  - b. Impose appropriate sanctions. Sanctions shall become operative within five (5) business days after notice (verbal or written) thereof has been given to the student. Sanctions shall be stayed in the event the student appeals in accordance with this Code (see Section C below), or
  - c. Conduct further investigation if necessary.
7. A written decision and notification letter will be sent to the student via postal mail or e-mail within ten (10) business days from the conclusion of the hearing to the last known address of the student as provided by the student to the University Registrar. This time limit may be extended if necessary at the discretion of the Committee.

### ***C. Right of Appeal***

1. The student may appeal written decisions of any Conduct Committee to the President or designee.
  - a. The student and/or organization shall acknowledge in writing that they waive any and all rights associated with FERPA, and HIPAA (if psychological and/or mental health issues are involved).

- b. Such appeal shall be submitted to the President in writing; shall state the specific ground(s) for the appeal; and shall request a review by the President.
2. This written appeal must be received by the President within five (5) business days after the student has received notice of the findings. Unless extraordinary cause is shown, “notice” shall be deemed to have been received three (3) calendar days after the notice is mailed.
  - a. The President will review the appeal request and determine whether or not to grant a hearing of the appeal.
  - b. Appeals to the President will be conducted with the same requirements as noted in Section V.B.

#### ***D. Formal Hearing(s) before the President***

After written notification from the Committee, the President, or designee, shall, as soon as practicable:

1. Notify in writing the Committee and the student of a date, place, and time for hearing with the hearing normally to be held not earlier than three (3) class days, no later than seven (7) class days after issuance of notification. This time period may be extended for summer and/or winter breaks as appropriate.
2. The President or designee shall make arrangements for the keeping of a record of the proceedings. At the sole discretion of the President, the proceedings may be tape recorded.
3. Tape recording of the meeting shall be deemed a sufficient record of the proceedings. The student may request a copy of the record of the proceedings.

#### ***E. Hearing Preliminaries***

1. At any proceeding before the President, the Conduct Committee, the student, or other party to the hearing may have the assistance of no more than one (1) advisor.
2. The role of the advisor is explained in V.F.2.d.
  - a. The hearing shall be closed in order to protect complaining witnesses or other parties. The advisor for the student may remain in the room if the hearing is closed.
  - b. If the student or the charging party (either the Committee or a complaining witness) is not present at the time appointed for the hearing, the President shall first attempt to determine the reason for that person’s absence. The President may proceed in a normal manner or may continue the hearing to a later date. The President may not consider the absence of a party as relevant to whether the accused committed the alleged violation of the Code.
3. The advisor for the student present at the hearing in the absence of the student shall not participate in the hearing other than to explain why the student is not present.
4. All rules applicable to the advisor as set forth in the Code shall apply in these circumstances, regardless of whether or not the President proceeds with the hearing.

#### ***F. Hearing Procedures***

1. The responsibility for recognizing and calling persons to speak lies solely with the President. Upon request of the student or the Conduct Committee, all witnesses shall be excluded from the hearing except during their particular testimony. The witness(es) shall be admonished by the President to not discuss their testimony with any other witness, the student or the Conduct Committee until after the hearing.
  - a. Persons unruly or disruptive to any stage of the hearing may be removed at the discretion of the President.
2. The Conduct Committee shall first present the results of the investigation and/or the charges against the student. Under such conditions, the person may be subject to additional charges for violations of this Code related to behavior during the hearing process.
  - a. The Committee and/or the complaining witness may present oral testimony and/or written statements from any person, including the accused student.
  - b. The student may then present written documentation or oral testimony from the student and/or other witnesses.

- c. At any time during the proceedings, the President may question witnesses or parties to the proceeding; witnesses or parties may ask questions at the discretion of the President.
  - d. Advisors may serve only in an advisory capacity to the accused student. Advisors may not speak on behalf of the student or otherwise participate directly in the proceedings. Failure to adhere to this rule may cause the exclusion of advisor.
3. After the presentation of all the information to the President, each party may present statements to the President on the applicability of this Code or the interpretation of any sections herein. At this time, the Committee and/or the student may make recommendations to the committee as to the appropriate sanctions should a violation(s) be found to have been committed.
  - a. During the hearing, the President may consider any relevant information, shall not be bound by the strict rules of legal evidence, and may take into account any information which is of value in determining the issues involved. Efforts will be made to obtain the most reliable information available.
  - b. After all parties present their respective information, the President shall determine whether the student has committed the alleged violation and, if so, the sanction(s) to be imposed.
  - c. Within three (3) business days after the hearing is closed, the President shall inform the student and the Conduct Committee in writing of the decision. The written decision may be sent to the student by US mail by the Conduct Committee. The written decision shall be deemed received by the student three (3) calendar days from the date the written decision was mailed to the student. Any disciplinary sanctions imposed by the President shall be effective immediately unless otherwise specified.
  - d. The written notice to the student of the findings of the President shall include:
    1. The facts found to be true.
    2. The section of this Code found to have been violated.
    3. The disciplinary sanction imposed or other sanction to be taken.
4. The President or her/his designee may, in the alternative, or in any combination:
  - a. Uphold the sanction imposed;
  - b. Reduce the sanction imposed;
  - c. Increase the sanction imposed;
  - d. Dismiss the action;
  - e. Send the action back for further investigation; or,
  - f. Send the action back with instructions
5. The decision of the President or his/her designee shall be final and shall be communicated to the student in writing to the last known address of the student as provided by the student to the University Registrar.

### ***G. Student Rights at Formal Hearings***

The purpose of formal hearings before the President is to provide a fair evaluation of the student's responsibility for violating University regulations. Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to a student respondent or the University may result. The student shall be afforded the following protections:

1. The student shall be presumed not responsible until proven responsible by a preponderance of the information.
2. The accused student has the right to have an advisor with him/her, but such advisor may not be a person other than a parent or guardian, a full-time student at USU, or a member of the faculty or staff of USU.
3. The accused student shall be entitled to be present throughout the presentation of information and presentation of testimony of witnesses unless removed by the President for disruptive behavior.
4. Those affected by a violation of any offense are entitled to be present at all proceedings unless removed by the President for disruptive behavior.

- a. The accused student shall not be required to speak. The student's exercise of this right shall not be held against the student.
5. The accused student shall have the right to present witnesses and information in his/her behalf. Such witnesses and information shall be relevant to the charges before the Conduct Committee or President.
  - a. The accused student shall have the right to review all information that will be presented at the hearing at least three (3) calendar days prior to the hearing. The material shall be available for review during normal business hours at the office of the Conduct Committee or at any other place at the University as designated by the Conduct Committee. The student may request in writing and at the student's expense, copies of the material that will be presented at the hearing at least three (3) days prior to the hearing. The student shall provide to the Conduct Committee a list of the material the student may present at the hearing at least one (1) business day prior to the hearing.
6. The Conduct Committee and the student shall exchange the names of all witnesses that shall present testimony at the hearing at least two (2) days prior to the hearing. This exchange may be done in writing or by e-mail to the last known e-mail address of the student.
7. Failure to provide the names of the witness(es) and/or material may result in such being excluded from being presented at the hearing. Material that could reasonably be considered to be in the possession of the student need not be provided to the student by the Conduct Committee.
  - a. The student shall be entitled to an expeditious hearing of the case taking into consideration all circumstances relevant to the matter. The student and/or the Conduct Committee may approve extensions of time for any process under the Code upon request of the other.
  - b. Recommendations and actions of the Conduct Committee must be placed in the mail to the student and President no later than three (3) business days after the hearing.
  - c. The student may challenge the participation of the Conduct Committee for good cause. Merely disagreeing with current or past disciplinary matters conducted by the Conduct Committee shall not be deemed good cause. The challenge shall be filed with the President who shall render a decision within two (2) business days of receipt of the challenge. The decision of the President shall be communicated in writing to the student and the Conduct Committee and shall be final.
8. If the Conduct Committee is removed for cause, the President shall appoint a new Conduct Committee. All time lines set forth herein shall be reset as if the matter was starting over from the beginning.

#### ***H. Complainant Rights at Formal Hearings***

The hearing shall be held in compliance with the guidelines in the Student Conduct Code. The complainant shall be guaranteed the following rights/protections:

1. The complainant may have an advocate to assist the individual in understanding the rights and options available as well as provide support throughout the disciplinary hearing process. The advocate may be appointed by the Conduct Committee or selected by the complainant, who shall provide the name and contact information in writing to the Conduct Committee. The advocate may not act as a witness at the hearing absent extraordinary circumstances as determined by the Conduct Committee.
2. The complainant shall be entitled to be present throughout the presentation of information and the presentation of testimony of witnesses at the conduct hearing. The presence of the complainant shall be deemed necessary by the University for purposes of FERPA.
3. The complainant shall not be required to testify. The complainant's exercise of this right shall not be held against the complainant in any decision rendered after the hearing.
4. The complainant shall have the right to present witnesses and information but only through and at the sole discretion of the President and deemed relevant by the President to the matters charged.
5. The complainant shall have the right to review all material information presented in the hearing by either the Conduct Committee or the charged student.
6. The complainant is entitled to a written copy of the disciplinary action taken as a result of the hearing but not the actual written report.
7. The complainant has no right of appeal of the decision of the President.

## ***VI. Sanctions for Violations of the Student Code of Conduct***

Violation of the Student Code of Conduct/University Policies may result in sanctions, including assessment of fines. Fines are in addition to restitution, educational sanctions, community service, and/or any additional sanctions resulting from disciplinary action. The fines are designed to provide deterrents to prospective violators and to assign accountability to actual violators. The violations in the following list represent behaviors that contradict the mission of the University and often result in damage to University property or hazards to individual safety. This list is not exhaustive, and may be amended at the discretion of the President. Fine amounts are subject to change with 14 day notice to students.

1. Moving a fire extinguisher or tampering with any safety related system, i.e. fire suppression system, sprinkler heads, smoke detectors, carbon monoxide detectors, etc. \$750.00.
2. Discharging a fire extinguisher. \$750.00, plus costs for clean-up, repair, replacement, and/or refill.
3. Creating a false fire alarm. \$1,000.00, plus restitution for all costs associated with the false alarm, including, but not limited to, costs of any municipal and/or county fire responses.
4. Misuse of University telephone system (e.g. conducting private for profit business, unauthorized use of an access code, telephone harassment, obscene greetings or messages on voice mail, etc.). \$100.00.
5. Misuse of University campus computer network (e.g. conducting private for-profit business(es), unauthorized use of passwords, e-mail harassment, unethical conduct, computer lab violations, etc.). \$100.00.
6. Defacing University property (e.g. painting on walls, etc.). \$50.00 – \$400.00, plus costs for clean-up, repair, and/or replacement.

## ***VII. Academic Misconduct***

Academic misconduct is defined as any activity that tends to compromise the academic integrity of the institution or subvert the education process.

Examples of academic misconduct include, but are not limited to:

1. Violation of course rules as contained in the course syllabus or other information provided the student;
2. Providing or receiving information through whatever source during exams and quizzes or providing or using unauthorized assistance in the laboratory, at the computer terminal, or on fieldwork;
3. Plagiarism, whether it occurs in the classroom (i.e., through the use of term papers or laboratory reports from any source other than the student's own work) or anywhere else within the United States University community;
4. Serving as, or enlisting the assistance of, a "ringer" or substitute for a student in the taking of examinations;
5. Alteration of grades or marks by the student in an effort to change the earned grade or credit;
6. Alteration of University forms used to drop or add courses to a program or unauthorized use of those forms;
7. Failure to report incidents of academic misconduct.

When a faculty member decides to bring a charge of academic misconduct, the faculty member shall notify the Program Dean of his/her department, or if no Program Dean exists, the Provost, before entering the charge against the student. The Program Dean shall be available to consult with and advise the faculty member throughout the subsequent proceedings. The faculty member will meet with the student and inform the student of the allegations. The faculty member will discuss the alleged violation with the student and will fairly consider the information provided by the student. After consideration, the faculty member will determine a sanction which can include (1) requesting the student to resubmit the assignment in question; (2) assigning a failing grade for the assignment in question or (3) recommending a failing grade in the course (Such recommendation shall apply to serious cases of plagiarism and shall first be submitted to the Program Dean's office for approval). Continued or serious academic

misconduct may result in dismissal from the University for a maximum of two sessions or expulsion from the University. The faculty member must document the meeting and decision to the Program Dean.

A student charged with academic misconduct may appeal the decision of the faculty member to the Program Dean. The Program Dean will review all pertinent information and render a decision. Students may appeal the decision of the Program Dean to the Provost. The decision of the Provost is final.

Any charge of academic misconduct outside the classroom may be brought by the administrator, faculty advisor, or faculty representative affiliated or otherwise involved with the organization or activity within which the misconduct allegedly took place. Additional sanctions as set forth in this Code may be imposed on the student.