

# Pennsylvania College of Technology

## Procedure Statement

**Title:** Student Code of Conduct

**Number:** PR 4.43

**Approved by:**  
Presidential Action

**Approved Date:** 07/1984  
**Implementation Date:** 07/1984  
**Last Review Date:** 07/2021  
**Last Revision Date:** 07/2021

**Persons/Departments Affected:**

All employees, students, and student groups/organizations.

**Responsible Department:**

Student Affairs Office

**Definitions:**

- a. **Administrative Hearing:** a meeting with a Conduct Administrator where alleged infractions of the Student Code of Conduct will be reviewed to make determinations as to whether a student, a student organization, or a student group is responsible for a violation of College policy, and, if appropriate, assign appropriate sanctions.
- b. **Advisor:** any one person, chosen by the student, student organization, or student group, to assist the student throughout the Student Code of Conduct process.
- c. **Aggrieved Party:** any person whose financial, personal, or property rights or interests are adversely affected by an act of a student, student organization, or student group in violation of the Student Code of Conduct.
- d. **College Premises:** buildings, grounds, facilities or other properties owned, leased, operated, controlled, or supervised by the College.
- e. **College-Sponsored Activity:** any activity, on or off College premises, that is directly initiated, approved, or supervised by the College.
- f. **Complainant:** any member of the campus community (faculty, staff, or student) who is designated to present the charges and information related to any alleged violation of the Student Code of Conduct that is heard through a Student Conduct Board Hearing.
- g. **Conduct Administrator:** an individual appointed to address matters involving alleged infractions of the Student Code of Conduct and to make determinations as to whether a student, a student organization, or a student

group is responsible for a violation of College policy, and, if appropriate, assign appropriate sanctions.

- h. **Group:** a number of students who are associated with each other, but who do not have status as an officially recognized student organization.
- i. **Organization:** a number of students who are members of an officially recognized student organization at the College.
- j. **Reporting Party:** any member of the campus community (faculty, staff, or student) who files a report against a student for a violation of the Student Code of Conduct.
- k. **Respondent:** a currently enrolled student of the College who has been accused of violating the Student Code of Conduct or who is representing a student organization or student group that has been accused of violating the Student Code of Conduct.
- l. **Student:** any person who is taking or auditing classes (including non-credit) at the College or is enrolled in any College program.
- m. **Student Conduct Board:** a body of individuals appointed to hear matters involving alleged infractions of the Student Code of Conduct and to make determinations as to whether a student, an organization, or a group is responsible for a violation of College policy, and, if appropriate, recommend sanctions.
- n. **Student Conduct Board Hearing:** a meeting with the Student Conduct Board where alleged infractions of the Student Code of Conduct will be reviewed to make determinations as to whether a student, a student organization, or a student group is responsible for a violation of College policy, and, if appropriate, recommend appropriate sanctions.
- o. **Witness:** an individual who is in the proximity of an alleged incident and viewed the actions of said incident or who has relevant information about a given incident or actions related to a specific incident.

**Procedure:**

The following identifies the rights, responsibilities, and protocol relating to expected student behavior, as articulated in [P 4.43](#) – Student Code of Conduct Policy Statement.

- I. Authority for Student Discipline
  - a. Ultimate authority for student discipline is vested in the College President. Disciplinary authority may be delegated to College administrators, faculty, staff, committees, and organizations, as set

forth in this Student Code of Conduct, or in other appropriate policies, rules or regulations.

II. Procedural Protections

- a. Students or groups/organizations accused of disciplinary violations are entitled to the following procedural protections:
  - i. To be informed of the charge and alleged misconduct upon which the charge is based.
  - ii. To be allowed reasonable time to prepare.
  - iii. To be informed of the information upon which any charge is based.
  - iv. To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act (FERPA) (the nature of the case may require some disclosure as permissible under law).
  - v. To be considered not responsible for the alleged violation until shown to be responsible by a preponderance of evidence (more likely than not).
  - vi. To have a person of their choosing as an Advisor during the student conduct process. While an Advisor may assist, the Advisor may not speak on the student's behalf or otherwise take an active role in the conduct process.
  - vii. To appeal the outcome of any decision rendered to an unbiased College administrator.
- b. Students or groups/organizations who are the Aggrieved Party in a violation of the Student Code of Conduct are entitled to the following procedural protections:
  - i. To bring forward allegations of misconduct against students, student organization, or student group, and to have those allegations taken seriously.
  - ii. To be informed of the relevant charges related to the alleged misconduct.
  - iii. To be allowed reasonable time to prepare and provide information upon which any charge is based.
  - iv. To be informed of any additional information upon which any charge is based.
  - v. To be free from intimidation and harassment throughout the conduct process.
  - vi. To be assured of confidentiality, in accordance with the terms of the federal Family Educational Rights and Privacy Act (FERPA) (the nature of the case may require some disclosure as permissible under law).
  - vii. To have a person of their choosing as an Advisor during the student conduct process.
  - viii. In cases of Harm to Self/Others, to appeal the outcome of any decision rendered to an unbiased College administrator.

III. Disciplinary Action While Criminal Charges are Pending

- a. The College may, if it chooses, pursue discipline charges against a student or group/organization arising out of a violation of any local, state or federal law – on or off campus – whether any legal action is pursued, dismissed, reduced, or the individual is found not guilty.
- IV. Interpretations of Regulations
- a. The purpose of publishing “prohibited conduct” is to provide general notice of unacceptable behavior by students or groups/organizations.
- V. Prohibited Conduct
- a. Violation of written College Policy, Procedures, regulations, guidelines, announcements or contractual obligations of the College.
  - b. Failure to abide by College Policy related to vehicle usage or obstruction of the free flow of pedestrian or vehicular traffic on College premises or at College-Sponsored Activities.
  - c. Interference with the academic process, College-sponsored activities, or College operations including, but not limited to, studying; teaching (to include disruptions or behavioral infractions in any educational setting); research; College administration; and fire, police or emergency services.
  - d. Theft/Damage/Vandalism/Willful Obstruction
    - i. Attempted or actual theft of property.
    - ii. Attempted or actual theft of services.
    - iii. Possession and/or receipt of stolen property.
    - iv. Vandalism, destruction, and/or damage to property.
    - v. Attempted or completed entry into or use of College facilities or property, or the property of any individual/entity without authorization.
    - vi. The willful obstruction of a passageway, entrance, exit, or any portion of a College Premises which restricts the freedom to utilize the facility for its stated and intended purpose.
    - vii. Actions that cause disruption to College networks and/or telecommunications systems, equipment, and/or resources as outlined in the ITS Acceptable Use Policy ([P 7.05](#)).
  - e. Acts of Dishonesty
    - i. Furnishing false information to College personnel or concealing one’s identity.
    - ii. Forgery, unauthorized alteration, or unauthorized use of any College document or instrument of identification.
    - iii. Recording of any conversation, electronic or oral, without the consent of all parties involved, when required.
    - iv. Unauthorized possession, duplication or use of keys, key access cards, computer system or network passwords, access systems or codes to any premises or unauthorized entry to or use of College Premises.
    - v. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
  - f. Failure to Comply

- i. Failure to comply with a directive from or to meet with an authorized College official acting in the performance of their duties or with the direction from any person responsible for a College Premises or College-Sponsored Activity including providing identification when requested to do so. The College officials referenced above must identify themselves.
  - ii. Failure to fulfill any sanction imposed as a result of student conduct or academic integrity proceeding.
  - iii. Failure to abide by all policies and regulations governing the use of College Premises.
  - iv. Abuse of the Student Conduct system, including but not limited to, failing to obey a Student Conduct summons, misrepresenting information or falsifying information, knowingly instituting a Student Conduct proceeding without cause, attempting to discourage an individual initiating or participating in a Student Conduct process, attempting to influence the impartiality of Student Conduct Board members, or harassing and/or intimidating Student Conduct Board members.
- g. Alcohol
  - i. Possession of alcoholic beverages on College Premises except as provided in the College Alcohol Policy ([P 7.14](#)).
  - ii. Illegal possession of alcoholic beverages off campus including, but not limited to, underage possession of alcohol and public possession of an open container.
  - iii. Consumption of alcohol on College premises or facilities except as provided in the College Alcohol Policy ([P 7.14](#)).
  - iv. Illegal consumption of alcohol off campus.
  - v. Operating a motor vehicle while unlawfully intoxicated.
  - vi. Sharing, furnishing, and/or distributing alcohol by persons of any age to persons underage, including, but not limited to: charging admission to or using organizational funds for a social event where alcohol is served, hosting or organizing a social gathering where persons underage consume alcohol, and/or providing alcohol. This would include collecting money from people before, during, or after an event which was used to fund or partially fund an event at which alcohol was served or available.
- h. Drugs
  - i. The possession of any equipment, product, or material of any kind containing evidence of or primarily intended for use with any illegal drug and/or controlled substance.
  - ii. The possession of any illegal drug and/or controlled substance.
  - iii. The action, intent, and/or possession of materials used for sharing, distributing, delivering, manufacturing, and/or selling illegal drugs and/or controlled substances.

- iv. Misuse of over-the-counter medications and/or prescriptions which could create a potential danger to self or others.
- v. Operating a motor vehicle while under the influence of drugs and/or controlled substances.
- i. Safety and Security
  - i. Tampering with safety devices including, but not limited to alarm systems, fire extinguishers, exit signs, smoke/heat/particle detectors, fire hoses, sprinklers, or fire-fighting equipment.
  - ii. Failure to conform to safety regulations including, but not limited to, falsely reporting an incident, failure to evacuate College Premises in a timely manner in emergency situations or in response to alarms, or inappropriate use of the fire alarm or emergency call device or system.
  - iii. Disorderly, lewd or indecent conduct; breach of peace; or the aiding, abetting or soliciting of another person to breach the peace on College premises, at College-Sponsored Activities, or at any off-campus function involving College participants.
  - iv. The possession, carrying, storage, or use of any weapon, ammunition, or explosive on College property (including residence halls and vehicles), except as outlined in the Weapons & Fireworks On-Campus Policy ([P 7.20](#)) and Procedure ([PR 7.20](#)).
- j. Harm to Self/Others
  - i. Physical violence including but not limited to physical abuse; assault and/or battery; threats of violence; striking, shoving, or subjecting another person to unwanted physical contact.
  - ii. Harassment, defined as a pattern of behavior that involves verbal abuse, threats, intimidation, bullying, coercion, stalking, and/or other conduct which threatens or endangers the health/safety of another person(s).
  - iii. Stalking, defined as a pattern of conduct directed at another person including, but not limited to, following, monitoring, observing, surveilling, threatening, communicating to or about a person, or interfering with a person's property with the intent and/or effect that would cause a reasonable person to be afraid for his or her safety or suffer substantial emotional distress. Stalking may be direct, indirect, or through third parties and may be accomplished by any action, method, device, or means. This includes, but is not limited to, cyberstalking: a form of stalking in which a person uses electronic media, such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact.
  - iv. Retaliation, defined as actions, threats, or other adverse action taken against any person in response to that person's

participation in or involvement with the Student Conduct process.

- v. Bullying (see [P 7.28](#)).
- vi. Endangerment, defined as the willful or negligent actions or omissions facilitating conduct that could endanger the health and safety of oneself or other students or members of the College community, or which could have a substantial adverse effect upon the College, whether on College Premises or off campus.
- vii. Incidents of Bias, which include single or multiple acts of verbal, written, electronic, or physical expressions of disrespectful bias, hate, intimidation, or hostility against an individual, group or their property because of the individual or group's actual or perceived race, color, creed, religion, gender, age, ethnicity, national origin, disability, veteran-status, marital status, gender identification, sexual orientation, or socio-economic status unless protected by a student's rights under the First Amendment.
- viii. Hazing (see [P7.32](#))
- ix. Sexual Misconduct/Sexual Harassment (see [P7.30](#) and [PR7.30](#)).
- x. Harassment and/or Discrimination Based on Protected Class (see [P7.31](#) and [PR7.31](#))
- k. Influencing or attempting to influence another person to commit an infraction of the Student Code of Conduct.
- l. Behavior that would constitute a violation of local, state or federal law, whether on College Premises or off campus, when such behavior has a substantial adverse effect upon the College or upon individual members of the College community.

## VI. Academic Issues

- a. Matters involving academic dishonesty or academic fairness are the purview of the Vice President for Academic Affairs & Provost (or designee) and are subject to the provisions and sanctions set forth in the appropriate Policies and Procedures for Academic Dishonesty ([P 4.45](#) and [PR 4.45](#)) and Academic Fairness ([P 4.23](#) and [PR 4.23](#)).
- b. Violations of the Student Code of Conduct that affect the classroom or learning environment may be subject to academic sanctions as well as other sanctions as noted in this Procedure.
- c. In cases in which a faculty member requests that a student be involuntarily withdrawn from a course or from the College, the Vice President for Academic Affairs & Provost (or designee) assumes responsibility.

## VII. Sanctions

- a. Provisional Measures – The following provisional measures may be taken preemptively, pending the outcome of the investigation. These measures can also be imposed as a sanction.

- i. Access Restriction – a student or group/organization will not be permitted to be present in specified areas/facilities of the College or have the ability to participate in specified College activities for a defined period.
  - ii. No Contact Order – a student or group/organization may have no direct or indirect contact with another person (including through another person on behalf of the person to whom the order was issued). Prohibited contact includes, but is not limited to, making contact by way of personal (verbal or non-verbal), physical, phone, and/or electronic means, including, but not limited to, social media.
  - iii. Interim Suspension – In certain circumstances, the Dean of Students (or designee) may impose an interim College or residence hall suspension prior to a hearing. Interim Suspension may be imposed: a) to ensure the safety and well-being of the College community or preservation of College property; b) to ensure the student’s own physical or emotional safety and well-being; or c) if the student could pose a threat of disruption of or interference with normal College operations. During the interim suspension, students shall be denied access to the residence halls and/or to the campus (including classes) and/or all other activities or privileges for which the student might otherwise be eligible, as determined to be appropriate.
- b. Supportive Measures – The College reserves the sole discretion and right to take whatever measures it deems necessary in response to an alleged violation of the Student Code of Conduct in order to protect rights and safety of students and/or the College community. These measures can also be imposed as a sanction. During the preliminary investigation and procedural process and prior to a determination of whether the alleged violation has occurred, authorized administrators may provide supportive measures including, but not limited to, one or more of the following:
  - i. Referral and facilitating access to counseling and/or medical services.
  - ii. Referral to victim advocacy and support services.
  - iii. Referral to academic support services and any other services that may be beneficial.
  - iv. Adjusting the courses, assignments, exam schedules of the Reporting Party, Aggrieved Party, and/or Respondent.
  - v. Adjusting the work schedules, work assignments, supervisory responsibilities, supervisor reporting responsibilities, or work arrangements of the Reporting Party, Aggrieved Party, and/or the Respondent.
  - vi. Altering the on-campus housing assignments, dining arrangements, and/or other campus services for the Reporting Party, Aggrieved Party, and/or the Respondent.



- vii. Altering the extracurricular activities of the Reporting Party, Aggrieved Party, and/or the Respondent.
  - viii. Providing escort services.
  - ix. Informing the Reporting Party and/or Aggrieved Party of the right to notify law enforcement authorities of the alleged incident and offering to help facilitate such a report.
- c. Sanctions - The following sanctions are listed in order of severity but are not necessarily progressive in nature. More than one sanction may be imposed for any single violation:
- i. Warning – An official notice stating what prohibited conduct was violated, or the accumulation of violations, and warning against future violations that may lead to additional, and perhaps more severe, sanctions.
  - ii. Disciplinary Probation – An official status indicating the student or group/organization is not in good standing. Probationary status will be for a specified time. Status may include restrictions, loss of privileges, service requirements, or referrals. During this period, further violations in which the student or group/organization is found responsible may result in additional, more severe sanctions.
  - iii. Loss of Privileges – Denial of specific privileges or the ability to participate in specified College activities for a designated period.
  - iv. Restitution – Repayment to the College or other party for damage caused by one’s actions. This may take the form of service and/or monetary or material replacement.
  - v. Discretionary Sanction/Community Reparations – Service, research projects or other discretionary assignments tailored to the specific violation(s) including but not limited to second chance programs, letter of apology, community service, administrative move, assessment via counseling services, health services, or outside provider, and parental/guardian notification. This sanction may be educational/reflective in nature related to the violation that occurred. The student or group/organization will be required to submit proof of completion of the sanction.
  - vi. Fines – A monetary charge which may be assessed as a sanction or which may assist with costs associated with an educational workshop or program.
  - vii. Loss of Funding Opportunities – Includes, but is not limited to, loss of funding through the College, restrictions from fundraising or solicitation, inability to accept donations/gifts from, and/or restrictions on charging/collecting membership dues/payments.
  - viii. Residence Hall Suspension – Separation of the student from the residence halls for a defined period of time, after which the

student is eligible to return. Conditions for re-admission may be specified. While a student is suspended, they are prohibited from being in or around any residential complex and is excluded from all residence hall privileges and activities. Students suspended from the residence halls for disciplinary reasons will not be eligible for a refund of room fees. Students must properly check out of their room in accordance with College procedures within the timeframe established by the Residence Life Office.

- ix. Residence Hall Expulsion - Permanent separation of the student from the residence halls. When a student is expelled, they are prohibited from being in or around any residential complex and is excluded from all residence hall privileges and activities. Students expelled from the residence halls for disciplinary reasons will not be eligible for a refund of room fees. Students must properly check out of their room in accordance with College procedures within the timeframe established by the Residence Life Office.
- x. Academic Sanctions – In matters of classroom behavioral issues, various academic sanctions can be imposed including, but not limited to, temporary or permanent removal from classes/labs, or removal from an academic program and/or academic school. (See Academic Issues, in section VI above)
- xi. College Suspension – The termination of student status and the separation of the student or group/organization from the College for a defined period, after which the student or group/organization is eligible to return. Conditions for readmission may be specified. While a student is suspended, he or she is prohibited from being on College premises and excluded from all student courses, privileges, and activities. Students suspended from the institution will not be eligible for a refund of tuition or other fees.
- xii. College Expulsion – Permanent separation of the student or group/organization from the College. When a student is expelled, he or she is prohibited from being on College premises and excluded from all student courses, privileges, and activities. Students expelled from the institution will not be eligible for a refund of tuition or other fees.

VIII. Conduct records are maintained in two primary locations. Records that are part of the student's permanent academic record are maintained by the Registrar's Office. Records that are part of the student's or group/organization's conduct record are maintained by the Student Affairs and Academic Affairs Offices.

- a. Permanent Academic Record
  - i. College Expulsion and Suspension shall become a part of the student's permanent academic record.

- ii. No other sanction shall become part of the student's permanent academic record.
  - b. Student Conduct Record
    - i. College Expulsion shall become a part of the student's or group/organization's conduct record indefinitely.
    - ii. All other completed sanctions will be a part of the student's or group/organization's conduct record until 5 years from the date of the incident.
- IX. Results of Suspension and Expulsion
  - a. Students who are expelled or suspended from the institution are assigned "T" grades for all courses in which they are currently enrolled.
  - b. Students expelled or suspended from College-owned housing or the College for appropriate cause are not entitled to refunds of housing or tuition charges.
- X. Reporting Procedures
  - a. Filing Reports
    - i. Any member of the College community (faculty, staff student, or other affiliated party) may initiate a report against a student or group/organization for a violation of the Student Code of Conduct.
    - ii. All reports alleging a violation of the Student Code of Conduct should be submitted as soon as possible after an incident, however all complaints will be reviewed no matter when they are submitted.
    - iii. Reports should be prepared in writing and sent to the Director of Residence Life & Student Conduct (or designee). A complaint can be sent directly to the Director or filed online through our [Silent Witness Form](#).
    - iv. In all matters, a preliminary review of the incident may be conducted by the Director of Residence Life and Student Conduct (or designee) to determine if violations may have occurred and, if appropriate, assigned to a Conduct Administrator for a preliminary conference.
    - v. A student charged with violation of the Student Code of Conduct may not be allowed to withdraw from the College until and unless the issue has been resolved.
- XI. Preliminary Conference
  - a. The Respondent will have the opportunity to meet with a Conduct Administrator to review the Code of Conduct, Student Rights and Responsibilities, and ask any questions regarding the procedural process.
  - b. The Conduct Administrator will notify the Respondent of all charges through a meeting notification sent via written form to the address listed on file, via email, via a hand-delivered message by a College

employee, and/or via delivery to the residence hall room of the Respondent. This shall constitute adequate notice.

- c. The Respondent shall meet with the Conduct Administrator for a Preliminary Conference at the designated time.
- d. During the Preliminary Conference, the Conduct Administrator will review all charges and supporting documentation, review all due process rights, and explain the Student Code of Conduct adjudication process.
- e. In a Preliminary Conference, the Conduct Administrator will offer the Respondent the option of resolving the violation through one of the following processes: Alternative Measures (if the incident can be resolved informally), Administrative Hearing, or Student Conduct Board.
- f. The Respondent will have the chance to address any potential bias the Conduct Administrator has related to the potential incident. If the Conduct Administrator cannot fairly hear the violation, the Director of Residence Life and Student Conduct (or designee) will assign a new Conduct Administrator.
- g. Failure to attend a Preliminary Conference will result in the case being assigned to either an Administrative Hearing or the Student Conduct Board by the Director of Residence Life and Student Conduct (or designee).

XII. Alternative Measures – For any violation, if approved by the Conduct Administrator, the Aggrieved Party can request an informal resolution. If the Respondent agrees, then the Respondent and Aggrieved Party meet with the Conduct Administrator and come to an agreement on a resolution to the violation.

- a. Informal Hearing
  - i. If an incident can be informally resolved, that option will be offered to the Respondent.
  - ii. An informal hearing occurs when the Respondent and Aggrieved Party meet with the Conduct Administrator and come to an agreement on a resolution to the violation.
  - iii. The resolution must be agreed upon by both parties and the Conduct Administrator.
  - iv. Failure to attend an informal hearing will result in the case being assigned to an Administrative Hearing or Student Conduct Board by the Director of Residence Life & Student Conduct (or designee).
- b. Mediation
  - i. In some cases, conflicts may be resolved through a mediation session with a counselor, faculty member, or staff member. In such cases, both parties, as well as the Dean of Students (or designee), must agree that the situation is appropriate for mediation.

- ii. Mediation can only be used at the request of the Aggrieved Party.
- iii. Resolutions reached through Mediation, once approved by the Mediator and the Dean of Students (or designee), are binding.
- iv. If a resolution is not reached, the parties may, at the discretion of the Dean of Students (or designee), be directed to resolve the matter through an Administrative Hearing or a Student Conduct Board hearing.

### XIII. Administrative Hearing

- a. The Conduct Administrator will review the incident and any available supporting documents with the Respondent, offering the Respondent the opportunity to share their perspective of the incident.
- b. If the Respondent accepts responsibility for the violation, then the Conduct Administrator will impose appropriate sanctions.
- c. If the Respondent does not accept responsibility for the violation, then the Conduct Administrator will make a determination of responsibility based on a preponderance of the evidence (more likely than not) and impose appropriate sanctions.
- d. The Respondent will be notified officially via Penn College email regarding the determination and, if appropriate, resulting sanctions.
  - i. For matters related to Harm to Self/Others, the Complainant and/or Aggrieved Party will also be notified officially via Penn College email regarding the determination and, if appropriate, resulting sanctions.
- e. Failure of the Respondent to attend the Administrative Hearing can result in a decision regarding responsibility for violation(s) without the Respondent being present.
- f. The Respondent may appeal the Administrative Hearing outcome. For matters related to Harm to Self/Others, the Aggrieved Party and/or Respondent may appeal.
  - i. Grounds for Appeal
    - 1. Procedural error that likely impacted the hearing outcome.
    - 2. Newly discovered information. This applies when there is an acceptable reason to explain why the information could not be presented at the original hearing.
    - 3. An allegation that the sanctions issued were unfair and/or overly harsh given the nature of the violation. The individual appealing must demonstrate in the appeal that there had been a clear error of judgement or must show that the decision was not based upon consideration of relevant factors, reason, or judgement, and was an abuse of discretion or otherwise not in accordance with the Student Code of Conduct.
  - ii. Administrative Hearing Appeal Process:

1. The person who is appealing must present a written request that specifically articulates one or more reasons for appeal from the grounds listed above to the Director of Residence Life and Student Conduct (or designee) within five (5) business days of receiving the determination. The individual should thoroughly and clearly explain why their appeal has merit, as it is unlikely that they will meet with the Director of Residence Life and Student Conduct (or designee) in person. The decision of the Director of Residence Life and Student Conduct (or designee) is final; there is no further appeal of Administrative Hearing outcomes.
2. In cases where the appeal is related to Harm to Self/Others both the Respondent and the Aggrieved Party will be notified that an appeal has been filed, and either parties will be given the opportunity to provide written statements regarding the appeal.
3. The five-day limitation may be waived by the Director of Residence Life and Student Conduct (or designee) in extenuating circumstances, but only when the grounds for appeal are met.
4. The Director of Residence Life and Student Conduct (or designee) will respond to the person who is appealing in writing within 10 business days of receiving the appeal.
5. During the appeal, any sanctions from the Administrative Hearing will be placed on hold, with the exception of any Supportive or Provisional Measures already in place.
6. Appeals cannot be submitted by a third party on behalf of the Respondent or Aggrieved Party.
7. If the appeal is not timely or substantively eligible, the original finding and sanction(s) will stand, and the decision is final.
8. If the appeal is granted, the Director of Residence Life and Student Conduct (or designee) will make the decision to reverse, alter, or otherwise amend any imposed sanctions or impose new sanctions. This decision is final.
9. If the appeal is denied, the original finding and sanction(s) stand, and the decision is final.

XIV. Student Conduct Board Hearing

- a. Student Conduct Board members are identified through the College's internal governance system by the Student Affairs Committee and receive training offered on an annual basis. Members are selected for

each hearing by the Director of Residence Life and Student Conduct (or designee).

- b. Student Conduct Boards shall consist of no fewer than three, and no more than six members of the campus community and will comprise a mix of students and/or faculty/staff.
- c. The Director of Residence Life and Student Conduct (or designee) will designate who will serve as the Complainant. The Complainant could be the Reporting Party, Aggrieved Party, or College official.
- d. The following procedural elements govern a Student Conduct Board Hearing:
  - i. The Director of Residence Life and Student Conduct (or designee) will advise the Student Conduct Board.
  - ii. The Respondent will receive written notice via Penn College email of the day, time, and location of the Hearing at least five days prior to the hearing. A hearing can be scheduled sooner if requested by the Respondent and agreed to by the Director of Residence Life and Student Conduct (or designee).
  - iii. The Respondent, Aggrieved Party, and/or Complainant may request Witnesses. As means to further prepare, upon request, the Respondent, Aggrieved Party, and/or Complainant are provided access to each other's lists of Witnesses each intends to include in the hearing. Lists of Witnesses are to be submitted no less than 48 hours prior to the Hearing.
  - iv. The Hearing will proceed even if the Respondent fails to attend.
  - v. Hearings are closed to the public.
    1. At the discretion of the Director of Residence Life and Student Conduct (or designee), other parties may be admitted, such as a parent or guardian of the Respondent or Aggrieved Party.
  - vi. Hearings shall be recorded for appeal purposes. Recordings will be retained for 2 years from the final disposition of the case.
  - vii. The Director of Residence Life and Student Conduct (or designee) shall have discretion over the proceedings and disruptive parties will be removed from the room.
  - viii. Respondents will have the ability to challenge a member of the Board based on a clear bias against the Respondent.
  - ix. The Complainant and Respondent shall have ample opportunity to make opening and closing statements concerning the incident and an opportunity to ask relevant questions of each other and any witnesses. In the event a Witness is also considered to be the Aggrieved Party, they will be afforded opportunity to ask relevant questions.

- x. The Board and the Director of Residence Life and Student Conduct (or designee) may ask questions of the Complainant, Respondent, and any witnesses.
- xi. The Board will conduct deliberations in a closed session without the Complainant, Respondent, or any persons other than the Director of Residence Life and Student Conduct (or designee) present. The Board will determine whether the Respondent is responsible or is not responsible for the charges based on a preponderance of the evidence (more likely than not). If the Respondent is found responsible for a violation of this Student Code of Conduct, the Board will make recommendations of sanctions to the Director of Residence Life and Student Conduct (or designee).
- xii. The Director of Residence Life and Student Conduct (or designee) will have final determination for any applicable sanctions.
- xiii. The Respondent will be notified officially via Penn College email regarding the determination and, if appropriate, resulting sanctions.
  - 1. For matters related to Harm to Self/Others, the Complainant and/or Aggrieved Party will also be notified officially via Penn College email regarding the determination and, if appropriate, resulting sanctions.
- xiv. If the case has not been adjudicated by the end of the semester, the Respondent will receive Incomplete (I) grades. When the case is adjudicated, final grades will be processed.
- xv. In all cases, the Respondent may appeal the Student Conduct Board Hearing outcome. In cases related to Harm to Self/Others, the Complainant, Aggrieved Party, and/or Respondent may appeal.
  - 1. Grounds for Appeal
    - a. Procedural error that likely impacted the hearing outcome.
    - b. Newly discovered information. This applies when there is an acceptable reason to explain why the information could not be presented at the original hearing.
    - c. An allegation that the sanctions issued were unfair and/or overly harsh given the nature of the violation. The party appealing must demonstrate in the appeal that there had been a clear error of judgement or must show that the decision was not based upon consideration of relevant factors, reason, or judgement, or was an abuse of discretion or otherwise not in accordance with the Student Code of Conduct.



2. Student Conduct Board Hearing Appeal Process
  - a. The party who is appealing must present a written request that specifically articulates one or more reasons for appeal from the grounds listed above to the Dean of Students (or designee) within five (5) business days of receiving the decision. The party appealing should thoroughly and clearly explain why their appeal has merit, as it is unlikely that they will meet with the Dean of Students in person.
  - b. In cases where the appeal is related to Harm to Self/Others the Respondent, Complainant, and the Aggrieved Party will be notified that an appeal has been filed, and all parties will be given the opportunity to provide written statements regarding the appeal.
  - c. The five-day limitation may be waived in extenuating circumstances by the Dean of Students, but only when the grounds for appeal are met.
  - d. The Dean of Students will respond to the party who is appealing in writing within 10 business days of the appeal.
  - e. During the appeal, any sanctions from the Student Conduct Board Hearing will be placed on hold, with the exception of any Supportive or Provisional Measures already in place.
  - f. The decision of the Dean of Students is final; there is no further appeal of Student Conduct Board Hearing outcomes.
  - g. Appeals cannot be submitted by a third party on behalf of any party wishing to appeal.
  - h. If the appeal is not timely or substantively eligible, the original finding and sanction will stand, and the decision is final.
  - i. If the appeal is granted, the Dean of Students (or designee) will make the decision to reverse, alter, or otherwise amend the imposed sanctions. This decision is final.
  - j. If the appeal is denied, the original finding and sanction(s) stand, and the decision is final.

XV. Student Groups and Organizations

- a. Student groups and student organizations may be charged with violations of this Student Code of Conduct either as a collective unit, as individual members, or as both. As such, the Director of Residence Life and Student Conduct (or designee) will designate a member of the

- group/organization as the spokesperson for any discipline proceedings involving the group/organization.
  - b. The student/group spokesperson will serve as the Respondent and will follow the same processes and have the same opportunities as outlines in sections XI. Preliminary Conference, XII. Alternative Measures, XIII. Administrative Hearing, and XIV. Student Conduct Board Hearing.
  - c. A student group or student organization may be held responsible for violations of this Code either as a collective unit, as individual members, or as both. Student groups and organizations are bound by any sanctions imposed through the discipline process outlined in this Code.
  - d. Sanctions for a student group or organization are included in section VII. Sanctions.
- XVI. Record Holds  
In pending cases, a temporary hold can be placed on a student's records by the Dean of Students.
- XVII. Revocation of Degrees  
The College reserves the right to revoke an awarded degree for fraud in receipt of the degree or for serious disciplinary violations committed by a student.

**Revision History:**

- Date: 07/2021 Comprehensive revisions the Code of Conduct to clarify procedures and offer greater transparency and to specifically reflect changes in the Sexual Misconduct/Sexual Harassment Policy and Procedure.
- Date: 09/2020 Updated Prohibited Conduct V.q. to respond to off-campus safety concerns.
- Date: 04/2016 Changed Judicial Council to Student Conduct Board and Director of Residence Life & Judicial Affairs to Director of Residence Life & Student Conduct. Clarified appeal process. Articulated current practice related to the exchange of witness lists. Articulated current practice related to line of questioning when witnesses are also considered victims. Designated Director of Residence Life and Student Conduct as individual responsible for reviewing all hearing proceedings and making final determinations.
- Date: 06/2012 Additional of Sexual Misconduct Policy language and change in judicial council hearing appeal process.
- Date: 12/2010 Removed sections related to Academic Dishonesty, which have been moved to separate policy/procedure.
- Date: 11/2009 Removed references to 'Director' in X d, e and f
- Date: 06/2009 General revisions throughout
- Date: 12/2008; 08/2005; 09/2000; 04/1995

**Cross References:**

Code of Conduct Policy Statement [P 4.43](#)

Academic Dishonesty Policy and Procedure [P 4.45](#) and [PR 4.45](#)

Academic Fairness Policy and Procedure [P 4.23](#) and [PR 4.23](#)

Hazing Policy Statement [P 7.32](#)

Bullying Policy Statement [P 7.28](#)

Student Sexual Misconduct Policy and Procedure [P7.30](#) and [PR 7.30](#)

Student Harassment and/or Discrimination Based on Protected Class Policy and Procedure [P 7.31](#) and [PR 7.31](#)