Code of Community Standards Policy

2022-2023

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Code of Community Standards Policy

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Salisbury University has a strong institutional commitment to diversity and equal educational opportunities. To that end, the University prohibits discrimination on the basis of sex, gender, marital status, pregnancy, race, color, ethnicity, national origin, age, disability, genetic information, religion, sexual orientation, gender identity or expression, veteran status, or other legally protected characteristics. Direct all inquiries regarding the nondiscrimination policy to the Office of Institutional Equity/Title IX Coordinator, Holloway Hall 100, 410-543-6426. Qualified students with disabilities should contact the Office of Student Disability Support Services at 410-677-6536.

I. POLICY STATEMENT

The Code of Community Standards Policy (the "Policy") sets out the standards of behavior for all Students that promote the safety and welfare of the Salisbury University (the "University") community. It applies to all conduct by Students on University Property, at University-sponsored events and activities, and off-campus when the Dean of Students or designee determines that the off-campus conduct affects a substantial University interest.[1]

When alleged violations of Community Standards occur, this set of Policies and procedures protect the interests of the members of the University community, both individually and collectively, and ensures a fair resolution process for those involved. Students are responsible for knowing this policy and familiarizing themselves with its contents and provisions.

The authority for discipline is vested in the President by action of the University System of Maryland Board of Regents. The President has empowered the Dean of Students and/or designees to adjudicate charges of alleged non-academic misconduct and to impose fair sanctions as provided in this policy and procedures.

The University reserves the right to make changes to the Code of Community Standards Policy, as necessary, at any time. Once those changes are posted on the University website, they are in effect. For the most updated version of the Policy, please refer to the Student Accountability and Community Standards (SACS) website. The University will utilize the most updated version of the Policy in all instances.

In addition to the Community Standards listed within this Policy, the University takes seriously all acts of discrimination and is committed to creating an inclusive environment free of discrimination and supportive of all. The University's policies prohibiting discrimination and related procedures can be found in the Office of Institutional Equity website.

II. PURPOSE

SACS is guided by the belief that a community exists on the basis of shared values and principles. We aim to foster a community, at the University and beyond, where diversity, equity, accessibility, inclusivity, integrity and respect are the established norm, and where each community member understands that this is a responsibility that must be shared by all. Therefore, the University expects and requires of all its students full cooperation in developing and maintaining a campus community in which a core set of values is upheld. These core values are reflected in the "Salisbury University Promise," which reads:

As a Salisbury University student:

- *I will connect what I learn with how I live.*
- *I will demonstrate personal and academic integrity.*
- *I will respect diverse groups and individuals.*
- *I will strive to bring honor to the University as well as myself.*

A commitment to these values requires each member of the University community to refrain from behavior that compromises or in any way interferes with the educational mission of the institution, equal access to education or employment of those at the institution, and/or the health, safety or welfare of any institution community member or a member of the greater Salisbury community and beyond. Moreover, each member of the University

[1] A substantial University interest includes, but is not limited to:

1. Any situation which constitutes a violation of local, state or federal law, including, but not limited to, repeat violations of any local, state or federal law committed in the local community; and/or
2. Any situation where it appears that the Student's conduct may present a danger or threat to health or safety of him/herself or others; and/or
3. Any situation that significantly infringes upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational mission, reputation, and/or interests of the University/College.

community bears responsibility for their conduct and assumes reasonable responsibility for the behavior of guests, and they should not remain passively in the presence of violations. Choosing to join the University's community obligates each member to live by the Code of Community Standards and to uphold community standards at the University and in the greater Salisbury community and beyond.

With the development of this Code of Community Standards, we support our efforts to implement a student accountability process that is procedurally sound, community focused and learning-centered. We do so by committing to afford students their rights and treating them with fairness and respect, while maintaining the health and safety of our campus community and encouraging learning outcomes, personal responsibility and accountability, as well as responsible decision-making.

III. DEFINITIONS

A. Advisor. A person who has been asked by the Respondent or Complainant to attend any part of the student accountability process to provide support and assistance directly to the Student, but not to participate in the process on the Student's behalf.

B. Appeal Officer. Person(s) authorized by the Dean of Students or designee to consider an appeal from a Hearing Authority's determination.

C. Case Administrator. Upon receipt of a Complaint of non-academic misconduct, the Dean of Students or designee will assign to a Staff member the primary responsibility for the resolution of the Complaint. The Staff member will hereafter be referred to as the Case Administrator. Case Administrators include, but are not limited to, the Dean of Students, the Assistant Dean of Students, Graduate Assistants for Student Accountability and Community Standards, Student Affairs Administrators, Area Directors and Resident Directors.

D. Character Statement. Statement, written by a personal reference, addressed to the Hearing Authority discussing a Student's character. The statement provides outside insight into a Student's background, personal self and other knowledge of a Student's character.

E. Community Standards Board. Group of trained Faculty, Staff and Students authorized by the Dean of Students or designee to determine whether a Student has violated the Code of Community Standards and to recommend sanctions that may be imposed when a violation has been committed.

F. Complainant. Any person or entity that files a Complaint against a Student for violations of the Code of Community Standards. Staff from SACS or other appropriate University officials may also bring charges against a Student based on information provided to the University.

G. Complaint. Allegation of non-academic misconduct submitted in writing to Student Accountability and Community Standards by a Complainant.

H. Drugs. The term "drugs" includes any definition found in state and/or federal law, but broadly includes, but is not limited to, any stimulant, intoxicant (other than alcohol), nervous system depressant, or other chemical substance, compound or combination when used to induce an altered state, including illegal drugs and any otherwise lawfully available product used for any purpose other than its intended use (for example, prescription drugs or household product misuse).

I. Drug Paraphernalia. The term "drug paraphernalia" includes any definition found in state and/or federal law, but broadly includes, but is not limited to, any material, product, instrument or item used to create, manufacture, distribute, use or otherwise manipulate any drug and includes, but is not limited to, hypodermic needles, syringes, baggies, rolling papers, strainers, grinders and/or scales (when used for the purpose of drug use), any devices used to ingest drugs including bongs or pipes.

J. Faculty. Any person hired by the University to conduct classroom or teaching activities or activities involving research, administration or clinical responsibilities or who is otherwise considered by the University to be a member of its faculty.

K. Hearing Authority. Refers to the person or persons (i.e., Case Administrator or Community Standards Board) designated on a case-by-case basis to administer the adjudication process under this Policy.

L. Interim Suspension. Refers to the immediate removal of a student from the University pending the outcome of an accountability hearing and may include, but is not limited to, exclusion from University property, exclusion from University activities (including classes and programs), and revocation of University privileges. In certain cases, an interim suspension may require administrative withdrawal from classes.

M. Intoxicated. Being intoxicated is the condition of having physical or mental control markedly diminished by the effects of alcohol. Diminished effects may include, but are not limited to, impaired motor-skill coordination, difficulty communicating, vomiting, glazed/red eyes, verbal and/or physical aggressiveness, destructive and/or disruptive behavior, and/or engaging in any behavior that may endanger oneself or others.

N. Preponderance of Evidence. The standard of proof that applies to student accountability proceedings or determinations. A preponderance of evidence does not require information that is beyond a reasonable doubt. Rather, it is defined as the degree of proof that will produce a finding that the alleged misconduct "more likely than not" occurred.

O. Policy. The term "Policy" means any written standards of conduct applicable to Students as found in, but not limited to, the Code of Community Standards, the Policy Prohibiting Sexual Misconduct and Other Sex- and Gender-Based Discrimination, the Policy Prohibiting Non-Sex Based Discrimination, the Board of Regents Policy V-8.0 on Event-Related Misconduct, Information Technology Policies, Policies Pertaining to Student Groups and Organizations, and the Smoke Free Campus Policy.

P. Procedural Advisor. University Official with detailed knowledge of conduct hearing procedures. This individual sits in on Community Standards Board hearings to ensure the Community Standards Board follows University procedures and to answer any procedural questions any party may have. They do not have any input or vote in any decision-making processes within the hearing, except in the extraordinary event the Board is unable to reach a majority decision. In those instances, the Procedural Advisor can cast a tie-breaking vote.

Q. Respondent. Any Student charged with violating the Code of Community Standards.

R. Sanction Statement. Statement written by the Complainant or Respondent and addressed to the Hearing Authority requesting consideration of specific sanctions should a student be found responsible for a violation.

S. Staff. Any person with a direct employment relationship with the University, including those who work on a part-time basis. An individual can hold a status as both a Student and Staff.

T. Student. All persons enrolled in courses through the University, either full time or part time, online or in person, single or dual enrolled, auditing a course, pursuing undergraduate, graduate or professional studies. "Student" also includes all persons who withdraw from the University after allegedly violating the Code of Community Standards, persons who are not enrolled officially for a particular term but who have not officially withdrawn from the University and/or have a continued interest in attending the University in a future term, and persons who have accepted their offer for admission.

U. Student Organization. The term "Student Organization" means any registered student organization, fraternity and/or sorority, intramural, club and/or athletic team. This would include, but is not limited to, unchartered provisional chapters/interest groups. Complaints against Student Organizations are resolved in accordance with the University's Code of Student Organization Standards.

V. University Official. A person employed by the University or having official duties at the University, including, but not limited to, Salisbury University Police, Faculty and/or Staff.

W. University Property. Any property owned, leased or controlled by the University.

X. Weapon. In addition to the items defined as weapons by applicable law, anything used by a Student to injure or attempt to injure another person, or that can be reasonably perceived by a person to be threatening.

Y. Witness. A person who has personal knowledge of the incident at issue. Students may call any individual to serve as a Witness in formal student accountability hearings. A person who serves as a Witness may not serve in any other capacity during the hearing unless the presentation of information warrants charges against the Witness.

IV. COMMUNITY STANDARDS

The University considers the behaviors outlined below incompatible with our core set of values set forth in the Salisbury University Promise, and student accountability action will likely occur if a Student is found responsible under this Code of Community Standards.

A. Acts of Violence and/or Extremism

The University is committed to maintaining an environment that is safe and free from violence and will not tolerate violent behavior. The use of physical force with the intent, or effect or reasonable likelihood of causing pain, harm and/or injury is prohibited. This includes, but is not limited to, any act of violence or threat of violence; all physical abuse, including physical assault and/or battery as well as any domestic violence, hate crimes, and/or child, elder or animal abuse; and any act of violent destruction of property.

Acts of destruction or violence (including the threat of violence) that are motivated by race, color, creed or religion, ancestry or national origin, sex, gender identification or sexual orientation, age, disability, citizenship, or any other protected category is prohibited, and will be addressed in accordance with the University's Policy Prohibiting Sexual Misconduct and Sex- and Other Gender-Based Discrimination and Policy Prohibiting Non-Sex Based Discrimination.

Any such acts may result in a Student's Interim Suspension, Suspension, Dismissal from the University and/or criminal prosecution.

B. Alcohol Violations

The University expects Students who choose to drink to make decisions with thoughtful consideration that are guided by the law, common sense, and the information about how alcohol use can impact both the Student and those around them. The use, possession, consumption or distribution of alcoholic beverages by Students, except as expressly permitted by Maryland law and University policy, is a violation of the Code of Community Standards. This includes, but is not limited to:

1. Underage possession and consumption of alcohol;
2. Possession of an open container of alcohol either on University Property at a location not approved by the University or on public property in an unlawful manner;
3. Excessive drinking and intoxication, regardless of age;
4. Operating a vehicle under the influence of alcohol, including, but not limited to, motor vehicles, bicycles, scooters and skateboards;
5. Purchasing, providing or otherwise making alcohol available to underage persons;
6. Any form of rapid consumption of alcohol or participation in drinking games that may create a risk of danger to self, others or the University community.

C. Disorderly Conduct

The University expects Students to be respectful of the rights of others, whether on or off campus. Conduct that is disruptive to the rights of others is therefore prohibited. Examples of disorderly conduct include, but are not limited to, excessive noise that is disruptive to normal activities, including noise disturbances in residence halls, on campus or in neighborhoods; public urination, defecation or exposure (without sexual

misconduct); pranks that cause or have the potential to cause damage to the University's or anyone's personal or public property; acts that violate another's reasonable expectation of privacy; and any acts that constitute disorderly conduct or disturbing the peace under Maryland law.

D. Disruption of the Academic Process

In an effort to build an environment in which the instructor's ability to teach and the Students' ability to learn are unhindered, Students are expected to conduct themselves in a manner that does not disrupt the academic process. Disruption of the academic process refers to any act(s), word(s), or general conduct of a Student in a classroom or another academic environment that in the reasonable estimation of the instructor directs attention away from the academic matters at hand, including, but not limited to, noisy distractions, persistent, disrespectful or abusive interruption of lecture, exam, academic discussion or general University operations.

While the Dean of Students Office has the authority to initiate student accountability proceedings against Students for disruptions of the academic process, instructors and relevant academic officers may take administrative action in response to disruptive conduct.

E. Disruption of University Operations

The University is committed to fostering and sustaining the conditions necessary for the free and lawful expression of ideas in the context of a diverse campus community. For this reason, students are prohibited from engaging in behavior that disrupts or interferes with the orderly functioning of the University, including, but not limited to, the process of instruction, research, administration, student accountability, or any other service or activity provided or sponsored by the University. These expectations were designed to be applied without regard for the perspectives or positions at the heart of a particular discussion, debate or protest. The University is, and will remain, committed to fostering a safe, welcoming and respectful campus community.

F. Drug Violations

When students are using or abusing drugs, whether it is illegal or prescription drugs that are being misused, they jeopardize their safety and may negatively affect the entire community. The University expects all members of the community to comply with state and federal laws pertaining to drugs. This includes, but is not limited to:

1. The possession or use of any illegal Drug and/or Drug Paraphernalia; and
2. The delivery, transfer, intent to deliver or transfer, manufacture, or sale of any illegal Drug or Drug Paraphernalia. This includes the sharing or giving of drugs to even one person, cultivation of drugs, and any other form of distribution or intention of distribution of under Maryland law.

Please note that, although Maryland law allows certain uses of cannabis, including for limited medical purposes, federal laws prohibit cannabis use, possession and/or cultivation at educational institutions and on the premises of other recipients of federal funds.[2] The University is a recipient of federal funds under Title IV of the Higher Education Act of 1965 (i.e. federal grants, loans, and work-study programs) and therefore the use, possession or cultivation of cannabis for medical purposes is not permitted in any University housing or any other University property, nor is it permitted at any University-sponsored event or activity off campus. Lawful possession of a medical cannabis card does not create an exception to this prohibition.

G. Failure to Comply

Students are expected to follow the reasonable directions of University Officials (including University Police, Faculty and/or Staff), law enforcement agents, emergency or public health officials, or officials at other colleges and universities that are necessary for the proper conduct of the University and University community. Some examples of reasonable directions include, but are not limited to, providing identification when asked, attending meetings requested by Faculty or Staff members, abiding by public health directives, complying with sanctions or conditions, and immediately and fully cooperating with University Officials, law enforcement, and emergency personnel in the completion of their duties.

In addition to other applicable sanctions, students who fail to complete disciplinary sanctions in a timely and satisfactory manner may be charged a $50 fine for each instance of a missed educational sanction and/or a $100 fine for each instance of a missed intervention or restorative sanction, not to exceed $150 total.

H. Fire and/or Safety Violations

Creating and maintaining a safe community is everyone's responsibility. Students who deliberately or negligently cause a fire and/or safety hazard will be held accountable. Fire and Safety violations include, but are not limited to:

1. Setting a fire (including charring, burning, lighting of papers, lighting of candles, fireworks, or smoking materials, or any other act that could cause a fire);
2. Making a bomb threat, causing or creating a false alarm, or other such intentional or reckless conduct that causes harm or reasonable fear of harm to persons or property;
3. Misusing, tampering or damaging safety equipment (including cameras, exit signs and blue lights) or fire safety equipment (including alarm systems, alarmed fire safety doors, smoke detectors or fire extinguishers);
4. Failing to immediately vacate University buildings during or after an alarm, or entering or re-entering a building during a fire alarm;
5. Possessing prohibited materials in the residence halls or any other campus building, including, but not limited to, halogen lamps and candles;
6. Attaching, hanging or displaying items on the outside of residence halls, other campus buildings, or the inside or outside of windows, unless approved by the appropriate University Staff; and
7. Throwing or pouring items or objects, or otherwise causing them to fall, from, into or onto windows, roofs, or balconies.

I. Gambling

The University recognizes that gambling has the potential to be harmful to the individual, as well as the community, and can interfere with the goals and objectives of an academic institution. For this reason, no Student shall gamble for money or other valuables on University Property or in any University-sponsored activity except as part of an authorized fundraising activity.

J. Guest Behavior

Students are welcome to bring guests to campus. Students are responsible for educating their guests regarding University policies and are accountable for the behavior and actions of their guests. Students may be charged with violating this Policy and all other policies their guests violate as if the Students violated the policies themselves. Guests with repeated or serious violations of campus policies may be prohibited from being on campus permanently and may be subject to criminal prosecution, if applicable.

K. Hazing

Hazing is against the law (Section 3-607, Criminal Law Article, Annotated Code of Maryland) and is strictly prohibited at the University. Hazing risks human lives, mistreats those involved and jeopardizes the affiliation of campus organizations at this University. The most damaging action a campus organization (social, honor, service, athletics) can take is to engage in hazing.

Activities and situations that could be defined as hazing include but are not limited to:

a) Team initiations.

b) Requiring inappropriate dress (including, but not limited to, militaristic garb and/or apparel that is conspicuous and not normally in good taste, for the purpose of public embarrassment).

c) Paddling in any form.

d) Creation of excessive fatigue for inappropriate reasons.

e) Scavenger hunts without prior approval from the University senior administrators (i.e.,, the Associate Vice President of Campus Life or the Director of Athletics and/or their designees).

f) Inappropriate labor required by a specific group (e.g., labor which is not inherent in the scope of the group's activities. Examples of labor inherent in the group's activities would include following appropriate direction given by University representatives with authority over the group, such as coaches or faculty advisors requiring members of the group to put away equipment after using it).

g) Mandated branding, tattooing or any other form of body mutilation.

h) Any act of physical abuse, psychological abuse or verbal abuse (including, but not limited to, "line-ups" or calisthenics that are not an activity that is associated with a University organized athletic team).

i) Exposing participants to adverse weather conditions.

j) Engaging in public stunts and humiliating games or activities.

k) Mandated late night sessions that interfere with scholastic and occupational activities.

l) Running personal errands for members or mandating tasks only of new members.

m) Mandated consumption, including, but not limited to, illegal substances, food, alcohol or any other type of liquid.

n) Inappropriate activities required of a specific group (new member, rookie, etc.), including, but not limited to, new member all-nighters, shaving of heads, servitude, etc.

"Inappropriate" will be determine by the Office of Student Accountability and Community Standards.

L. Intimidation, Bullying and/or Threatening Behavior

The University does not tolerate the physical, mental or verbal abuse of any person. Intimidation and/or threatening behavior refers to conduct that would cause a reasonable person to feel as though there was an imminent threat to their health (mental or physical), safety or personal property. This includes, but is not limited to:

a) Bullying, defined as repeated and/or severe behaviors likely to intimidate or intentionally hurt, control or diminish another person physically and/or mentally, that is not speech or conduct otherwise protected by the First Amendment.

b) Unwarranted and unwelcome intentional physical contact

c) Threatening Behavior, defined as, threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person.

d) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another.

M. Involvement in a Code of Community Standards Violation

Helping or cooperating in an act or action that violates the Code of Community Standards is prohibited. A student who helps or cooperates in, or is otherwise complicit with, a violation may be held responsible as though the student was a direct participant in the violation, even if the information indicates the Student was not directly involved in the perpetration of the violation. This includes, but is not limited to, being present in a residence hall room or with a group of persons where the prohibited use of alcohol or drugs is occurring.

N. Misuse of Computing and Network Resources

The use of University computing and network resources is a privilege, not a right, and the University expects all students to use its computing and network resources responsibly. Access is granted to authorized users subject to all University, University System of Maryland (USM) and State of Maryland policies, federal, state, and local laws and ordinances. For more information, please refer to the University's Information Technology Policies.

O. Prohibited Dangerous Items

The safety of our campus community members is of greatest importance to the University. The possession, use, and/or sale of any item that could threaten the potential safety of the University community on campus and at University-affiliated events and activities occurring off campus is prohibited, unless approved, in writing, by the University Chief of Police. This includes, but is not limited to, weapons, fireworks, explosives,

combustible liquids, dangerous chemicals, firearms, ammunition, knives or anything that resembles a weapon, except by a duly authorized law enforcement personnel. Any student found in possession of a prohibited dangerous item is subject to immediate removal from the University. Students who threaten or harm others with a dangerous item, whether on or off campus, will be held accountable.

P. Providing False Information

In order to allow the University to operate effectively and keep the members of the community safe, students may not knowingly furnish false or misleading information to University Officials or law enforcement officials. This applies to face-to-face interactions as well as written documentation provided to the University. This includes, but is not limited to, forgery, alteration or unauthorized use of University documents, records, parking permits, and University-issued or government-issued identification cards.

Q. Retaliation

The University takes seriously its responsibility for protecting the rights of individuals to pursue a resolution to their Complaints or to otherwise participate in the resolution of Complaints against our Students. For this reason, retaliatory conduct may result in the Interim Suspension of those involved in such conduct. The University does not tolerate violence, threats or any form of adverse action against any individual who, in good faith, has made any Complaints, served as a witness, or otherwise participated in any way in any investigation, review or hearing conducted under this Code of Community Standards, under any other University policy, or any local, state or federal law.

R. Social Host Responsibility

The conduct of students living within the community directly reflects on the University. Students are expected to exercise good judgment, be sensitive to the needs of the local community, and take responsibility for the conduct of their guests. While the University has no interest in regulating what goes on in the privacy of a Student's home, the University will become involved when otherwise private actions or behavior create a disruption or otherwise negatively impact the surrounding community, or has the potential to put the safety and well-being of others at risk. This includes, but is not limited to:

1. Hosting events or gatherings where alcohol is available for underage students or guests, students who drink to excess or use illegal drugs, or any other violation of applicable laws and regulations related to alcohol and/or drugs;
2. Damages caused to public or private property caused by Students or their guests;
3. Hosting more guests than is reasonable for the type of residence, or which violates a fire code;
4. Hosting events or gatherings that do not comply with public health directives and guidelines; and
5. Any disruption caused by Students and their guests to the local community, including noise, impeding or blocking traffic, littering, public urination, to name a few.

In addition to other possible sanctions, Students found responsible for a second Social Host Responsibility violation will be fined $150.

S. Violations of University or Another's Property

Students are expected to respect the property of others just as they would expect their property to be respected. In addition to other possible University sanctions, students are typically required to pay restitution for any loss incurred by others as a result of their actions. Prohibited conduct includes, but is not limited to:

1. Damage or acts of destruction against University or private property;
2. Theft or Unauthorized Possession, which includes, but is not limited to, the unauthorized taking, misappropriation, use, or possession of any personal or intellectual property or services provided, owned, or maintained by the University or by another person or entity; and
3. Unauthorized access or entry to, into or onto any physical property owned or operated by the University or any private or restricted property, including, but not limited to, unauthorized access into buildings, construction sites, vehicles and athletic fields, and unauthorized access to University computers, computer systems or another's computer.

T. Violations of Other Policies and Regulations

As members of the University community, students are expected to comply with all applicable University and USM policies and regulations. Due to one's different commitments and roles in the campus community, different policies and regulations may apply, including, but not limited to:

1. **Athletics.** Student-athletes are expected to comply with all NCAA regulations, policies governing the particular sport played, as well as all other University Athletics Department student-athlete policies. A determination will be made between SACS Staff and the Athletic Director or designee as to whether an NCAA regulation violation will be handled through the Community Standards process and/or by the Athletics Department or designee.
2. **Ethical or Professional Code Violations, Violation of Licensure Board Rules and Regulations, and/or Other Applicable Regulatory or Privileges Issues.** Students may also be subject to additional standards of behavior as set forth by the Student's School/College or professional association or licensure board.
3. **Event-Related Misconduct.** Any misconduct that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community, including, but not limited to, rioting, assault, theft, vandalism, fire setting or breach of peace, and occurs at University-sponsored events held on or off campus, including athletic events. For more information, please refer to the Board of Regents Policy V-8.0 on Event-Related Misconduct.
4. **Housing and Residence Life Regulations.** Students residing in and/or visiting the University residential facilities are held by regulations specific to on-campus housing. For a complete list of Housing/Residence Life Regulations, please refer to the Housing Contract as well as the Housing and Residence Life Handbook.
5. **Smoke-Free Campus Policy.** Smoking or Vaping of any product is prohibited on the University campus. For more information, please refer to the University's Smoke Free Campus Policy.
6. **Student Employment.** Student workers are, first and foremost, students. Therefore, in addition to being subject to employment actions, Students may also be held accountable under the Code of Community Standards for violations that occur in connection with student employment.
7. **Student Organizations.** Student Organizations are intended to promote responsible leadership and contribute positively to the campus and greater community. The University holds these organizations to a higher standard because we believe in their benefit and are committed to their success. All Student Organizations are responsible for adhering to all University policies and procedures. There are specific guidelines that students must abide by when they are a member of a student group or organization, especially as it relates to starting an organization, maintaining University recognition, registering and hosting events, usage of the University brand, and funding an organization. Please refer to the Student Organization Handbook for specific information in regard to policies pertaining to Student Organizations. While complaints against Student Organizations will be resolved in accordance with the Code of Student Organization Standards, a Student who does not adhere to the policies and regulations of the University is considered to be in violation of the Code of Community Standards.
8. **Traffic Rules and Regulations.** Students, Faculty, Staff and visitors are required to abide by all traffic rules and regulations set forth by the University. Please refer to the Parking Services website for details regarding Traffic Rules and Regulations.
9. **Unrecognized Student Organizations.** On occasion, students may form groups or organizations that operate separately from the University's approved structure for student groups and are therefore not recognized by the University. These organizations typically choose to operate as an unrecognized student group because they are unwilling to follow University expectations and standards for membership, operation and adherence to the University's rules of behavior. A student who is a member of any unrecognized student organization that does not adhere to the policies and regulations of the University is considered to be in violation of the Code of Community Standards.

U. Violations of the Law

As responsible community members, students are expected to comply with all local, state and federal laws. Actions and behaviors that violate local, state, or federal law, but are not expressly defined in the standards above, which negatively and significantly impact the University community and its members, may also be addressed through the Code of Community Standards even if the behavior is not taken up by the appropriate criminal or civil authorities.

V. PROCEDURES

A. Referring Student Behavior for Student Accountability Review

1. **Reporting an Alleged Violation.** Complaints must be submitted in writing to SACS. Whenever possible, the Complainant should utilize the Complaint Form, available at https://www.salisbury.edu/administration/student-affairs/student-accountability-and-community-standards/community-standards/report-incident.aspx, to register a Complaint; however, at minimum, the following information, if available, should be provided in writing:
   - **a.** Name(s) of Student(s) alleged to have violated the Code of Community Standards;
   - **b.** Description of the incident, including dates, times and location;
   - **c.** Names and contact information of Witnesses, if any;
   - **d.** Supporting documentation, if available (photographs, video, documents, statements, etc.); and
   - **e.** Name and contact information of those filing the Complaint.

   Complaints should be submitted as soon as possible after the discovery of the alleged violation. Please note that the University's ability to respond may be limited if too much time has passed.
2. **Anonymous Reporting.** The University may receive anonymous information regarding the behavior of students through a variety of means, including, but not limited to, unsigned notes, emails from anonymous accounts, messages on social media and unidentified phone calls. An anonymous report will be investigated to the best of our ability based on the information that is available, but the University's ability to investigate and/or respond to the matter may be limited. If you prefer to file an anonymous report, we encourage you to contact the University Police.
3. **Expectations for Confidentiality.** Any person accused of an alleged violation is provided information about the allegations to allow them a fair opportunity to respond. This generally includes, to the extent applicable by law, the identity of any Complainant(s) and/or Witness(es), where available, and the nature of the information provided by them to the designated Hearing Authority, including the statement of facts in its entirety.
4. **The Role of Complainants in the Student Accountability Process.** In order to serve as a Complainant for a student accountability matter, one must, at a minimum, be willing to provide a written Complaint regarding the incident in question. If the Respondent denies responsibility and opts for a hearing to further explore the facts and circumstances surrounding the Complaint, Complainants will be given an opportunity to participate in the student accountability process related to the incident, including answering questions by individuals involved in the incident and the Hearing Authority at formal hearing proceedings. Complainants are not required to participate in the student accountability process beyond the initial Complaint; however, it is the responsibility of the Complainant to provide enough information for a determination that a violation of the Code of Community Standards has occurred. Complainants, whether or not they opt to participate in the hearing, will be given an opportunity to provide a Sanction Statement in writing for the Hearing Authority's consideration as part of the sanctioning process.

5. **Disclosure of Information to Complainants.** Educational records related to an individual student, including disciplinary records, are maintained by SACS and are protected in accordance with FERPA. There are exceptions to FERPA, such as when a Student gives their consent to disclose information. Any information regarding the resolution of a report of misconduct will not be shared with a Complainant without the written consent of the Student(s) involved or pursuant to one of the limited FERPA exceptions.

B. Notification of Alleged Violation and Pre-Hearing Meeting

1. **Reviewing a Complaint.** Once the Complaint has been submitted, the Dean of Students or designee will conduct a preliminary investigation to determine if there is a possibility that a violation of the Code of Community Standards may have occurred and whether there is enough information to refer the matter to the student accountability process.

   In making this decision, the Dean of Students or designee may discuss the incident with the Complainant and/or witnesses, review any written material and/or recordings, including police reports and/or video surveillance when available, and discuss the incident with the Respondent. Any information resulting from this preliminary investigation may be used during the student accountability process.

   If any potential violations are identified, a Case Administrator will be appointed to complete a Pre-Hearing Meeting. If no potential violations are identified, the Complaint will be dismissed and/or referred to an alternative resolution process to assist the parties in reaching a voluntary resolution to the matter.
2. **Notification of Complaint.** SACS will send a Notice of Alleged Violation to the campus email address of the Respondent citing the specific charges and request that the Student appear at a Pre-Hearing Meeting to discuss the charges. Notification will include the following:
   a. Date, time and location of the alleged incident;
   b. Summary of reported incident;
   c. Summary of the Code of Community Standards charges as a result of the alleged conduct;
   d. Scheduled date, time and location for a Pre-Hearing Meeting; and
   e. Statement of student rights and responsibilities.

   Where the University knows that a Student does not have access to their email the University will take reasonable actions to reach the Student.
3. **Pre-Hearing Meeting.** At the Pre-Hearing Meeting, the Respondent will meet with a Case Administrator to review the Complaint. The Respondent will receive more information regarding the conduct process, clarify their rights and responsibilities, discuss potential sanctions should there be a finding of responsibility, and options for resolution. The meeting is an informal conversation between the Respondent and the Case Administrator with the goal of identifying all information readily available in regard to the incident in question. The Student may share any preliminary information and/or documentation related to the Complaint with the Case Administrator at this time. If a Respondent fails to appear at the scheduled Pre-Hearing Meeting after being properly notified and the meeting is not rescheduled in a timely manner, the Case Administrator may proceed with notification of a formal hearing to resolve the incident.

C. Potential Outcomes of Pre-Hearing Meeting

1. **Respondent Accepts Responsibility for Violation(s) - Administrative Conference.** If the Respondent does not dispute the report of misconduct and the Respondent accepts responsibility for the violation(s), they may choose to have the matter resolved through an Administrative Conference and, therefore, waive their right to a formal hearing. Accepting responsibility for the violation(s) does not affect the severity of the sanction(s). The Respondent has the option to give a verbal statement for the Case Administrator's consideration immediately following a pre-hearing meeting. If the Respondent would like to submit any written materials for the Case Administrator's consideration, such as a written

statement and Character Statements, the Respondent may bring those statements to the pre-hearing meeting or request that the Administrative Conference be postponed for a brief and agreed upon amount of time, to allow for the submission of such documentation. Unless choosing to proceed with an Administrative Conference the same day as the pre-hearing, any written materials must be submitted to the Case Administrator at least two (2) business days prior to the Administrative Conference. Respondent(s) who opt for an Administrative Conference may appeal sanctions issued through the normal appeal process, but may not appeal the finding of responsibility.

2. **Respondent Does Not Accept Responsibility for Violation(s) - Formal Accountability Hearing.** If the Respondent disputes the report of misconduct and does not accept responsibility for violating one or more specified Community Standards, SACS will schedule a hearing to consider the information provided and make a determination concerning the allegations, including sanctions, if necessary. Contesting responsibility for the violation(s) does not affect the severity of the sanction(s). The Respondent will have an opportunity to indicate their preference between an Administrative Hearing or a Community Standards Board hearing to adjudicate the incident.

   Students may choose to proceed to an Administrative Hearing immediately following the Pre-Hearing Meeting. In doing so, the Student chooses to provide only a verbal statement for consideration and waives the right to present Witnesses and additional documentation related to the matter in accordance with the outlined "Procedures for Formal Accountability Hearings" below.

3. **Student Requests Brief Suspension of Accountability Proceedings.** The student may request that student accountability proceedings be suspended for a brief and agreed upon amount of time, typically no longer than two (2) business days, to consider their responsibility for the violation(s) and the options for resolution. If the Student fails to notify the Case Administrator within the agreed upon timeframe, the Case Administrator may proceed with notification of a formal disciplinary hearing to resolve the incident.

4. **Fact(s) Do Not Support the Allegation(s) - Complaint Dismissed.** The Case Administrator, in consultation with the Dean of Students Office, may dismiss the Complaint if it is determined based on all information available that the Student's actions do not constitute a violation of the Code of Community Standards. The Respondent will be notified in writing of this action, and the matter will be considered closed.

D. Procedures for Formal Accountability Hearings

1. **General Procedures**

   Hearing Notification. SACS will notify the Respondent of the date, time and location of the hearing. Notification will also include the specific charge(s) under consideration, a statement of rights and responsibilities, and, in instances of Formal Administrative Hearings only, the name of the Case Administrator.

   Advisors. Respondent(s) and Complainant(s) in a student accountability matter may have an individual of their choice serve as their Advisor at any disciplinary meeting. All Students must notify SACS at least one (1) business day in advance of the meeting regarding their intent to have an Advisor present at the hearing by completing an Advisor Form (provided by SACS). At no time will the advisor be permitted to address the Case Administrator, the Community Standards Board or other parties in a hearing directly. All Advisors will be required to review and agree to the Role of the Advisor form prior to participating in the University resolution process.

   If an Advisor is an attorney, the role of the attorney is the same as the role of the advisor, and Counsel for the University may also attend the hearing. Students must notify SACS as soon as possible, but no later than three (3) business days before the hearing, of their intent to have an attorney serve as their Advisor by submitting a Notice of Legal Representation form.

   Witnesses. All students must notify SACS at least two (2) business days in advance of the hearing

regarding their intent to have Witnesses present at the hearing by completing a List of Witnesses form (provided by SACS). The Respondent and/or Complainant are responsible for bringing their Witnesses to the hearing at the specified place, date and time. Please note that the Hearing Authority cannot compel your Witness(es) to appear on your behalf. Character witnesses (those with no information related to a finding of responsibility) will not be permitted to speak before the Case Administrator or Community Standards Board, but may submit a written statement for consideration during sanctioning, if applicable.

Written Materials. All students have the option to submit written documentation, including, but not limited to, a written statement, documentation related to the Complaint, information related to mitigating or aggravating circumstances, Character Statements and Sanction Statements, for the Hearing Authority's consideration to SACS prior to the hearing. Documentation must be submitted at least two (2) business days in advance of the hearing. Character Statements and Sanction Statements may be considered by the Hearing Authority if the Respondent is found responsible for a violation for sanctioning purposes only.

Standard of Evidence. The Respondent is presumed not responsible until a determination regarding responsibility is made by the Hearing Authority. Based on all information available, the Hearing Authority will make a determination using a Preponderance of Evidence ("more likely than not") standard.

Failure to Appear. Students are not required to attend formal disciplinary hearings. If a student chooses not to attend, or fails to attend the hearing after being properly notified, the hearing will proceed as scheduled and a decision will be rendered in the Student's absence.

2. Procedures for Administrative Hearings

A Formal Administrative Hearing typically consists of an individual meeting between the Student and a Case Administrator. The Student is given an opportunity to respond verbally and/or provide documentation regarding their own account related to the matter. If the Student is found responsible, the Case Administrator determines appropriate sanction(s).

3. Procedures for Community Standards Board Hearings

Participants. The following participants may attend Board hearings:

1. The designated 3-5 Community Standards Board members;
2. A Procedural Advisor assigned by the University;
3. Respondent(s);
4. Complainant(s);
5. Advisor(s) (and University Counsel if the Advisor is an Attorney); and
6. Witnesses.

Format. A Community Standards Board hearing typically consists of the following components:

a. Introduction and procedural rules presented by the Procedural Advisor;

b. Presentation of information and introductory statement by Complainant(s), if present;
- **i.** Questions asked by the Respondent(s), if any;
- **ii.** Questions asked by the Board, if any;

c. Witnesses presented by the Complainant(s), if any;
- **i.** Questions asked by the Respondent(s), if any;
- **ii.** Questions asked by the Board, if any;

d. Presentation of information and introductory statement by the Respondent(s);
- **i.** Questions asked by the Complainant(s), if any;
- **ii.** Questions asked by the Board, if any;

e. Witnesses presented by the Respondent(s), if any;
- **i.** Questions asked by the Complainant(s), if any;
- **ii.** Questions asked by the Board, if any;

f. Questions asked by the Board, if any;

g. Closing statement by the Complainant(s);

h. Closing statement by the Respondent(s); and

i. Closed session deliberation of the Board.

Witnesses. Witnesses will provide information to and answer questions from the Board. The Respondent(s) or Complainant(s) may propose questions to the Procedural Advisor to be asked of the other party or Witnesses. The Procedural Advisor will determine whether proposed questions or information will be presented based on their relevance to the incident being reviewed.

Written Materials. Subject to applicable privacy laws, the Complainant(s) and Respondent(s) have the right to review, but not copy, all documentation that will be presented at the hearing at least one (1) full business day prior to commencement of the hearing. If additional documentation previously unknown is identified within that time frame, the parties will be notified and given an opportunity to review the information prior to the commencement of the hearing. In light of the new information available, the parties may request that the hearing be suspended for an agreed-upon amount of time.

Hearing Format. When the alleged victim is serving as the Complainant or as a Witness, alternative testimony options may be available, such as allowing the alleged victim to testify via electronic means.

Multiple Charged Parties. In incidents where multiple students are charged, there may be one hearing for all students charged.

Hearing Records. There shall be a single record (such as a digital recording)) of all Community Standards Board hearings excluding deliberations for the purposes of appeal only. No party may record the hearing. Students who appeal and, if applicable, their Advisor may request to listen to the recording of the hearing in SACS. The Advisor may only review recordings with the Student they are advising. Recordings cannot be copied, removed or shared with others and will be destroyed 10 business days from the date of final action.

Deliberations. In a closed session, the Community Standards Board will determine, by a majority vote, if the Respondent is responsible for each charge. The Community Standards Board will notify the Procedural Advisor of the determination and any assigned sanctions. A sanction of permanent dismissal or revocation of degree will be reviewed by the Vice President of Student Affairs. Character Statements and Sanction Statements will be provided to the Community Standards Board if the Respondent is found responsible for a violation for sanctioning purposes only. In the extraordinary event the Board is unable to reach a majority decision, the Procedural Advisor can cast a tie-breaking vote.

E. Notification of Outcome

a. Notice to the Respondent. The Case Administrator or Procedural Advisor will notify the Respondent of their decision typically within five (5) business days of the hearing. The decision letter will include the rationale for the finding(s); sanction(s), if applicable; and information on the appeal process, if applicable. Decisions by a Case Administrator or Community Standards Board hearing shall be final, pending the appeal process.

b. Notice to Victims. The University may disclose to an alleged victim of any "crime of violence"[3] the "final results"[4] of a disciplinary proceeding conducted by the University against the alleged perpetrator of that crime, regardless of whether the University concluded a violation was committed.

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[3] The term "crime of violence is defined as an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. 18 USC § 3156(a)(4).

[4] The "final results" of any proceeding are defined as: the name of the student, the findings of the proceeding board/official, any sanctions imposed by the institution, and the rationale for the findings and sanctions (if any). The presence of names of any other student, such as a victim or witnesses, may be included only with the consent of that student. 20 U.S.C. §1232g(c).

c. Notice to Parents/Guardians. When Students under the age of 21 are found responsible for alcohol and/or drug violations, the University will notify their parent or guardian of such violations if the Student is under the age of 21 at the time of the disclosure, in accordance with FERPA and the University's Parental Notification Policy.

d. Notice to the Public. The University observes the legal exceptions to FERPA, which permit the University to release publicly the student's name, the violation committed and any sanction imposed if the violation is a Crime of Violence.

F. Formal Appeal Procedures

All appeals must be submitted within five (5) business days of being given notice of the results of the original hearing. Appeals may only be based on the following three (3) criteria:

1. Procedural error(s) occurred that may have substantially affected the outcome; and/or

2. New and significant information has become available and could not have been discovered and/or provided by a properly diligent Student before or during the original hearing; and/or

3. The Student requests an evaluation of assigned sanction(s).

All appeals must be completed in writing using the appropriate Appeal Form (provided by SACS). A typed narrative must be submitted along with the form providing specific information relevant to the ground(s) for appeal. Any documentation the student wishes to be considered in their appeal must be provided in writing at the time the appeal is turned in for review.

The Dean of Students, if they have had no significant prior involvement in the matter, will typically serve as the Appeal Officer in non-academic misconduct cases. At their discretion, the Dean of Students may assign the appeal review to a designee or to an appeal board.

The appeals will involve a review of all documents and any other evidence related to the incident, as well as any information submitted with the Appeal, including Character Statements. The Appeal Officer may also consider information related to the Student's disciplinary history when determining appropriate sanctions. An appeal does not typically involve a meeting with the Respondent or other persons unless requested by the Appeal Officer.

The Appeal Officer will review all documentation associated with the case and may take any other action necessary to corroborate the Student's statements, and determine whether sufficient grounds exist to reconsider the case. The Appeal Officer will take one of the following actions:

1. **Uphold the original action.** The original decision stands, including finding of responsibility and sanctions.
2. **Modify the sanctions.** The finding of responsibility stands, but sanctions are then modified to be fair to the facts or findings of the case. Modification can increase or decrease sanctions.
3. **Refer the matter back to the Case Administrator or Board.** The case may be referred back to the Hearing Authority who may hear the case again and uphold, modify or reverse the original decision based on the information included in the written appeal and/or shared in the appeal hearing.
4. **Reverse the finding of responsibility.** The appeal is granted and the original decision is overturned, including finding of responsibility and sanctions.
   The decision rendered by the Appeal Officer is final and not subject to further appeal, except when the matter is referred back to the Case Administrator or Board. In those circumstances, the Student(s) will have the right to a second appeal.

Student Status Pending Final Action. Except for Interim Suspension, hearing outcomes of disciplinary actions that are appealed are placed on hold pending action by the Appeal Officer. Students appealing disciplinary action involving Suspension or Dismissal will generally continue to take part in any University function, including scheduled classes, while the appeal is pending. A student who is placed on Interim Suspension will continue to be under the same restrictions during the appeal period unless prior authorization from the Dean of Students or designee is given.

G. Violations of the Law and University Discipline

University disciplinary proceedings may be instituted against a Student charged with conduct that potentially violates criminal or civil law and the Code of Community Standards. Proceedings under the Code of Community Standards may be initiated and carried out prior to, simultaneously with, or following civil or criminal proceedings at the sole discretion of the Dean of Students or designee. Determinations made or sanctions imposed under this Code of Community Standards shall not be subject to change solely because of criminal or civil outcomes. The University reserves the right to sanction any Student found responsible under the Code of Community Standards, regardless of whether a Student is found guilty (or not) in a criminal matter, found liable (or not) in a civil matter or whether charges or the suit was dismissed.

The University may notify local, state and/or federal authorities when a crime is alleged to be committed, but such notification will not modify the University's authority to adjudicate the alleged misconduct through its own disciplinary system.

H. Administrative Actions

1. Interim Measures

When the alleged conduct of a student may threaten the good order or safety of the University, individuals and/or University community, interim measures may be put into place after appropriate consultation. Interim measures are administrative directives that are intended to prevent a situation from escalating and do not constitute disciplinary action against the Student(s) involved. Interim measures may be applied at any point after a Complaint is made and may include, but are not limited to:

a. Administrative No Contact directives;
b. Temporary or permanent University housing reassignment;
c. Restriction of access to particular campus areas and/or University services.

2. Negative Service Indicators

The Dean of Students or designee reserves the right to initiate a negative service indicator (or sometimes referred to as a "student conduct hold") on a student account/record based on the following reasons, which include, but are not limited to:

a. Failure to respond to alleged violations;
b. Pending investigations;
c. Failure to comply with assigned sanctions; and/or
d. Student status that includes suspension or dismissal.

A negative service indicator may affect a Student's ability to enroll in classes, request or receive official transcripts, and/or obtain his or her degree.

3. Interim Suspension

The Dean of Students or appropriate designee may issue an Interim Suspension upon receiving a Complaint and prior to completion of the student accountability process as a temporary measure for a Student reasonably believed to pose a threat to the University community. Such threat may involve a significant risk to the health or safety of any member of the University community, including the Student, to University Property or to University operations, including the educational process.

An Interim Suspension is also authorized upon information that a student has been or is likely to be charged with a violation of University policy or state or federal law involving acts of violence or other serious conduct that would reasonably support a finding that the Student poses a safety risk, and is therefore unable to remain a member of the University community pending the outcome of university or legal proceedings.

a. Notice of Interim Suspension

The Dean of Students Office will notify the Student in writing as soon as possible after being notified of the alleged misconduct. The notice will include:

1. The basis for the Interim Suspension;

2. The process for appeal and review of the Interim Suspension; and
3. The appropriate contact for questions about the terms of the Interim Suspension and for permission to enter University Property for certain limited purposes, such as retrieving property from residence halls or attending a student accountability proceeding, where appropriate.

Appropriate University personnel, including, but not limited to, the Student's Faculty members and academic advisors, academic deans, the Chief of University Police, Housing and Residence Life, and/or coaches, maybe notified of this action.

b. Appeal of Interim Suspension

A Student may appeal the Interim Suspension to the Dean of Students or designee in writing within two (2) business days by submitting an email to DeanOfStudents@salisbury.edu. The Interim Suspension remains in effect during any appeal. If requested in the written appeal, a Student will be given an opportunity to appear personally (when appropriate) before the Dean of Students or designee within three (3) business days of submitting the appeal. Only the following issues may be discussed at the appeal meeting:

1. The reliability of the information concerning the Student's conduct, including the matter of his or her identity; or
2. Whether the conduct and surrounding circumstances reasonably indicate the continued presence of the Student on University Property poses a significant risk to the health or safety of any member of the University community, including the Student, to University Property or to University operations, including the educational process.

c. Continued Academic Progress

During the period of Interim Suspension, the student may explore opportunities for continued academic progress remotely. It is the student's responsibility to contact their Faculty members for consideration. Decisions regarding continued academic progress are made at the sole discretion of the Faculty member.

d. Restricted Access to Campus

Students subject to Interim Suspension may be restricted from accessing the University campus (as well as University-sponsored events on and off campus) pending the outcome of a disciplinary hearing. The student may request access by writing to the Dean of Students or designee. If access is granted and a Student violates the terms of that access, the Student may be denied all access to the University campus (as well as University-sponsored events on and off campus) and may be subject to disciplinary action for non-compliance.

e. Prompt Accountability Hearing

The Interim Suspension shall not exceed a reasonable time, assuming the Student's response to notice and process is timely. A disciplinary hearing on the alleged violation(s) of the Code of Community Standards will be promptly scheduled by the Assistant Dean of Students.

If the outcome of the student accountability process is the suspension or dismissal of the student, the effective date will be the date of the Interim Suspension.

4. Revocation of Admission

Revocation of Admission entails rescinding the offer of University admission that had been awarded under circumstances of fraud, misrepresentation or other violation of University policy beginning from when the Student matriculates into the University.

5. Withholding of Degree

When charges of misconduct cannot be adjudicated by the date of graduation or based on a hearing outcome, the University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Community Standards and/or the completion of all sanctions imposed, if any.

6. Revocation of Degree

Revocation of Degree entails rescinding a University degree that had been awarded under circumstances of fraud, misrepresentation, or other violation of University policy.

I. Withdrawal with Pending Disciplinary Action

If a Student chooses to withdraw from the University after an incident has occurred in which they are charged or can be charged with violations of the Code of Community Standards, the University will have the option to either:

1. Place a negative service indicator (hold) on the student's account, which will prevent them from registering for classes and/or obtaining their transcript without resolving the incident; and/or
2. Continue with the adjudication of the incident and all charges. In this case, the withdrawing student will be notified of all steps of the process and will be given an opportunity to participate in the processing of the incident. The University will, however, continue processing the incident regardless of whether the Respondent wishes to participate.

J. Refunds

Students who are dismissed or suspended from the University for disciplinary reasons shall not be entitled to any refund of tuition or fees. Similarly, students whose housing or boarding contracts are terminated for disciplinary reasons are not eligible for refunds. For Students who are recipients of Federal Student Aid, specific policies may apply causing a reduction or cancellation of aid. Please review financial aid policies regarding aid.

K. Counsel to the University

Any Counsel to the University may attend accountability hearings, including, but not limited to, those that involve serious allegations, complex procedural issues, those in which an attorney is in attendance as the student's Advisor, and/or those that may result in the suspension or dismissal of a Student.

L. Disciplinary Records Retention and Disclosure

The Student Accountability and Community Standards maintain all disciplinary files for matters involving Code of Community Standards violations. Files are maintained separate from academic transcripts, but are considered educational records subject to FERPA. All disciplinary files are retained until a student graduates or for a period of five (5) years, whichever occurs sooner, except for those resulting in suspension and dismissal, which are retained indefinitely. With appropriate permission from or appropriate notice to the student, Code of Community Standards violations will be reported externally during the retention period as described above. Code violations resulting in a warning will not be reported externally unless required by law. Pending charges and sanctions that remain incomplete at the time a student leaves or withdraws from the University may be kept indefinitely and reported externally as pending. The University may exercise its right to appropriately disclose disciplinary records without a Student's consent pursuant to exceptions provided by FERPA.

VI. EXCLUSIONS

A. Academic Misconduct. All Complaints of alleged academic misconduct alleged by University Students, as defined in the University's Academic Misconduct Policy (**www.salisbury.edu/misconduct-policy**), are addressed in accordance with the procedures outlined in that policy. The Academic Affairs Office (also known as the Provost's Office) is primarily responsible for the academic functions on campus and may be contacted for additional information at provost@salisbury.edu.

B. Prohibited Discrimination. All Complaints of alleged prohibited discrimination committed by University students, as defined in the University's Policy Prohibiting Sexual Misconduct and Sex and Other Gender-Based

Discrimination and Policy Prohibiting Non-Sex Based Discrimination, are governed exclusively by the rules and procedures established in conjunction with those policies. All those seeking information regarding the resolution of prohibited discrimination Complaints against University Students may contact the Office of Institutional Equity at equity@salisbury.edu and/or visit their website (**www.salisbury.edu/administration/institutional-equity**). Some incidents may result in a concurrent investigation between the Office of Institutional Equity and SACS. In those cases, a University Staff member will notify the Student of the process for resolution of any charges.

C. Student Organization Misconduct. While individual accountability is the primary means of addressing behavior that may be in violation of University policy, the University will hold a Student Organization accountable when it aids, abets, incites, organizes, approves or otherwise participates in any conduct that may constitute a violation of University policy. Complaints against Student Organizations will be investigated and resolved in accordance with the University's Code of Student Organization Standards.

D. Responsible Action Protocol (formerly Medical Amnesty Policy). Student health and safety are of primary concern at the University. As such, in cases of intoxication or overdose due to the consumption or use of alcohol or other drugs, the University encourages individuals to seek assistance for themselves or others. If assistance is sought due to a serious and immediate risk from the consumption or use of alcohol or drugs, the Dean of Students Office will not pursue disciplinary charges against a Student for violations of the Alcohol Policy, Drug Policy or policies related to the consumption or use of alcohol or drugs on their first incident. Any further incidents may result in disciplinary charges. Additionally, those Students who actively assist an individual under the influence of alcohol or drugs will not receive conduct charges for violations of the Alcohol Policy, Drug Policy or policies related to the use or consumption of alcohol or drugs. For detailed information, please refer to the Responsible Action Protocol (**www.salisbury.edu/responsible-action-protocol**).

VII. ACTION PLANS AND SANCTIONS

Upon any final finding of responsibility of a Code of Community Standards violation, the Hearing Authority will develop an Action Plan that promotes student learning, addresses the impact of the student's actions, connects the student with campus resources and ultimately guides the student toward being a successful member of the campus community. In developing Action Plans and determining sanctions, the University typically considers the nature and severity of the incident, institutional sanctioning guidelines, the Student's previous disciplinary history, the impact of the Student's behavior, and mitigating and/or aggravating circumstances. Violations involving impairment from the voluntary use of alcohol and/or other drugs, (other than medically prescribed) shall be considered an aggravating, not a mitigating, factor in sanctioning.

The following sanctions are noted on the Student's disciplinary file and are not noted on the student's transcript.

A. Status Sanctions

1. **Warning –** A warning notifies a Student that their actions are inconsistent with the standards of behavior set forth in the Code of Community Standards. A warning has no immediate effect upon a Student's status at the University. However, once given a warning, Students should expect more severe outcomes to result from any subsequent violations.
2. **Probation –** Probation notifies a Student that they must avoid any further violations of the Code of Community Standards for a specified period of time and includes the probability of more severe disciplinary sanctions, including suspension or dismissal, if the Student is found in violation of the Code of Community Standards during the probationary period. Students on probation are not in good standing with the University; therefore, certain co-curricular activities may be prohibited to a Student while on probation. A Student will remain on disciplinary probation status, at least, through the date indicated or until the date all assigned sanctions have been completed, whichever occurs later.

3. **Suspension –** A Student who has been suspended from the University may not participate in any University activities, academic or otherwise, for a specific period of time, and will be restricted from all University premises and activities, including University-affiliated housing. A suspended Student who wishes to re-enroll must apply for readmission to the University and must also contact Student Accountability and Community Standards, who will meet with the Student and determine whether any and all requirements for readmission have been satisfactorily completed. Suspension may be deferred for a specified period of time, typically in the final weeks of the semester, at the Hearing Authority's discretion. During the period of deferred suspension, the Student is restricted to: a) academic activities, and b) non-academic activities specifically approved by Student Accountability and Community Standards. A Student who is found responsible for violating the Code of Community Standards while under deferred suspension will be given immediate Suspension or Dismissal.
4. **Dismissal –** A Student who has been dismissed from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University property and University-sponsored activities, including University-affiliated housing.

B. Active Sanctions

1. **Educational Sanctions –** Educational Sanctions are learning opportunities, including, but not limited to, written papers, drug and alcohol education, and program attendance, designed to be completed by the Student.
2. **Interventions –** Interventions are structured opportunities to prompt changes to Student behavior and prevent further misconduct, including, but not limited to, parental notification, alcohol and drug assessment and/or behavioral health assessment to be completed by a qualified professional and released to an appropriate University official.
3. **Restorative Sanctions –** Restorative sanctions are opportunities for Students to take action to address the impact of their behavior, including, but not limited to, sanctioned service, letters of apology and restitution.
4. **Bans, Restrictions, Deactivations and Loss of Privileges –** Bans, deactivations and loss of privileges include, but are not limited to, restrictions of access to University services, activities, facilities, registration, privileges or benefits applied at the discretion of the Case Administrator in response the Student's behavior to ensure the safety of the campus community and/or maintain the order of the University and its operations.
5. **Fines –** Previously established and published fines may be imposed for certain violations of University policy, including, but not limited to, the Code of Community Standards, the Housing Contract, the Smoke-Free Campus Policy, and Traffic Rules and Regulations.

VIII. RESPONSIBLE DEPARTMENT

The University's Dean of Students Office is responsible for interpreting and implementing this Policy. Please direct any questions or comments to the Assistant Dean of Students at 410-677-0022 or studentconduct@salisbury.edu.

As a Salisbury University student:

I will connect what I learn to how I live.
I will demonstrate personal and academic integrity.
I will respect diverse groups and individuals.
I will strive to bring honor to myself and the University.

Salisbury UNIVERSITY

Make Tomorrow Yours

Student Accountability and Community Standards
Dean of Students Office
Guerrieri Student Union, Room 213
410-677-0022 | studentconduct@salisbury.edu