Student Conduct Code

Colorado State University
Division of Student Affairs
COLORADO STATE UNIVERSITY

Student Conduct Code

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STUDENT CONDUCT CODE • 1
Expectations of all CSU Students and Student Organizations  Colorado

State University expects students and student organizations to maintain standards of personal integrity in harmony with educational goals; to be responsible for their actions; to observe national, state, local laws and University policy; and to respect the rights, privileges, and property of other people.

A college education is a voluntary association with a community of scholars to explore new ideas, examine ourselves, make new friends, and develop ideals. A university environment is a place where faculty, students and organizations can freely exchange ideas and concepts in an atmosphere of civil debate and dialogue on contemporary issues.

Colorado State University considers this freedom of expression and inquiry essential to student and organizational education and development. All University members may engage in discussion; exchange thought and opinion; and speak, write, or print freely on any subject in accordance with Federal or State constitutions. This broad principle is the cornerstone of education in a democracy. Colorado State University values and respects diversity including political, philosophical and cultural viewpoints.

To protect these privileges and opportunities, the student and organization is responsible for upholding standards reasonably imposed by Colorado State University including, but not limited to academic integrity, personal honesty, tolerance, respect for diversity, civility, freedom from violence, and lifestyles free of alcohol and drug abuse.

The student and organization conduct process is a learning experience which can yield growth, behavioral changes, and personal understanding of one's responsibilities and privileges. This process balances the needs and rights of students and organizations with the needs and expectations of the University and larger community. It supports Colorado State University values and community standards with a continuum of responses from disciplinary sanction or restriction to education, counseling and restorative justice.

Students and organizations are treated with care, fairness, tolerance and respect. The needs of the complainant, the respondent, and the community at large are equally important.

By formulating a general code of conduct, the University affirms student and organizational freedoms coupled with full responsibility for individual action including consequences of such action. Students and organizations are members of both the academic community and the larger society, retaining the rights, protection, guarantees, and responsibilities held by all citizens. Students and organizations are also responsible to know and obey the laws of the United States, the State of Colorado, and local governments. Therefore, a student and organization members may be subject to prosecution by law enforcement agencies whether the University initiates disciplinary proceedings or not.

The University Student Conduct Code defines University intervention or disciplinary action related to the behavior of both individual students and Student Organizations. Policies and procedures specific to student organizations are noted in each section.

The Colorado State University General Catalog summarizes a variety of University Policies and Guiding Principles, including the Commitment to Diversity, Freedom of Expression and Inquiry, Freedom from Personal Abuse, Sexual Harassment Policy and Student Rights.
Non-Discrimination Policy Statement
Colorado State University does not discriminate on the basis of race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, or gender identity or expression. The University complies with the Civil Rights Act of 1964, related Executive Orders 11246 and 11375, Title IX of the Education Amendments Act of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, the Age Discrimination in Employment Act of 1967, as amended, Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the ADA Amendments Act of 2008, the Genetic Information Nondiscrimination Act of 2008, and all civil rights laws of the State of Colorado. Accordingly, equal opportunity of employment and admission shall be extended to all persons. The University shall promote equal opportunity and treatment in employment through a positive and continuing affirmative action program for ethnic minorities, women, persons with disabilities, and veterans. The Office of Equal Opportunity is located in 101 Student Services.

Article I: Definitions
A. General Terms
1. The terms University or institution means Colorado State University, Fort Collins, Colorado.
2. The term student includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, or continuing education; those students who withdraw after allegedly violating the Student Conduct Code; those who are not officially enrolled for a particular term but who have a continuing relationship with the University; those who have been notified of their acceptance for admission are considered students; and persons who are living in University owned or operated housing though not enrolled in this institution. The Student Conduct Code applies to all Colorado State University students enrolled through University programs who are studying abroad or at other remote locations, including the Denver campuses.
3. The term faculty member or instructor means any person hired by Colorado State University to conduct classroom, research or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term university official includes any person employed by the University performing assigned administrative or professional responsibilities. University officials may be full or part-time, or may be student staff members.
5. The term university premises includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, operated, controlled, or supervised by Colorado State University (including adjacent streets and sidewalks) whether on the main Fort Collins campus or other locations.
6. The term Director means the Director of the Student Resolution Center, designated by the Vice President for Student Affairs to be responsible for the administration of the Student Conduct Code.
7. The term Hearing Officer means a University official authorized on a case-by-case basis by the Director of the Student Resolution Center to
determine whether a student has violated the Student Conduct Code and to impose sanctions when a rules violation has been committed.

8. The term University Discipline Panel refers to the pool of faculty and students authorized to hear appeals of student discipline cases determined by a Hearing Officer.

9. The term Appeals Committee refers to the individual members selected from the University Discipline Panel to consider case appeals.

10. The term shall is used in the imperative sense.

11. The term may is used in the permissive sense.

12. The term policy means the written rules and regulations of the University as found in, but not limited to, the Student Conduct Code; Residential Contract and Handbook; undergraduate, graduate and professional catalogs or policies; faculty manual; athletic policies, and University web pages including the Office of Policy and Compliance. These include policies related to computer use, solicitation, sexual harassment, non-discrimination policies, athletic events, use of facilities, travel, and participation in student organizations.

13. The term Honor Code refers to the following statement adopted by Colorado State University students, faculty, and staff affirming foundational principles of academic integrity.

   As a student at Colorado State University, I recognize my active role in building a Campus of Character. This includes my commitment to honesty, integrity, and responsibility within the campus community. As such, I will refrain from acts of academic misconduct. Furthermore, reflecting upon this commitment, I find it my prerogative to conduct myself in a dignified and inclusive manner, taking the initiative to do justice within my institution, be considerate to my peers, and persevere both academically and personally.

14. The term academic misconduct includes but is not limited to:

   a. Cheating by using unauthorized sources of information and providing or receiving unauthorized assistance on any form of academic work or engaging in any behavior specifically prohibited by the instructor in the course syllabus or class presentation;

   b. Plagiarism includes the copying of language, structure, images, ideas, or thoughts of another, and representing them as one's own without proper acknowledgement; the failure to cite sources properly; sources must always be appropriately referenced, whether the source is printed, electronic, or spoken;

   c. Unauthorized Possession or Disposition of Academic Materials includes the unauthorized selling or purchasing of examinations, term papers, or other academic work; stealing another student's work; using information from or possessing exams that an instructor did not authorize for release to students;

   d. Falsification encompasses any untruth, either verbal or written, in one's academic work;

   e. Facilitation of any act of academic misconduct includes knowingly assisting another to commit an act of misconduct.
15. The term Complainant means any person who submits a report alleging that a student violated this Student Conduct Code. When a student believes that she/he is the victim of another student’s misconduct the student will have the same rights under this code as the respondent student, even if another member of the University community submitted the report.

16. The term Respondent means any student accused of violating this Student Code.

B. Student Organizations

1. The term University recognized student club or organization means any number of persons who have associated as a group and complied with the formal registration requirements for recognition as a University student organization or sport clubs.

2. The term student organization activity means any activity on or off campus which is group sponsored, initiated, financed, advertised, or attended by a significant portion of the members.

3. The term policy means the written rules and regulations of the University as found in, but not limited to informational resources governing participation in student organizations (see Student Organizations Source Book, Associated Students of Colorado State University Constitution and By-Laws, Greek Statement of Expectations/University Relationship, Alcohol Use and Risk Management Policies, and policies related to the Sport Clubs programs.)

Article II: Student Conduct Code Authority

The Vice President for Student Affairs, acting on behalf of the President of Colorado State University, designates appropriate individuals or entities to administer the University student disciplinary system. The responsibilities of these individuals or entities are briefly defined as follows:

1. The Director of the Student Resolution Center is designated by the Vice President for Student Affairs and represents the University in student disciplinary matters. As the senior discipline officer, the Director coordinates the entire University student discipline system and reports to the Vice President for Student Affairs. The Director may serve as a Hearing Officer. Student Conduct Services monitors student compliance with all discipline conditions and sanctions and maintains all official student disciplinary records.

2. Hearing Officers are appointed by the Director and are responsible to the Director and Vice President for Student Affairs. The responsibilities of Hearing Officers include preparing notices of violation, collecting information, conducting administrative discipline hearings, making decisions related to disciplinary outcomes, and performing other functions as required in the discipline process.

3. The University Discipline Panel hears appeals of disciplinary decisions for individual students rendered by Hearing Officers. The appeal can be initiated by the
Respondent(s) or the Complainant(s). The Panel consists of ten (10) faculty members and ten (10) students and is chaired by a faculty member, jointly appointed by the Vice President for Student Affairs and the Provost and approved by the Faculty Council. The University Discipline Panel will serve as a pool of members of the campus community that can be used to create an Appeal Committee to consider appeals of individual cases. The Appeal Committee shall consist of the Faculty Chair, two (2) additional faculty members and two (2) students, all selected from the University Discipline Panel. The Appeal Committee is chaired by the Faculty Chair (or faculty designee) from the University Discipline Panel.

4. Student Conduct Boards may be designated by the Director to hear cases involving student organizations or those in which self-governance is appropriate. Examples include, but are not limited to, the Professional Veterinary Medicine Honor Board and the All University Hearing Board.

Article III: Prohibited Conduct

A. Rules and Regulations

Any student or student organization that commits or attempts to commit the following misconduct is subject to disciplinary sanction.

1. Academic misconduct including, but not limited to: cheating, plagiarism, unauthorized possession or disposition of academic materials, falsification, or facilitation of acts of misconduct. Plagiarism includes the copying of language, structure, images, ideas, or thoughts of others and is related only to work submitted for credit. Disciplinary action will not be taken for academic work in draft form. Specific procedures for cases of academic misconduct are also described in the Academic Integrity Policy in the General Catalog, the Graduate Student Bulletin, the Faculty Manual and the Honor Code of the Professional Veterinary School, as applicable.

2. Knowingly furnishing false information to any University official, instructor, office, organization or on any University applications. Intentionally initiating or causing to be initiated any false report; any warning or threat of fire, explosion, or any other emergency.

3. Forgery, alteration, misuse, mutilation, or unauthorized removal of any University document, record, identification, educational material, or property.

4. Disruption or obstruction of teaching, classroom or other educational interactions, research, administration or disciplinary proceedings, residential communities, or participation in an activity that disrupts normal University activities, and/ or threatens property or bodily harm or intentionally interferes with the right of access to University facilities or freedom of movement of any person on campus. Disruption or obstruction also includes any form of abuse, threat, intimidation, bullying, coercion, harassment or attempt to influence any person who submits a report, cooperates with any investigation or acts as a witness in relation to an alleged violation of this Student Conduct Code or any federal or state law.

5. Engaging in behavior or activities that obstruct the right of free speech or expression of any person on campus. (For more information, refer to the CSU
policy on Freedom of Expression and Inquiry, which addresses student rights and responsibilities related to political expression and contact the Student Conduct Services Office if you believe you have been treated differently because of your political, or other, perspectives.

6. Abusive conduct, including physical abuse, verbal abuse, threats, intimidation, bullying, stalking, coercion, and/or other conduct which threatens or endangers the physical or psychological health, safety, or welfare of one's self, another individual, a group of individuals, or members of a student organization. Abusive conduct also includes any act of domestic violence, dating violence, stalking, and retaliation related to any such incidents, as established in the Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Stalking and Retaliation policy.

7. Harassment, meaning verbal or physical harassment on the basis of gender, race, sexual orientation, age, religion, or disability, including but not limited to any violation of federal or state laws, or University policy, prohibiting harassment.

8. Sexual misconduct including, but not limited to: obscene, lewd, or indecent behavior; deliberate observation of others for sexual purposes without their consent; taking, sharing, or posting of photographs/images of a sexual nature without consent; possession or distribution of illegal pornography; viewing or posting pornography in public venues; unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct that is severe or pervasive; physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, including but not limited to rape, sexual assault, sexual battery and sexual coercion; or any similar act in violation of state or federal law or the Discrimination, Harassment, Sexual Harassment, Sexual Misconduct, Domestic Violence, Stalking and Retaliation Policy.

9. Rioting: aiding, abetting, encouraging, participating in or inciting a riot. Failing to disperse at the direct request of police or University officials.

10. Failure to comply with the verbal or written directions of any University officials or law enforcement officers acting in the performance of their duties and in the scope of their employment, or resisting police officers while acting in the performance of their duties, including failure to identify oneself to these persons when requested to do so.

11. Attempted or actual theft of, damage to, use of, or possession of other persons’ or University property or identity or unauthorized use of such; unauthorized entry, use, or occupation of other persons’ or University facilities, property, or vehicles; or unauthorized possession, duplication, or use of University keys or access devices.

12. Illegal use or possession on University property of firearms or simulated weapons; other weapons such as blades larger than pocket knives; ammunition or explosives; dangerous chemicals, substances, or materials; or bombs, or incendiary devices prohibited by law. Use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others. Weapons for sporting purposes may be stored with the University Police, if such service is available.

13. Violations of any rules, contracts, or agreements governing residence in or use of University owned or controlled property, and athletic or other authorized special
events. Violation of any University policy, rule, or regulation, which is published in
hard copy or available electronically on the University Website.

14. Unauthorized soliciting or selling in violation of the University solicitation policy.

15. Evidence of a violation or conviction of any federal or state law or local ordinance,
when supported through the conduct process.

16. Use, possession, manufacturing, or distribution of alcoholic beverages except as
expressly permitted by law or University policy. Alcoholic beverages may not be
used by, possessed by, or distributed to any person under twenty one (21) years of
age.

17. Use, possession, manufacturing, or distribution of illegal (under federal or state law)
drugs including but not limited to marijuana, narcotics, methamphetamine,
cocaine, opiates, LSD, mushrooms, heroin, designer drugs such as Ecstasy and GHB,
or other controlled substances are prohibited. Use or possession of prescription
drugs other than for the person prescribed, or for use other than the prescribed
purpose or amount are prohibited. Possession or use of drug paraphernalia
including but not limited to equipment, products, and materials used to cultivate,
manufacture, distribute, or use illegal drugs are prohibited.

18. Abuse of computer facilities or technological resources including but not limited to:
unauthorized entry to, or use of computers, access codes, telephones and
identifications belonging to the University or other members of the University
community; unauthorized entry to a file to use, read, transfer, or change the
contents, or for any other purpose; interfering or disrupting the work of any
University member; sending abusive or obscene messages or images; disrupting the
normal operation of the University computing systems; violating copyright laws; or
any other violation of the University computer use policy.

19. Abuse of the student conduct system including: failure to obey the notice to
appear for a meeting or hearing; falsification, distortion, or misrepresentation
of information; disruption or interference with the orderly conduct of a hearing;
failure to comply with any requirements involving no contact with Complainants
or witnesses or limitations related to access to specific facilities; harassment or
intimidation of any person involved in a conduct proceeding; failure to comply with
disciplinary sanctions or requirements.

20. Assisting, conspiring, or inciting others to commit any act of misconduct set forth
in 1 through 19 above.

B. Prohibited Conduct Specific to Student Organizations (in addition to 1-20 above):

1. Violations of any rules, contracts, or agreements governing: recognized student
organizations; Sport Clubs; fraternities and sororities; alcohol use, travel,
solicitation, risk management, or hosting of events on or off University property;
and participation in or attendance at athletic or other authorized special events.
Violation of any University policy, rule, or regulation that is published in hard copy
or available electronically on the University Website.
2. Participating in, condoning, encouraging, requiring, or allowing an opportunity for hazing, which includes any act that 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 student organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing is not neutral; they are violations of this rule.

C. Jurisdiction—Individual Students

1. Location
   The Colorado State University Student Conduct Code applies to conduct that occurs on University premises and at University-sponsored programs or activities. It also applies to off-campus conduct that adversely affects the University community, poses a threat to persons or property, or may damage the institution's reputation or relationship with the greater community. In addition, Colorado State University, in collaboration with the Fort Collins community, may respond to student violations of community-based laws and ordinances designed to protect civility and quality of life. The Director (or designee) decides whether the Student Conduct Code applies to off-campus conduct on a case-by-case basis.

2. Duration
   The University holds each student accountable to the Student Conduct Code from application for admission through the actual awarding of a degree. This includes periods before classes begin or after classes end, during the academic year, and between terms of actual enrollment. The disciplinary process may proceed even if the student withdraws from school while a disciplinary matter is pending.

3. Academic units
   Academic faculty, departments and colleges are responsible for establishing orderly procedures for academic and classroom discipline. Each instructor is primarily responsible for communicating standards of academic integrity and classroom behavior, implementing University policy, and responding to behavioral issues. Instructors may consult with and/or refer matters to Student Conduct Services to consider University disciplinary charges or other means of conflict resolution. Faculty actions related to classroom discipline are reported to Student Conduct Services and kept as part of the student disciplinary record.

   Procedures for academic misconduct cases are also detailed in the Colorado State University Faculty and Administrative Professional Manual, General Catalog, the Graduate and Professional Bulletin, the Honor Code of the Professional Veterinary Medicine Program, and the School of Public Health as applicable.

4. Violation of Law and Colorado State University Discipline
   A student may face both University disciplinary proceedings and criminal or civil litigation charges, since the same factual situation may allegedly violate both the Student Conduct Code and criminal or civil law. University discipline proceedings may happen before, during, or after civil or criminal proceedings. These proceedings are entirely separate; legal outcomes do not affect the university discipline process.
5. Interim Suspensions
   When serious charges are filed against a student, whether criminal, civil, or conduct
doctor or designee) may temporarily suspend the student from all or part of the
University, including residence halls, until those charges are resolved.
   a. Interim Residential Suspension
      The student is suspended from residing, dining, or being near University residence
halls until the charges are resolved. The student does not lose other University
privileges and may attend classes. If the student is under 21, the Director of
Residence Life (or designee) notifies the student’s parents of the interim
residential suspension. The student must arrange and pay for off-campus housing.
   b. Interim University Suspension
      The student is denied access to campus, classes, and University activities and
privileges until the charges are resolved.
   c. These conditions may warrant interim suspension:
      i. To ensure the safety and well-being of University members or residential
         communities
      ii. To ensure the student’s own safety and well-being
      iii. To preserve University property
      iv. To prevent disruption or interference with normal University operations
   d. The student is notified in writing of the terms of the Interim Suspension and the
      reasons for this action. The Director (or designee) typically reviews interim
measures as the investigation and discipline process proceeds to determine if
adjustments are appropriate. The student may also submit a letter and other
relevant documentation to show cause why a continued presence on the campus
does not threaten campus safety or operations. The Hearing Officer shall review the
information provided by the student and, prior to making a decision, may consult
with appropriate University officials, including but not limited to the CSU Police
Department or other security personnel.
   e. The Interim Suspension does not replace the regular disciplinary process, up to and
through a University Hearing, if required.

D. Jurisdiction – Student Clubs and Organizations
   Student clubs and organizations enjoy rights and privileges associated with official
recognition by the University. They are also subject to disciplinary action for violation of
these policies:
   1. Student organizations and their members may be held responsible for violations if
the misconduct occurs on University property, on premises used or controlled by
the organization or its members; or at University or student organization-sponsored
activities.
   2. Student organizations are encouraged to engage in the practice of effective self-
governance. Student members, organizational leaders, faculty/staff advisors, the
University Student Organization Office, Campus Recreation/Sport Clubs Programs,
All University Hearing Board, Student Conduct Services, and the Vice President for Student Affairs have a shared responsibility for upholding the Student Conduct Code.

3. The officers or leaders of a student organization may be held responsible when such violations are committed by persons associated with the organization who have received consent or encouragement from the organization's officers or leaders or if those officers or leaders knew that such violations were being or would be committed.

4. The officers or leaders of a student organization may be directed to take action designed to prevent or end such violations by the organization or by any persons associated with the organization. Failure to comply with a directive may be considered a violation of the Student Conduct Code, both by the officers or leaders of the organization and by the organization.

5. Alleged infractions related to the student organization as an entity (broader responsibility than the isolated behavior of individual members) will be addressed by the All University Hearing Board. Responsibilities and standards of Sport Clubs, fraternities and sororities, and other recognized student organizations may appear in their respective conduct codes or policies.

6. The appellate jurisdiction over student organization conduct hearings will be retained by the Director (or designee). If the Director serves as the original Hearing Officer, the Vice President of Student Affairs shall appoint a three person committee to consider the appeal. The committee shall then make recommendations to the Vice President of Student Affairs, who will make the final decision regarding the appeal.

7. All cases may be reviewed by the Director and the Vice President for Student Affairs. In more serious cases or when pervasive patterns of problem behaviors exist, the University may take action concurrently with, instead of, or independently of the All University Hearing Board.

8. Individual members of student organizations are responsible for their own behavior and are subject to the standards and responsibilities as defined in this policy. The Director may choose to initiate disciplinary action against any individual organization member as would be done in the case of any student.

E. Jurisdiction – Fraternities and Sororities

1. Fraternities and sororities are private, independently chartered organizations that must also be officially recognized student organizations. Some chapters have members that reside in a housing facility located off University property. These facilities are neither owned nor operated by the University. Fraternities and sororities are responsible to their inter/national organizations through their charter agreements and to the University through University recruitment, risk management, and alcohol policies that apply to recognized student organizations through this Student Conduct Code.

2. Fraternities and sororities are encouraged to engage in the practice of effective self-governance. Student members, chapter leadership, student governing councils
(Interfraternity, Panhellenic, Multicultural Greek, and National Pan-Hellenic Councils), chapter advisors, University Office of Fraternity and Sorority Life, Student Conduct Services, Vice President for Student Affairs, and inter/national organization leadership have shared responsibility for upholding the Student Conduct Code and disciplinary rules affecting fraternities and sororities.

3. The governing councils have jurisdiction over all member chapters and colonies. Alleged infractions related to the chapter as an entity (broader responsibility than the isolated behavior of individual members) will be addressed by the All University Hearing Board (AUHB) or individual hearing officer.

4. The AUHB will follow the general procedures for hearings, decisions, and sanctions as outlined in this policy.

5. The decisions of the AUHB may be reviewed by the Director and the Vice President for Student Affairs. In more serious cases or when pervasive patterns of problem behaviors exist, these offices may take action concurrently with or independently of the AUHB.

6. Individual members of fraternities and sororities are responsible for their own behavior and are subject to the standards and responsibilities as defined in this policy. The Director (or designee) may choose to initiate disciplinary action against any individual fraternity or sorority member as would be done in the case of any student living off campus.

Article IV: Student Conduct Code Procedures—Individual Students

A. Charges

1. The discipline process begins when Student Conduct Services receives a written account of the incident: police reports; residence hall incident reports; or reports from faculty, administrative staff, students, other members of the University community, or from outside the University community. Anonymous reports are not sufficient to begin the disciplinary process. In some instances, additional investigation may be warranted in response to an anonymous report and lead to documentation from an identifiable source that warrants charges of a Student Conduct Code violation.

2. The Hearing Officer may decide the incident warrants a University disciplinary hearing and charge the student with one or more Student Conduct Code violations. The Hearing Officer may also seek or conduct an additional investigation.

3. In some cases, the Hearing Officer may offer alternative dispute resolution such as Restorative Justice or mediation, if all parties involved are willing. All parties receive a written summary of the resulting agreements, which are binding and not subject to appeal. If the student violates these agreements, s/he may face additional disciplinary action.

4. Responsible Action Exemption – individual students:

   a. Background: The health and safety of members of the Colorado State community is a primary concern. Students are encouraged to make responsible decisions in emergency situations that result from alcohol and other drug abuse
(to include alcohol poisoning, overdose, serious injury, and victims of sexual assault) and to seek medical attention for someone who is in danger because of intoxication. Colorado State University seeks to remove the barriers that prevent students from seeking the medical attention they need. Therefore, students should alert Residence or Apartment Life staff, the Colorado State University Police Department, Fort Collins Police Department (when off campus) or other university personnel when they or another person are in danger.

b. Students Seeking Help for Self or Others – Exemption from Discipline: Students, both on and off campus, who seek medical attention for themselves or on behalf of another student related to consumption of drugs or alcohol will not be charged with violations from the Student Conduct Code relating to that incident, provided that the student completes an assessment and any recommended treatment by the Hearing Officer. Failure to complete an assessment may result in charges filed with the Office of Conflict Resolution & Student Conduct Services. Parental notification may occur for students that are under the age 21 who have been transported to the hospital in need of medical assistance.

c. How to Receive Exemption: If a student believes he or she qualifies for a disciplinary exemption, he or she must complete the following steps:

i. The student must make initial contact with the appropriate resource (i.e. law enforcement, medical personnel or University staff) as a result of their actively seeking out medical assistance for themselves or on behalf of another individual.

ii. The student seeking assistance for an intoxicated student must give his/her name to law enforcement or staff, remain on scene, and cooperate with medical personnel, law enforcement or University staff.

iii. The student seeking an exemption must meet with Student Conduct Services staff and complete an assessment, educational program or any additional treatment requirements of the Hearing Officer. Verification of completion must be provided to the Student Resolution Center.

d. Limitations to Exemption: The disciplinary exemption does not apply to students or student organizations experiencing an alcohol or drug-related medical emergency that are found by university staff (i.e. Residence or Apartment Life staff, Colorado State Police Department, Fort Collins Police Department, Faculty, or Administrative Staff. The help must be sought by, or on behalf of, the student. In cases of repeated violations of the Student Conduct Code, the University reserves the right to take judicial action on a case-by-case basis regardless of the manner in which the incident was reported. The University reserves the right to adjudicate any case in which the violations are egregious. Individual students that make calls to assist other students in medical need will not have a limit on opportunities to receive the disciplinary exemption. Students in need of medical assistance shall receive only one exemption, regardless of who calls for assistance.
e. Records: All proceedings and records directly related to a Responsible Action Exemption will be considered educational and will not be maintained as discipline records. If a student is under 21 years of age, parents may be notified.

B. Hearing Notification
1. The student (respondent) is notified of the charges in writing, along with the date, time, and location of the hearing. A report of the incident may be included with the notice letter or may be available from the responding law enforcement agency. The student has no less than three (3) business days to prepare for the hearing (unless the student and Hearing Officer agree otherwise) nor typically more than fifteen (15) business days after the student has been notified of the charges (maximum time may be extended at the discretion of the Hearing Officer taking into consideration scheduled breaks and student requests).

2. The letter of notice may contain specific requirements or restrictions, until the matter is resolved through the student conduct process. These requirements could include, but are not limited to, temporary relocation in campus housing, restriction from specific campus locations, or orders prohibiting contact with Complainants or witnesses. The notice letter is sent to the student’s current email address on record with the University. The letter may also be served to the student by the University police.

C. Options for Resolution of Disciplinary Charges
1. After reviewing the letter of notice and incident report, the Respondent may either accept responsibility or dispute the charges. If disputing, the Respondent should notify the Hearing Officer before the hearing.

2. If the Respondent disputes the charges, the case may require additional investigation or preparation time. The student or the Hearing Officer may ask to reschedule the hearing to allow more time to prepare. Student requests to reschedule will be considered by the Hearing Officer, based on the totality of circumstances, and may be granted or denied at the Hearing Officer’s discretion.

D. Hearings
Disciplinary Hearing Guidelines are as follows:

1. The Complainant and the Respondent may bring an advisor or support person to the hearing, at their own expense. The advisor may be an attorney. The advisor is limited to counseling the student, but may not represent the student and speak on the student’s behalf, or participate directly in the hearing. Advisors may not serve in a dual role as a witness in the hearing. Hearing Officers may also consult with or include University Counsel as an advisor at the hearing.

2. Disciplinary hearings are considered private educational interactions between the student(s) and the University. The Complainant, Respondent and their advisors, if any, may attend the entire hearing (excluding deliberations). Others may attend at the discretion of the Hearing Officer.
3. The Hearing Officer may consider relevant records, exhibits and written statements. The Complainant and the Respondent shall have the opportunity to review and respond to any reports or statements the Hearing Officer considers, but copies must be requested in writing. Student requests for copies will be considered by the Hearing Officer, based on the totality of circumstances including the sensitive nature of the allegations or information, and may be granted or denied at the Hearing Officer’s discretion. If the request for copies is denied, the information may be reviewed at the Student Conduct Services office.

4. The Complainant and the Respondent may present their own versions of the incident to the Hearing Officer. They may include written statements and witnesses.

5. If the Respondent misses the scheduled hearing, the Hearing Officer may make a decision with the information available.

6. If the Respondent disputes the charges, the hearing may be recorded. The recording is the property of the University. If a student wishes to obtain a copy of the hearing record, a request must be submitted in writing to the Student Conduct Services Office. This may be done via FAX, mail, or in person. If the student wishes to have a copy, the recording of the hearing must be reduced to a written transcript at the expense of the student and prepared by a certified reporter. Alternatively, the recording may be made available for the Complainant or Respondent to listen to within the Student Conduct Services office.

7. In disputed cases, the Complainant, the Respondent and the Hearing Officer may bring or request relevant witnesses. If the Complainant or Respondent requests witnesses identified in the report at least two business days before the hearing, the Hearing Officer will make reasonable efforts to arrange for the attendance of the requested witnesses. Witnesses may be present only when they are giving information. Only the Hearing Officer may ask questions; the Respondent and/or Complainant may suggest questions for each other or witnesses. The Hearing Officer guides all questioning and limits repetition/statements. All procedural questions are subject to the final decision of the Hearing Officer.

8. The Hearing Officer may reschedule the hearing if the case requires further investigation or to accommodate irresolvable scheduling conflicts.

9. If a case involves more than one Respondent, the Hearing Officer may permit the students to have combined or separate hearings.

10. The Hearing Officer may accommodate witnesses through conference phone calls or other alternate means. Accommodations may also be made related to concern for their personal safety or fear of confrontation with the Complainant, Respondent, or other witnesses. Possible accommodations include separate facilities, a visual screen, participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means.

11. The formal rules of process, procedure, or evidence used by the justice system do not apply to the discipline process.
E. Decisions

1. After the hearing, the Hearing Officer decides the outcome of each charge based on the ‘preponderance of evidence’ standard - whether it is more likely than not that the Respondent violated the Student Conduct Code.

2. The Hearing Officer determines appropriate disciplinary action based on the incident’s severity, impact on others, and the student’s past record of conduct violations. Possible actions include limits or conditions, relocation in campus housing, restitution, community service, and/or educational programs and interventions related to alcohol or drug use, ethical decision making, personal counseling, community issues, and restorative justice.

3. The Respondent receives the Hearing Officer’s decision in writing within ten (10) business days of the hearing. The decision includes: determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. In sex offense cases, both the accuser and the accused receive the Hearing Officer’s decision. A copy of the decision may also be sent to other appropriate University offices. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purpose of this paragraph, the outcome of a disciplinary proceeding means only the institution’s final determination with respect to the alleged sex offense and any sanction that is imposed against the accused. The notification shall consist of the determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. In disputed cases, when the Respondent is found responsible for the charges, the notification will also include a summary of the basis for the determination. (Recommended via Title IX)

4. The Respondent may not release decision letters that include victim information to unauthorized third parties. Additional disciplinary charges may apply in the event of unauthorized disclosure.

F. Sanctions

Due to the educational and assessment based nature of the conduct process, the Hearing Officer considers the totality of information provided in determining the appropriate outcomes and sanctions following hearings. The Hearing Officer may impose one or more of these sanctions as appropriate for the student’s personal development and the well-being of the campus community. The following sanctions may be applied when appropriate to individual students. More than one of the sanctions listed below may be imposed for any single violation. If the student fails to complete disciplinary sanctions by the stated deadline, a “hold” is placed on the student’s registration status.

1. No Action
   No disciplinary action is taken.

2. Warning or Written Reprimand
   A student is formally warned or reprimanded for minor infractions.

3. General Disciplinary Probation
   Probation is for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific sanctions or restrictions
may be imposed as a part of this discipline but do not result in loss of good standing with the University. A violation of the terms of General Disciplinary Probation, or subsequent misconduct after discipline, is grounds for further disciplinary action, including loss of good standing, suspension, or expulsion.

4. Loss of Good Standing

Loss of Good Standing status is for a designated period of time during which the student is required to show appropriate changes in attitude and behavior. Specific sanctions or restrictions may be imposed. The student is not in good standing with the University and is prohibited from:

   a. representing the University through official events
   b. serving on a University committee
   c. participating in intercollegiate or Sports Club athletics
   d. holding office in a student organization

A student who commits a conduct violation while on in Loss of Good Standing status may face further disciplinary action, suspension or expulsion.

5. Discretionary Sanctions

The Hearing Officer offers or requires educational programs or assignments, Restorative Justice, mediation, community service, individual assessment, counseling, substance abuse education, intervention or treatment, or other discretionary sanctions.

6. Restitution

Compensation for loss, damages, or injury. This may take the form of appropriate service or monetary or material replacement.

7. Grading Penalty

The instructor imposes a grading penalty such as a zero on the assignment, a grade reduction or failure in the class, or loss of the repeat/delete option. This action will be recorded in the student’s discipline file. For serious or repeated academic misconduct offenses with reduced course grade, the student’s transcript may be marked with “AM” indicating a “reduction of letter grade for Academic Misconduct.”

8. Residential Reassignment

A student may be reassigned to another residence hall room or building for disrupting the residential community or to appropriately separate persons.

9. Residential Expulsion

The student is banned from the residence halls permanently. Since first-year students are required to live in University Residence Halls and manage their behavior to comply with community standards, the Director of the Student Resolution Center decides if the student is exempted from that requirement.

10. Disciplinary Suspension

Suspension is for a distinct period of time during which the student may not attend classes, use University facilities, participate in University activities, or be employed by the University for a certain time. In some instances, the student must
fulfill specified requirements before the University will consider re-admission or re-instatement. Special conditions may be stipulated for reinstatement at the conclusion of the period of suspension.

Disciplinary suspension is noted on the transcript during the period of suspension and/or until the conditions for re-admission have been met. When the conditions for re-admission have been met, the student may petition for admissions clearance and/or removal of the notation whether or not the student intends to return to Colorado State University. If the petition is denied the student may appeal the decision to the University Discipline Panel.

11. Deferred Suspension
Suspension is deferred while the student participates in a designated program, remaining in school under a strict probationary status.

12. Disciplinary Expulsion
The student is permanently separated from the University and may not return. The expulsion is permanently noted on the student’s transcript and will not be removed.

13. Revocation of Admission or Degree
The University may revoke admission or a degree for fraud, misrepresentation, or for other serious violations committed by the student prior to matriculation or graduation. Only the Board of Governors may revoke a degree.

14. Withholding Degree
The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Student Conduct Code, including the completion of sanctions imposed.

15. Parental Notification
The University may notify parents when a student under age 21 is found responsible for infraction(s) involving alcohol, drugs, or violence, and is placed on disciplinary probation, suspended, or expelled from the residence hall or University.

G. Appeal of a Disciplinary Decision

1. A Hearing Officer’s decision may be appealed to the University Discipline Panel by either the Respondent(s) or Complainant(s). The student appealing must submit a written request to the Office of Student Conduct Services within seven (7) business days after the student is notified of the Hearing Officer’s decision. The appeal request must include the reasons for the request and be addressed to the Chair of the University Discipline Panel. Administrative support for the Discipline Panel is provided through Student Conduct Services. Failure to submit a request for appeal in writing within the specified time will render the Hearing Officer’s decision as final.

2. Except as necessary to explain the basis of new information not available at the time of the original hearing, an appeal shall be limited to a review of the record of the hearing and supporting documents. The Chair of the University Discipline Panel shall consider the appeal request based on one or more of the following:

a. Whether the hearing was conducted fairly, giving both the Respondent and Complainant the opportunity to present relevant information. Minor deviations
from designated procedures will not be a basis for sustaining an appeal unless there is an adverse effect on the outcome of the hearing.

b. Whether the decision was based on substantial and sufficient information. That is, whether there was information presented in the case that, if believed by the Hearing Officer, was sufficient to establish that a violation of the Student Conduct Code occurred.

c. Whether the sanction(s) imposed were appropriate for the violation.

d. Whether the decision separates the student from the University through disciplinary suspension or expulsion.

e. Whether there is new information not available at the time of the original hearing that may be relevant to the final decision.

f. To petition for removal of a disciplinary transcript notation or for eligibility to re-apply to the University after completing the terms of a disciplinary suspension. Appeals are directed to the panel only when the Hearing Officer determines the original terms were not satisfactorily completed.

3. The Chair of the Discipline Panel will review the written request for appeal to determine if an appeal should be granted. After reviewing the request, which may include a review of the record and/or meeting with the parties involved and/or the Hearing Officer, the Chair of the Discipline Panel shall take one of the following actions:

a. Deny the appeal.

b. Return the case to the Hearing Officer or Director of the Student Resolution Center for further consideration. The student must abide by the original conditions while the case is under review.

c. Convene an Appeals Committee to review the record of the original case.

d. Grant a hearing with an Appeals Committee to consider new information not available at the time of the original hearing.

4. When an appeal is granted, the Appeal Committee reviews the record, or schedules a hearing to address new information not available at the time of the original hearing, if necessary. In the meantime, the Respondent must comply with all restrictions from the Hearing Officer’s original decision, including separation from University housing, no contact orders, restrictions from specific facilities, suspensions or other conditions. Unless otherwise specified, a student may continue to attend classes while the appeal is pending.

5. When questions of law arise, the Chair may consult with University Legal Counsel.

6. A list of University Discipline Panel members is provided to the Respondent and/or the Complainant(s). The Hearing Officer, Respondent or Complainant may request, to the Chair, the removal of a member of the panel with cause. The Chair decides whether sufficient cause exists to remove members. Members of the panel shall excuse themselves if they have a conflict of interest. The Chair of the University Discipline Panel either chairs the Appeals Committee or selects a Chair from among the faculty members of the University Discipline Panel. The two faculty and two students are selected from the remaining names.
In all cases involving sexual misconduct or harassment, the Director of Equal Opportunity (or qualified designee) shall participate, as a non-voting member, in all deliberations of the Appeal Committee.

7. If a hearing is granted to consider new information that was not available at the time of the original hearing, it follows the hearing process set forth in Article IV, Section D.

8. The Appeal Committee, upon conclusion of its review, shall do one of the following:
   
   a. Affirm the decision, if the Appeal Committee agrees that the information supports the decision of the Hearing Officer. Decisions affirmed by the Appeal Committee are final.
   
   b. Return the case to the Hearing Officer or Director of the Student Resolution Center for further consideration, which may include recommendations for increasing or decreasing the penalty or addressing additional issues. While the case is being reconsidered, the student must continue to abide by any stated conditions.
   
   c. Recommend reversal of the decision, if the Appeal Committee disagrees with the Hearing Officer’s evaluation of evidence and does not believe sufficient evidence exists to support a violation of the Student Conduct Code. If the Appeal Committee recommends a reversal, the Chair shall submit a recommendation in writing, as follows:
      
      i. In all cases involving suspension or expulsion from the University (whether imposed by the original Hearing Officer or recommended by the Appeal Committee after review), the Chair of the Appeal Committee shall make a recommendation in writing to the Vice Provost for Faculty Affairs and the Vice President of Student Affairs for final review.
   
      ii. In all cases involving any form of sexual misconduct or harassment, the Chair of the Appeal Committee shall make a recommendation in writing to the Vice Provost for Faculty Affairs and Vice President of Student Affairs for final review, who may also consult with the Director of Equal Opportunity.
   
      iii. In all other cases involving individual student violations of the Conduct Code, the Chair of the Appeal Committee shall make a recommendation in writing to the Dean of Students for final review.

9. The Vice Provost for Faculty Affairs, Vice President of Student Affairs and Dean of Students, as applicable, after review of the recommendations of the Appeal Committee and consultation with others as deemed appropriate or necessary, shall do one of the following:
   
   a. Affirm the recommendation of the Appeal Committee;
   
   b. Affirm the decision of the original Hearing Officer;
   
   c. Return the case to the Director for additional review or to impose alternate sanctions.

If the Vice Provost for Faculty Affairs and Vice President of Student Affairs are unable to agree on the action to be taken, it may be referred to the Executive Vice President/Provost for final action.
H. Other Appeals

1. Housing Re-assignments or Cancellation of the Residence Hall Contract
   Residential move appeals are made directly to the Director of Residence Life whether or not an appeal of the entire disciplinary decision is filed with the Discipline Panel.

2. Grading Penalty
   If the student disputes a finding of academic misconduct and an associated grading penalty, the student may request a disciplinary hearing through Student Conduct Services. The request must be submitted (or postmarked, if mailed) no later than within thirty (30) calendar days after the next semester’s first day of classes of the next regular semester following the date the grade for the course was initially recorded or subsequently revised. If the Hearing Officer clears the charges, the instructor revises the grade, considering only academic performance and disregards the academic misconduct charge. If the Hearing Officer finds the student responsible for academic misconduct, the grading penalty stands and additional sanctions may be imposed.

Article V: All University Hearing Board Procedures

A. Composition

1. The All University Hearing Board (AUHB) is comprised of the seven (7) justices of the ASCSU Supreme Court, a representative from each specific community or area that may be subject to proceedings before the AUHB, to be identified and appointed by the Director, and two (2) staff members from the Office of Student Conduct Services. Each individual on the AUHB shall serve two year terms and be trained regarding conflict resolution and student conduct policies, procedures and philosophies.

2. For each AUHB case to be heard, a committee comprised of AUHB members shall be formed to hear the case and include the following:
   a. Three members from the ASCSU Supreme Court, who are selected by the President of ASCSU. The Chair of the AUHB committee hearing the case shall be one of these three members and designated by the President of ASCSU;
   b. One member from the specific community or area of the student organization being reviewed (i.e.: a member of a fraternity or sorority, a sport club, or a faith based organization) as identified and approved by the Director; and
   c. One staff member from the Office of Conflict Resolution and Student, to be appointed by the Director.

3. Vacancies will be filled promptly by the responsible party from the areas set forth above. As necessary, alternate members, such as ASCSU leaders or students designated by the Director, who have received appropriate training, may serve to achieve a quorum over academic breaks if appointed members are not reasonably available.
B. Charges

1. Any member of the University or larger community may report alleged misconduct involving a student club or organization. This process is initiated through the submission of a written account of the incident to Student Conduct Services or the respective advising staff or student leaders (i.e., Student Leadership, Involvement, and Community Engagement, Campus Activities, Fraternity and Sorority Life, Sport Clubs, ASCSU). Reports should be submitted as soon as possible after the event takes place. In cases in which a University staff member is notified of an incident from an outside person or entity, the staff member may document the call and prepare the charging report. In cases in which the reporting person fears retribution, the name may be withheld by the reporting staff member at the discretion of the Director. Anonymous calls or reports may warrant additional investigation to substantiate the validity of the complaint.

2. After reviewing the written report, the Director (or designee) determines whether there is sufficient reason to charge the student organization with a violation of the Student Conduct Code through the information provided in the written report or through further investigation. If a hearing is warranted, the case may be referred to the AUHB or hearing officer, depending on the severity of the case or the student organization’s conduct history.

3. If the incident is referred to the AUHB, the Chair shall identify members to serve and convene for a preliminary review meeting within two (2) weeks.

4. The AUHB shall review all relevant information, and develop questions for the hearing, review information regarding the organization, and consider restorative opportunities that may repair harm to others caused by the incident.

5. At the conclusion of the preliminary review meeting, the AUHB shall schedule the hearing to occur within one (1) week, and notify the President or designated student leadership of the Respondent student organization as set forth below.

6. Responsible Action Exemption for Student Organizations

   a. Background: The health and safety of members of the Colorado State community is a primary concern. Students are encouraged to make responsible decisions in emergency situations that result from alcohol and other drug abuse (to include alcohol poisoning, overdose, serious injury, and victims of sexual assault) and to seek medical attention for someone who is in danger because of intoxication. Colorado State University seeks to remove the barriers that prevent students from seeking the medical attention they need. Therefore, students should alert Residence or Apartment Life staff, the Colorado State University Police Department, Fort Collins Police Department or other university personnel when they or another person are in danger.

   b. Exemption from Discipline: Student organizations and their leaders/members that seek immediate assistance from appropriate sources will not be charged with violations of the Student Conduct Code related to alcohol and other drugs, providing that the organization’s members and/or the student impacted, including the organization’s leaders, completes an assessment and any recommended treatment by the University Hearing Officer. The organization must also cooperate with University officials and procure its members for
training or educational programs deemed necessary or advisable by the Hearing Officer. Failure to complete an assessment, recommended treatment or training/educational programming may result in charges from the Conflict Resolution & Student Conduct Services Office.

c. How to Receive Exemption: The student and organization that seeks a disciplinary exemption must complete the following steps:

i. The student who contacts an appropriate resource (i.e. law enforcement or other University staff) on behalf of an intoxicated student must remain with the intoxicated student. Alternatively, a leader from the student organization may also remain with the intoxicated student.

ii. The student seeking assistance for an intoxicated student must give his/her name to law enforcement or staff. Alternatively, a leader from the student organization may also provide his/her name.

iii. The student who calls and representative from the organization’s leadership must contact the Office of Conflict Resolution & Student Conduct Services within three (3) business days of the incident.

iv. The student and/or organization’s leadership must work with the organization’s membership and submit confirmation to the office of Conflict Resolution & Student Conduct Services an assessment was completed by all members deemed necessary by the Hearing Officer, and that any additional educational or treatment requirements have been completed.

d. Limitations to Exemption. The disciplinary exemption does not apply to students or student organizations experiencing an alcohol or drug-related medical emergency that are found by university staff (i.e. Residence or Apartment Life staff, Colorado State Police Department, Faculty, or Administrative Staff) or local law enforcement. The help must be sought by, or on behalf, of a student. In cases of repeated violations of the Student Conduct Code, the University reserves the right to take judicial action on a case by case basis regardless of the manner in which the incident was reported. The University reserves the right to adjudicate any case in which the violations are egregious. The University may consider all prior exemptions granted to student organizations in determining whether additional exemptions should be granted. If it is determined that a student organization is engaging in repeat, similar conduct that results in alcohol or drug-related incidents that negatively impact the campus or community, exemptions may be denied. No exemptions will be provided related to any activities that may constitute hazing in violation of the Student Conduct Code or Colorado law.

e. Records. All proceedings and records directly related to a Responsible Action Exemption will be considered educational and will not be maintained as discipline records. If the incident involves a student under the age of 21, parents may be notified.
C. Hearing Notification

1. All charges shall be presented to the President of the Respondent student organization in written form through the email on file with the University at least five (5) business days prior to the meeting date.

2. The letter of notice will provide a copy of the initiating report(s) and set a time for the hearing. Hearings will be arranged as expeditiously as possible but depending on the academic calendar, may be extended until the AUHB reconvenes following scheduled breaks. The student organization, with the consent of the (or designee), may waive the minimum notice requirements through existing waiver forms.

3. The letter of notice may contain specific requirements or restrictions, pending the resolution of the matter through the hearing process as needed to protect the interests of the involved students, student organization, or the University. These requirements could include but are not limited to:
   a. Restriction of Certain Activities – in some cases, it is necessary to limit specific functions of a student organization, such as social functions or new member activities, pending resolution of the matter through the hearing process.
   b. Cease and Desist – a temporary suspension of all student organization activity pending resolution of the matter through the hearing process. This includes meetings, practices, philanthropic endeavors, and social gatherings and essentially serves as a “time out” for student organizations until the matter is resolved.
   c. No Contact Orders - this designation prohibits contact with Complainants or witnesses via text, phone, email, online, in person, in writing, though a third party, or in any other way. If violated, students or organizations may be cited/arrested for harassment and face additional disciplinary action. If a No Contact Order is implemented, the onus is on the Respondent student organization to remove themselves from any situation involving potential contact with Complainants or witnesses.

4. The notice letter will also be sent to the student organization's local Advisor(s) and inter/national organization (if any) on file with the University.

5. The student organization shall be presumed not to have violated the University Student Conduct Code until such a violation is proven. The standard of proof shall be preponderance of the evidence.

D. Options for Advisement:

Following notification of the charges, the President and Advisor of the student organization may meet with the designated Chair of the AUHB to discuss the charges, options and the disciplinary process.

E. Administrative Meetings and Disciplinary Hearings:

1. Administrative meetings shall be conducted when Respondent student organizations accept all of the charges outlined in the notification letter sent prior to the meeting.
2. Disciplinary hearings shall be conducted when Respondent student organizations dispute one or more of the charges outlined in the notification letter sent prior to the meeting.

3. Disciplinary hearings will be recorded for appeals purposes. A copy of the record may be requested at the Respondent student organization's expense. The original will be considered the official record of the hearing. Recesses and deliberations are not recorded.

4. In some cases, if the charges are not disputed, alternative resolution through restorative justice, mediation or other resolution processes may be offered by mutual consent of the parties involved and on a basis acceptable to the Director (or designee). A written summary of these agreements are provided to all parties. These agreements are binding and once entered are not subject to appeal. Failure to abide by the agreements could result in the situation being returned through the AUHB or hearing officer process for possible disciplinary action.

F. Process

Administrative meetings and disciplinary Hearings shall be conducted by the AUHB or hearing officer according to the following guidelines:

1. The student organization may be accompanied by an Advisor or support person they choose, at their own expense. Such advisor may be an attorney. Since the direct interaction with the students involved is essential to the educational relationship with the University, the Advisor is limited to counseling the student(s) present and may not act as a representative of the student organization, speak on the organization's behalf, or participate directly in the hearing. Advisors may not serve in a dual role as a witness in the hearing. The AUHB or hearing officer may also consult with or choose to have University Counsel present at a hearing.

2. Administrative meetings and disciplinary hearings with the AUHB or hearing officers are considered private educational interactions between the student organization and the University. The Complainant, students representing the Respondent student organization, and their Advisors, if any, shall be allowed to attend the entire meeting or hearing at which information is received (excluding deliberations). Admission of any other person to the hearing shall be at the discretion of the AUHB or hearing officer.

3. Pertinent records, exhibits, and written statements, including impact statements, may be accepted as information for consideration. The Complainant and the students representing the Respondent student organization shall be allowed to review and respond to any reports or statements the AUHB or hearing officer will consider as the basis for the charges or determination of evidence related to the hearing.

4. The Complainant and the student representatives of the Respondent student organization will have the opportunity to present their own perspective of the incident or events by personal statements, as well as through written statements and witnesses.

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5. If the representatives of the Respondent student organization, with notice, do not appear for the hearing, a decision may be made by the AUHB or hearing officer taking into consideration the totality of the information related to the charges available at the time of the hearing.

6. In disputed cases, the Complainant, the student representatives of the Respondent student organization, and the AUHB or hearing officer may bring witnesses and/or ask for relevant witnesses to be called. The AUHB or hearing officer will try to arrange upon reasonable request (at least two days prior to the hearing) witnesses who were identified by or contributed to the report. Witnesses outside of the University community could be asked to participate via conference call or the University staff member who responded to the complaint could appear and present the information from the original complaint. Witnesses shall be present only during the time they are presenting information in the hearing. The AUHB may confer on procedural issues.

7. If information presented in the hearing creates additional need for clarification or investigation, or to accommodate irresolvable scheduling conflicts with key witnesses, the AUHB or hearing officer may reschedule the hearing.

8. If the hearing involves more than one Respondent student organization, the AUHB or hearing officer may permit the hearings concerning each student organization to be conducted either jointly or separately.

9. The AUHB or hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation/retribution of the Complainant, Respondent student organization, and/or other witnesses during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined to be appropriate.

10. The order of the hearing shall proceed as follows:
   a. The Chair of the AUHB or hearing officer begins the hearing.
   b. The parties are introduced, and the charges (alleged violations) are read. The Chair or hearing officer will confirm that the student was given notice and understands the charges (alleged violations).
   c. The Chair or hearing officer will explain the order of the hearing.
   d. The Chair or hearing officer will review the charges listed in the notification letter and ask the student representative of the Respondent student organization to accept or dispute each individual charge. If charges are disputed, the administrative meeting becomes a disciplinary hearing and the meeting will be recorded for appeals purposes.
   e. If witnesses have been identified, the Chair or hearing officer will explain the order in which witnesses will be called. The AUHB or hearing officer will consider the addition of witnesses and/or evidence that were not previously submitted according to procedure as well as the reason for the late addition(s). The decision to allow the addition(s) is at the discretion of the AUHB or hearing officer.
f. The Chair or hearing officer asks preliminary questions to better understand the general nature and culture of the Respondent student organization.

g. The student representative of the Respondent student organization is asked to share information regarding the alleged violation and pending charges.

h. The AUHB or hearing officer may ask questions regarding the information provided and statements made.

i. In the event witnesses have been identified, the AUHB or hearing officer will call witnesses, first on behalf of the Respondent student organization, then on behalf of the AUHB or hearing officer. Witnesses will provide information to and answer questions directed from the AUHB or hearing officer. Questions may be suggested by the Respondent student organization and/or Complainant to be answered by each other or by witnesses. To preserve the educational tone of the hearing and appropriately manage the proceedings, the AUHB or hearing officer may ask that all questioning be directed through him/her and use discretion related to limiting repetitive information/statements. Once the witness has made his/her statement and questions have been asked of that person, the witness will be excused.

j. At the conclusion of witness statements, the Respondent student organization will have the opportunity to address information/statements presented by witnesses and the AUHB or hearing officer will have the opportunity to ask follow up questions to ensure all of the information is thoroughly understood.

11. After all of the information is heard and understood, the AUHB or hearing officer will take a restorative approach to a solution, including identifying the harm that has been caused and the ways in which the AUHB or hearing officer can support the Respondent student organization in meeting their goals.

12. Formal rules of process, procedure, or evidence as established and applied in the civil or criminal justice system do not apply to this process.

G. Decisions:

1. After the hearing concludes, the AUHB or hearing officer will review all pertinent information and make a determination related to each of the charges specified from the Student Conduct Code. The determination is based on the preponderance of evidence standard, which indicates whether it is more likely than not that the Respondent student organization violated the Student Conduct Code.

2. The AUHB or hearing officer will have the authority to determine the appropriate level of discipline action taking into consideration: the severity of the infraction; impact on individuals or the community; willingness to remedy the situation; effectiveness of internally or externally imposed sanctions or restrictions; and the past record of discipline.

3. Written notice of the AUHB or hearing officer decision will be sent to the Respondent student organization within ten (10) business days of the hearing. The notification shall consist of the determination of responsibility, level of discipline imposed, and a complete description of any sanctions or requirements. If the charges were disputed, the notification will include a summary of the basis for
the determination. A copy of the decision will also be sent to other appropriate University offices, such as the Office of Fraternity and Sorority Life, Sport Clubs, or the Student Involvement, Engagement, and Community Engagement Office. The University reserves the right to inform parents or appropriate family members of involved students of the disciplinary decisions related to student organizations.

4. Decision letters that include information identifying persons listed as victims may not be released by the Respondent student organization to unauthorized third parties. Failure to comply with this requirement could result in additional disciplinary charges.

H. Sanctions and Disciplinary Status:

These are possible types of disciplinary status that may be levied against student organizations:

1. No Action - The AUHB or hearing officer takes no disciplinary action.

2. Warning or Written Reprimand - A student organization is issued a formal warning or reprimand for minor infractions.

3. General Disciplinary Probation
   Probation is for a designated period of time during which the student organization is required to show appropriate culture changes within the organization. Specific sanctions or restrictions may be imposed as a part of this discipline but do not result in loss of good standing with the University. A violation of the terms of General Disciplinary Probation, or subsequent misconduct after discipline, is grounds for further disciplinary action, including loss of good standing, suspension, or expulsion.

4. Loss of Good Standing
   Loss of Good Standing status is for a designated period of time during which the student organization is required to show appropriate culture changes within the organization. Specific sanctions or restrictions may be imposed. The student organization is not in good standing with the University and is prohibited from:
   a. representing the University through official events
   b. representing the student organization by serving on a University committee, panels, or governing bodies
   c. participating in intercollegiate or Sports Club athletics as a student organization

Further conduct violations while on Loss of Good Standing status may face further disciplinary action, suspension or expulsion.

5. Recommendation for Removal of Recognition - The AUHB or hearing officer may recommend to the Vice President for Student Affairs recognized student organizations lose recognition after a University Hearing. Approval of this action deprives the student organization of the use of campus resources, the use of the University's name, and the right to participate in campus sponsored activities or recruit Colorado State University students. This loss of recognition may be for a specific period, for an indefinite period of time, or until stated conditions are met. Should the VPSA approve this action, an official request will also be sent to the national office that the local student organization's charter be revoked.
6. Discretionary Sanctions:
   a. Educational Sanctions - The student organization participates in educational programs or assignments aimed at supporting culture change, including but not limited to:
      i. Implementation of a new program or policy to support officer transition and general membership education,
      ii. Leadership development, ethics, or values development,
      iii. Restorative Justice practices or mediation with impacted parties,
      iv. Risk management plans and programs, including alcohol awareness, event-planning procedures and processes, and development and implementation of risk management teams,
      v. Use of University programs or workshops to educate the student organization membership on issues identified during the administrative meeting or disciplinary hearing,
      vi. or other related discretionary sanctions.
   b. Educational sanctions may include the regular submission of an accountability report to update the appropriate University offices and/or inter/national organizations on progress made toward a sanction.

7. Restitution - The organization compensates for loss, damage, or injury with appropriate service, monetary or material replacement.

8. Restrictions – Restriction of some or all of the organizations activities or privileges, including but not limited to: social privileges, community service opportunities, a limited number of intramural, intercollegiate, or Sport Clubs games, and recruitment privileges. Specific restrictions will be outlined in the outcome letter sent to the Respondent student organization and may not be tied to disciplinary status.

I. Student Organization Appeals Process

1. The Director (or designee) serves as the appellate board for review of decisions made by the AUHB or hearing officer. If the Director serves as the original Hearing Officer, the Vice President of Student Affairs shall appoint a three person committee to consider the appeal. The committee shall then make recommendations to the Vice President of Student Affairs, who will make the final decision regarding the appeal.

2. The Respondent student organization or Complainant(s) may appeal the decision of the AUHB or hearing officer in writing within seven (7) business days from the decision being sent. The appeal request must clearly state the reasons for the request and be addressed to the Director. After seven (7) business days the decision of the AUHB or hearing officer is considered final.

3. The appeal request will be considered based on:
   a. Whether the original hearing was conducted fairly, giving both the respondent and complaining parties the opportunity to present relevant information.
   b. Whether the decision is based on substantial and sufficient information.
c. Whether the sanctions(s) imposed are appropriate for the violation.
d. Whether the decision revokes recognition by the University.
e. Whether new information exists that was not available at the original hearing.

4. After reviewing the appellant’s request, the Director will take one of these actions:
   a. Deny the appeal.
   b. Return the case to the AUHB or hearing officer for further consideration; while the case is being re-considered, the student organization must continue to abide by any stated conditions.
   c. Grant a hearing to consider new information.

5. If an appeal is granted, the Director will review the record or arrange for a hearing if one is necessary to hear new information. While the decision of the Appeals Committee is pending, the Respondent student organization must comply with all conditions of the decision of the AUHB or hearing officer.

6. If a hearing is granted to consider new information, the general process outlined under the AUHB procedures will be used.

7. The Director (or designee) may make one of the following decisions:
   a. Reverse the decision: If the appeal is resolved in the Respondent’s favor, the disciplinary decision will be is changed to “No Action.” If the appeal is resolved in favor of the Complainant, the case is referred back to the Hearing Officer or Director for possible revision of sanctions.
   b. Affirm the decision: the committee agrees that the information supports the decision reached by the AUHB or hearing officer.
   c. Amend the decision: the committee agrees that the information supports the decision reached by the AUHB or hearing officer, but takes the opportunity to clarify sanctions or offer additional resources to support the Respondent student organization.
   d. Return the case to the AUHB or hearing officer for further consideration: the committee believes that additional considerations should be made which could include increasing or decreasing the penalty or addressing additional issues raised through the appeals process. While the case is being re-considered, the student organization must continue to abide by any stated conditions.

8. The Director (or designee) will communicate the decision to the student organization in writing. Unless the case is returned for further consideration, the matter is considered final.

**Article VI: Record of Discipline**

A. Student Records

1. Student Conduct Services maintain student disciplinary records keeping with the Federal Family Educational Rights and Privacy Act of 1974 (FERPA), subsequent amendments, and implementation guidelines. These records are maintained for seven years from the date of the last disciplinary decision, if the student is no longer enrolled at the University. All disciplinary records are
destroyed after this period, except in cases of expulsion. Information regarding a
student's disciplinary record is available to University members or offices with a
“demonstrated need to know.” Disclosure of disciplinary records to others generally
requires a written release from the student.

2. Notations of disciplinary action on the student’s transcript will be made only by the
Student Conduct Services office. Disciplinary expulsion will be permanently noted
on the academic transcript and cannot be removed. Disciplinary suspension is
noted on the transcript during the period of suspension and/or until the conditions
for re-admission have been met. In the case
of suspension, when the conditions for re-admission have been met, the student may
petition for admissions clearance and/or removal of the notation whether or not
the student intends to return to Colorado State University. If the petition is denied
the student may appeal the decision to the University Discipline Panel. The “AM”
notation by a course grade as a result of academic misconduct may only be added to
the transcript with agreement of both the course instructor and a hearing officer.
That negative notation is generally permanent. A transcript hold may be placed by
the Director (or designee) to prevent release of an official transcript while serious
disciplinary charges are pending.

3. Should a student wish a copy of the record, a request must be submitted in writing to
the Student Conduct Services Office. This may be done via FAX, mail, or in person.
Once the request has been received, a copy will be made available to the student after
three business days. Alternatively, based on the totality of circumstances including
the sensitive nature of the allegations or information,
the request for copies may be granted or denied at the Hearing Officer’s discretion.
If the request for copies is denied, the information may be reviewed at the Student
Conduct Services Office.

B. Student Organization Records

Disciplinary records related to Student Organizations are kept on file in the Student
Conduct Services Office. While FERPA prohibits unauthorized disclosure of
information considered personally identifiable to any individual student
if that information would be considered part of that student's education record, the
University believes students seeking to gain membership within a Student Organization
should have the opportunity to review the organization’s general disciplinary history.
As such, student organization's disciplinary history can be found online at http://www.
conflictresolution.colostate.edu/discipline-record-organizations.

Article VII: Victims

A. Records:

In situations involving both a Respondent student(s) or group or organization and when
a student claims to be the victim of another student’s or student organizations conduct,
the incident record is considered an education record of each party. This provision
allows for alleged victims/complainants to participate in the hearing process and be
informed of the determination and sanctions imposed, if any. If the alleged victim is
deceased as a result of the conduct, the next of kin of such victim may be treated as
the alleged victim with regard to requests for information. The victim may ask to be
informed (to the extent permitted by law) of the impending return of the Respondent student to campus, if the Respondent met all conditions of the suspension while the victim remains a student.

B. Support for Victims:

1. The University is committed to providing appropriate support and referrals to victims of crimes or violations of the Student Conduct Code. A victim of another person's unlawful or prohibited actions may seek personal support, explore options, and report the incident.

2. Confidential services are available through the Victim Assistance Team, University Counseling Center, CSU Health Network, and Student Legal Services. Other University agencies may be required by law and University policy to take appropriate action when notified.

3. Victims may receive assistance from other appropriate University resources, such as relocation within or to campus housing; academic support services; notification of appropriate persons/agencies; and at the victim's request, University cooperation in using University procedures to deter harassment or retribution.

4. Students are encouraged to report complaints of:
   a. sexual harassment or discrimination to the Office of Equal Opportunity and Diversity;
   b. crimes to the Colorado State University Police;
   c. violations of the University Student Conduct Code to residential staff or Conflict Resolution and Student Conduct Services;
   d. interpersonal and sexual violence to the Office of Support and Safety Assessment, CSU police and Victim Assistance Team (confidential resource);
   e. violations of their right to free speech in the classroom directly to the instructor involved or applicable department chair or the Student Conduct Services Office.

5. Sexual Misconduct Reporting Exemption: The University encourages reporting of sexual misconduct by the impacted party or others who are aware of sexual misconduct incidents. To encourage reporting, it is the practice of CRSCS to not charge reporting parties for other, lesser violations of this Student Conduct Code that may be related to the sexual misconduct incident. For example, a student who may have been under the influence of drugs or alcohol at the time of experiencing or witnessing a sexual misconduct incident will not be charged with drug or alcohol violations under this code.

**Article VIII: Interpretation and Revision**

Under the authority of the President, any question of interpretation or application of the Student Conduct Code shall be referred to the Vice President for Student Affairs (or designee) for final determination. The Student Conduct Code shall be reviewed a minimum of every three years under the direction of the Vice President for Student Affairs, in consultation with the General Counsel and subject to the approval of the University President and Board of Governors.