

STUDENT CODE OF CONDUCT

2020-2021

Table of Contents

I.	Mission	2
II.	General Information	2
	A. Applicability	2
	B. Jurisdiction	2
	C. Official University Contact	2
III.	Definitions	3
IV.	Principles of Student Organization Responsibility	4
V.	Reporting	5
VI.	Investigations	6
	A. General Information	6
	B. Timeline	6
	C. Individual Student Investigations	6
	D. Student Organization Investigations	7
VII.	Violations	8
VIII.	Procedures for Resolution	11
	A. Timeline	12
	B. Notification	12
	C. Informal Hearing	12
	D.	
	E. Formal Hearing	12
	F. In Absentia	13
	G. Hearing Decorum	13
	H. Advisor	13
	I. Standard of Proof	14
IX.	Formal Hearing Outline	14
X.	Appeals	15
XI.	Conduct Boards	16
XII.	Decisions	17
XIII.	Sanctions	17
XIV.	Medical Amnesty	19
XV.	Parent/Guardian Contact	20
XVI.	Records	20
XVII.	Sexual Misconduct	21
XVIII.	Revisions of the Student Code of Conduct	23

I. MISSION

As an institution of higher learning and a community of persons with a special purpose, Bloomsburg University accepts its obligation to provide its members with an atmosphere which protects and promotes its educational mission and that guarantees its orderly and effective operation. To accomplish these goals, the University must require certain standards of conduct, both on and off campus, which are then expressed through the Student Code of Conduct. In addition, Bloomsburg University students aspire to follow and promote integrity, community, social justice, respect, and responsibility.

- **Integrity-** Huskies exemplify honesty, honor, and respect for the truth in all of their actions.
- **Community-** Huskies build and enhance their community; understand and appreciate how decisions and actions affect others; and, are just and equitable in the treatment of all members of the community.
- **Social Justice-** Huskies respect the dignity of every person and act to discourage and challenge those whose actions may be harmful to or diminish the worth of others.
- **Respect-** Huskies show positive regard for themselves, each other, and for the community.
- **Responsibility-** Huskies accept responsibility for learning, personal behavior, and future success, and appropriately challenge others to do the same. Huskies use good judgement, are trustworthy, and take personal responsibility for actions.

II. GENERAL INFORMATION

Bloomsburg University is committed to providing a sound educational environment for intellectual pursuits. In addition, the University is engaged in developing socially responsible citizens, ensuring the welfare and freedom of all members of the University community, and protecting individual rights. Students at Bloomsburg University are expected to abide by the rules and regulations of the University as well as international, federal, state, and local laws and ordinances. Additionally the rules and regulations of other institutions will also be applied when students are engaged in academic pursuits at those institutions. The Student Code of Conduct identifies those actions which constitute unacceptable behavior for students and student organizations of the University.

- A. **Applicability-** Any student or student organization committing an act in violation of the applicable portion of the Student Code of Conduct shall be subject to disciplinary action. Any violation of the Student Code of Conduct by a student or a student organization may result in both the organization and the members involved in the misconduct being subject to disciplinary action. Violations found under this document may be applied concurrently with any civil or criminal prosecution brought against a student or student organization.
- B. **Jurisdiction-** Disciplinary action may be imposed when a student or student organization engages in behavior, **on or off** University property that is not consistent with University standards as defined by the Student Code of Conduct. Students and student organizations are expected to conduct themselves in accordance with international, federal, state, and local laws and ordinances. Violations of these laws and ordinances may be subject to University action. When a student is charged with violating international, federal, state, and local laws or ordinances, disciplinary action may be taken and sanctions imposed for misconduct. The University will determine whether action under the Student Code of Conduct will be carried out before, simultaneously, or following civil or criminal proceedings.
- C. **Official University Contact-** The Office of the Dean of Students sends all official correspondence through email utilizing the student's Bloomsburg University issued email address. This is the Office of the Dean of Student's primary and official form of communication. Students are expected to check their University email daily. Any and all consequences that result when University email is not read or checked regularly are the responsibility of the student.

III. DEFINITIONS

*For definitions related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790*

Advisor- A person who may advise and support the complainant or respondent.

Appeal- A student's or student organization's request for a review of sanctions or outcomes of a conduct process.

Appeal Officer- A trained individual, with no prior connection to a case, who will review the submitted criteria for an appeal. The appeal officer will determine whether or not the appeal criteria has been sufficiently met and determine appropriate next steps.

Complaint- Filing a complaint is a request for Bloomsburg University to investigate further and take any necessary or appropriate action.

Complainant- The person who is alleging, in good faith, the occurrence of a violation of the Student Code of Conduct. The complainant may be an impacted student or the University.

Conduct Officer- A University employee or Office of the Dean of Students designee who is trained and authorized to weigh the information presented in a conduct process to determine an appropriate outcome.

Designee- A person who is authorized to make decisions in the place of the named administrative office or officer.

Family Educational Rights and Privacy Act (FERPA) - Federal legislation that protects the privacy of student's personally identifiable information.

Interim and Supportive Measures- Individualized services or action offered to a complainant or respondent.

Investigator- A trained professional assigned to conduct fact-finding and write a report.

No Contact Order- Official written expectations issued by a University administrator restricting or prohibiting contact between students.

Outcome Letter- A letter which provides the official decision of responsibility for the alleged violations and includes the sanction(s).

Parties- A term that refers to the complainant and the respondent collectively.

Preponderance of Evidence- The standard of proof used to determine whether violations of University policy have occurred and means "it is more likely than not" that a violation has occurred.

Records- All documents, reports, recordings, letters, or other forms of information relating to a student or student organization conduct process.

Respondent- An individual or student organization who is alleged to have violated the Student Code of Conduct.

Report- Information submitted to the Office of the Dean of Students regarding alleged actions or behaviors of a student or student organization. This report could relate to a Student Code of Conduct violation including sexual misconduct or could be for informational purposes only. A report may be accompanied by a request for supportive or interim measures.

Student- The term "student" refers to any person who has been admitted or is enrolled or has enrolled.

Student Organization- Any organized group of students that has complied with or is in the process of complying with the University's requirements for registration, recognition, or is formed through University academic, athletic, or University departments, or is funded by the Student Government Association.

Witness- A person who may have knowledge pertaining to an alleged violation.

IV. PRINCIPLES OF STUDENT ORGANIZATION RESPONSIBILITY

Student organizations enrich the university and community by providing a source of intellectual, personal, and social development for students through programs and activities. The University and off-campus partners fulfill an important educational mission by providing the policies and procedures with which to support and guide student organizations.

Inherent in the University's recognition of student organizations is the obligation of each student organization to conduct activities in accordance with University rules and policies. These rules and policies of the University are in addition to other rules and policies that may govern the organization by their parent organization.

Student Organization Responsibility for Policy Violations

Student organizations are required to comply with all University policies, including the Student Code of Conduct, and all additional policies pertaining to the specific organization. A student organization may be held responsible for the actions and behaviors of its members and guests. The decision to hold a student organization responsible as a whole is ultimately determined by examining all the circumstances of a situation and by taking into account factors including, but not limited to, whether the actions:

- Were committed by one or more leaders or authorized representatives acting in the scope of their student organization capacities;
- Were committed by student organization members or alumni, or guests that reasonable people would associate with the student organization;
- Were condoned by or allowed to occur at an organization function or venue controlled by the student organization (actively or passively), student organization members, alumni, or guests. This section includes non-action on the part of the student organization members present at the function, event or venue;
- Occurred at, or in connection with, an activity or event funded, sponsored, publicized, or advertised, by the student organization or student organization members;
- Occurred at a location over which the student organization or its members had control at the time of the action;
- Occurred at, or in connection with, an activity or event that reasonable people would associate with the student organization;
- Should have been foreseen by the student organization or its leaders, but reasonable precautions against such actions were not taken;
- Were the result of a policy or practice of the student organization;
- Would be attributable to the student organization under the student organization's own policies (including local or national risk management guidelines); or,
- Were taken by individuals who, but for their affiliation with the student organization, would not have been involved in the incident.

In addition, a student organization may be held responsible if:

- One or more leaders or members of a student organization fail to report knowledge or information about a violation to, or otherwise fail to cooperate with, appropriate University or emergency officials;
- The student organization, or any member acting on its behalf, fails to satisfactorily complete the terms of any sanction or outcome.
- The student organization or members of a student organization fail to comply with a University investigation or request for information.

Along with student organizations, their members, leaders, and associated students, may also be held individually responsible for violations of the Student Code of Conduct or other University policies.

It is the responsibility of the student organization's president, leader, or designee to represent the student organization through the conduct process.

V. REPORTING

Any person or entity (including University departments, officials, community members, and students) may submit information in the form of a report or complaint (see definitions) to be reviewed by the Office of the Dean of Students. In each case prior to University action, the complainant may be required to submit a full statement, in writing, including a detailed account of the incident, along with the names of the individual(s) who may have engaged in behavior that could result in violation(s) of this Student Code of Conduct, and witnesses who were present when the actions occurred, have direct knowledge of the incident, or can provide evidence that tends to prove the actions in the statement happened.

Any alleged violation of the Student Code of Conduct should be submitted as soon as possible after the event takes place. Failure to report in a timely manner may limit the University's ability to effectively respond to the alleged conduct. All reports will be investigated to the extent of the information provided. Reports or complaints may be submitted anonymously; however anonymous reports or complaints may limit the University's ability to investigate the incident. If an anonymous report or complaint fails to provide enough detail to conduct an effective investigation, the information contained in the report or complaint shall be cataloged and retained by the Office of the Dean of Students for not less than the completion of one academic year.

To file a report or complaint:

1. Complete a University form that can be found online at: <https://intranet.bloomu.edu/deanofstudents>
2. Any individual, group, or organization may stop by the Office of the Dean of Students, located in the Kehr Union Building (KUB, room 101) or call, 570-389-4734 to schedule a meeting with a designated staff member to submit an initial verbal report or complaint. At the time of the meeting, the designated staff member will determine appropriate next steps if applicable.
3. Sexual Misconduct- There are several ways a report or complaint may be filed in relation to sexual misconduct. If it is not an emergency, it is recommended a reporter or complainant file a report first with the Title IX Coordinator. However, a report or complaint can be filed directly with campus or local police, the Title IX Coordinator, the Office of Residence Life, the Office of the Dean of Students, or by completing an anonymous report online. For more details, please see the Student Sexual Misconduct Policy or the Harassment and Discrimination Policy, or the following websites for more details:
 - a. Anonymous Sexual Misconduct Report: <https://intranet.bloomu.edu/report-title-ix>
 - b. General Sexual Misconduct Website: https://intranet.bloomu.edu/Title_IX
 - c. Sexual Misconduct Policy: https://intranet.bloomu.edu/policies_procedures/4790
4. An individual may also visit the following webpage to view various methods of submission: <https://intranet.bloomu.edu/deanofstudents-complaints>
5. Complaints can also be filed with the U.S. Department of Education, Office of Civil Rights at <https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>.

Supportive Measures: When a report is received, the information is reviewed and assessed to determine possible next steps. In some cases interim measures or accommodations may be warranted, such as but not limited to no contact orders, or change in class schedule, or alternate housing accommodations, or the issuance of an interim suspension (see sanctions, section XI). For more details about sexual misconduct specific supportive measures, please see the Sexual Misconduct Policy (https://intranet.bloomu.edu/policies_procedures/4790).

VI. INVESTIGATIONS

For definitions related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790

General Information: The Office of the Dean of Students will first review all reports or complaints alleging a violation of this Code. From this initial review, the Dean of Students Office shall determine an appropriate course of action or, if required, next steps; which include conducting an investigation, gathering more information, or interim measures.

A. Timeline: Notwithstanding the requirements of the 10-day hearing for interim suspensions, the University will endeavor to proceed with an efficient and timely conduct process that may include an investigation; however, factors beyond the control of the University may slow its response. The University shall make reasonable efforts to keep involved parties apprised of its progress.

B. Individual Student Investigations:

- 1. Initial Assessment-** An investigator or investigators will be assigned by the Office of the Dean of Students if an investigation is necessary.
- 2. Investigation Process-** The fact-finding investigation may necessitate interviews with all involved parties and witnesses. Members of the University community are strongly encouraged to participate in the investigative process as witnesses if they have knowledge or information regarding the alleged violation(s) in question and if they have been requested to participate. Individuals who are not members of the University community will generally be permitted to participate as a witness if they have direct knowledge or information regarding the incident or alleged violation in question. At the conclusion of the investigation, the investigator(s) shall prepare a report detailing the incident and their findings. Upon receipt of the investigation report, the Office of the Dean of Students shall review the report and determine: (i.) Whether additional information is necessary, and if so, to seek that additional information; and, (ii) Whether or not to assign alleged violations of the *Student Code of Conduct*.
- 3. Advisor-** The University understands the benefits of providing support to all students including those potentially accused of violating this Code. However, the focus of this Code is educational in nature, thus the role of an advisor is much different than counsel in a criminal or civil action. Therefore, participation of an advisor is permissive rather than compulsory and the advisor's role is limited. The role and participation of any advisor is governed by this section. During the investigation, students have the right to be assisted by any advisor they may choose, at their own expense. The advisor may be any person who is not a potential witness or party in the matter or a related matter. Attorneys acting as advisors must follow the same rules as non-attorney advisors. An advisor may attend all meetings but shall not participate directly in any aspect of the conduct process, including speaking directly to investigators. The involved students must speak on their own behalf and communicate directly with the investigator(s).

An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the meeting or proceeding. If the advisor is removed from any stage of the proceedings, the Office of the Dean of Students shall make the determination as to whether that advisor may continue in that role in future interactions. This determination is made on a case-by-case basis and shall consider all of the relevant facts and circumstances leading to their removal. At any point, the involved student may select a

new advisor; however, in no case shall the proceedings be delayed because of the advisor's failure to meet their obligations under this section.

4. **Privacy-** Participants in an investigation should keep all information related to the incident as private as possible. In order to protect the privacy of all parties, participants should only speak with University officials who are facilitating the investigation

E. Student Organization Investigations

1. **Initial Assessment-** The Office of the Dean of Students will assign an investigator or investigators if an investigation is necessary. Student-initiated investigations are prohibited.
2. **Allegations-** In the interest of the integrity of the investigation and to reduce the incidence of retaliatory behavior, the specifics of the allegations may be kept private until details are shared in a potential conduct process. However, the broad nature of the allegation will be provided.
3. **Investigation Process-** The investigator(s) will determine the method of information gathering. This may include a mandated organization meeting, a series of individual meetings, or combination of both types of meetings. In the interest of full disclosure and to reduce the incidence of retaliatory behavior, the investigators will make every attempt to keep student testimony for organization misconduct confidential. At the discretion of the investigator(s) and in order to maintain the integrity of the investigation, the following measures may be taken:
 - a. Cell phones and any other technology may be collected during any meeting but are not subject to search without student permission or warrant.
 - b. Students will be asked to sign an investigation participation form affirming the truthfulness of statements provided, their right to be silent, acknowledging they have the option to file a report with law enforcement, understanding that information provided may be made available to other individuals if they are alleged to have violated the *Student Code of Conduct*, and that any attempt to disrupt or obstruct the investigation may result in violations of dishonesty or failure to comply violations of the *Student Code of Conduct*.
 - c. The investigator(s) may recommend interim action to the Office of the Dean of Students at any point in the investigation.
4. **Organization Conduct-** For organization related conduct allegations, while under investigation, students in organizations will:
 - a. Refrain from communication or behavior that could be considered retaliatory in nature, which is a violation of the Student Code of Conduct. Examples include, but are not limited to, sending intimidating or harassing texts, calls or emails; sending messages through other people; and, making intimidating or harassing comments on social media. Retaliation against anyone involved in the case should be brought to the immediate attention of the Office of the Dean of Students and/or Police.
 - b. Keep all information related to the incident as private as possible. In order to protect the privacy of all parties, only speak with University officials who are facilitating the investigation. Any member or guest who is known to have facts of the incident (what took place before, during, and after the alleged misconduct) will be contacted for an interview.
5. **Organization Advisor Role-** Subject to the section titled Advisor (VI, D, 3), a student organization's official advisor of record may serve as an advisor as defined by the Student Code of Conduct, unless such advisor has been, or becomes, a direct witness of the alleged behavior.

6. **Organization Contact-** The point of contact for the student organization shall be the President, Vice President, and Secretary (or any hierarchal titles utilized by the organization to designate the top three (3) individuals) on record with Office of Fraternity and Sorority Life. Any communications sent to contact information on record with the University shall be deemed as received as follows: electronically – The day after it was sent; or Physical Mail – Three (3) days of the postmark, if not also sent electronically.

VII. VIOLATIONS

Students who are cited or arrested by a law enforcement agency or convicted of a crime in civil or criminal court may be subject to separate charges and to University conduct proceedings. The following forms of conduct are prohibited by any Bloomsburg University student or student organization on or off University property and are subject to sanctions:

- A. **Academic Integrity-** Incidents of plagiarism, cheating, and other forms of academic dishonesty as set forth in the Academic Integrity Policy (PRP 3512). Such incidents are addressed in accordance with the policy.
- B. **Alcohol-** A violation of the University Alcoholic Beverage Policy (PRP 4810) constitutes a violation of the Student Code of Conduct. Violations include but are not limited to:
1. Display of empty alcohol containers in any University facility, residence hall, or any affiliated University housing.
 2. Use, possession, or consumption of alcoholic beverages on campus over 21 years of age.
 3. Underage use, possession, or consumption of alcoholic beverages.
 4. Possession of open containers of alcoholic beverages.
 5. Public intoxication.
 6. Driving under the influence of alcohol.
 7. Possession of a fake ID, use of a fake ID, providing false identification, or misrepresentation of identification.
 8. Furnishing alcohol to individuals under the age of 21.
 9. Actively planning or organizing a party or event where alcohol is being served illegally or furnished to minors. Actively planning or organizing a party or event includes but is not limited to providing cups, collecting money, or transporting either alcohol or attendees to or from the event.
 10. Illegally selling alcohol.
 11. Hosting a social gathering, whether intentional or unintentional, where an alcohol policy violation occurs.
 12. Other alcohol-related misconduct.
- C. **Computer and Network Misuse-** A violation of the Acceptable Use of Technology Policy (PRP 2550). Violations include but are not limited to: misuse, abuse, or other illegal activity related to University computers or networks, using computers/the network to distribute, download or upload obscene or indecent images or language, harass individuals, or hinder the universal functions of the university network.
- D. **Controlled Substances/Drugs-** A violation of the University Drug Policy (PRP 4805). Violations include but are not limited to:
1. The use or possession of controlled substances/drugs.
 2. The sale of controlled substances/drugs.
 3. The manufacturing of controlled substances/drugs.
 4. The distribution or transfer of controlled substances/drugs.
 5. The distribution or transfer of prescribed medications/drugs.
 6. The use or possession of drug paraphernalia.

7. The use of legal substances, in a manner other than the intended purpose, in ways that alter one's mental or physical state.
8. Driving under the influence of controlled substances/drugs.

E. Disorderly Conduct, this includes:

1. Engaging in conduct that unnecessarily disturbs others, or is disruptive to the normal practices or processes, or functions of the University, institution, business, or local municipalities.
2. Engaging in conduct that is retaliatory.
3. Engaging in a course of conduct directed at a person that serves no legitimate purpose and seriously alarms or intimidates that person.
4. Engaging in conduct that constitutes unlawful discrimination based on another person's race, color, sex, sexual orientation, gender identity, religion, creed, age, national or ethnic origin, citizenship, veteran status, disability, or any other legally protected class.

F. Disruptive Classroom Conduct- Such incidents are addressed in accordance with the Student Disruptive Behavior Policy (PRP 3881).

G. Failure to Comply- Confronting or defying instructions or reasonable requests made by University officials. This includes, but is not limited to refusal to present identification when asked; noncompliance with University sanctions, investigations, or a no contact letter; and, refusal to respond to a request to report to an administrative office.

H. Firearms/Weapons- A violation of the University Weapons, Firearms and Dangerous Devices Policy (PRP 5240). Violations include but are not limited to:

1. The unauthorized possession of firearms, weapons, or other dangerous objects or substances on University property.
2. The transfer of firearms, weapons, or other dangerous objects or substances on University property.
3. Use of firearms, weapons, or other dangerous objects or substances on University property.
4. The brandishing of any object or item used in a threatening or violent manner, such as a butane lighter, lit tobacco products, baseball bat or other blunt instrument, or razor blade that inflicts, or is intended to inflict bodily harm, or cause property damage.

This policy includes, but is not limited to: firearms, ammunition, explosives, billy clubs, martial arts weapons, bows and arrows, sabers, swords, daggers, switchblades, knives used primarily for hunting purposes, fireworks, pellet guns, air guns, BB guns, stun guns, tasers, paint ball guns, and dangerous/flammable chemicals/fuels.

I. Fraud or Dishonesty-

1. Wrongful deception intended to result in financial or personal gain.
2. Making, using, or possessing any falsified document or records.
3. Providing false information to University officials or on University documents.
4. Altering or forging any University document or records, including identification, meal, or access cards and parking permits.
5. Providing false statements during any police or University investigation or proceedings.
6. The misrepresentation of oneself or of an organization as an agency of the University by any means identified above.

J. Gambling- Any act of gambling including solicitation on campus is prohibited except for those sanctioned by Bloomsburg University and the Commonwealth of Pennsylvania.

K. Harm-

1. **Infliction of Harm-** Commission of any act which results in or which may result in the infliction of pain, injury, or damage to any person or property by willful and deliberate means or through gross negligence. This offense includes but is not limited to: assault, attempted assault, or reckless behavior, which may result in injuries to oneself, others, or property.

2. **Threat of Harm-** This includes words or a course of conduct that is reasonably understood to create fear of the intimidation of pain, injury, or damage, including conveyance of threats through electronic means, (a) to another person or property; (b) toward any party to witness, or their property, involved in a University conduct violation or law enforcement matter, which can be reasonably understood as attempting to influence outcomes or for retaliation; or (c) toward a University employee related to the performance of this job.

L. Hazing- In addition to violations of the University Hazing Policy (PRP 4650), violations include, but are not limited to causing, coercing, or forcing an individual to do any of the following:

1. Consume any food, drink, liquid, alcoholic liquid, drug, or other substance which subjects the individual to a risk of emotional or physical harm.
2. Endure any brutality or act of a physical nature, which may include but is not limited to whipping, beating, branding, paddling, kicking, pushing, shoving, tackling, calisthenics, or exposure to the elements.
3. Endure brutality or act of a mental nature, which may include but is not limited to activity adversely affecting the mental health, or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct which could result in extreme embarrassment or degradation.
4. Any activity which has the potential to be frightening, morally compromising, degrading, and/or unduly deceptive, including deception designed to convince the individual of impending pain, injury, or non-initiation including but not limited to promoting servitude, berating or verbally harassing individuals, throwing items at or on individuals, forcing individuals to carry items or wear apparel which is undignified, requiring public stunts such as forcing individuals to yell when entering or departing a physical structure or in the presence of designated individuals, forcing individuals to use designated entrances or exits, requiring individuals to run personal errands, intentionally creating labor or clean-up work, and requiring individuals to wear scant clothing or to be nude.
5. Endure brutality or an act of a sexual nature.
6. Any activity which endangers or has the potential to endanger the academic performance of the individual, such as not allowing adequate time for, or interfering with academic commitments; activities conducted between the hours of midnight and 8:00 a.m.; and, forced exclusion from social or verbal contact with any other individual.
7. Any destruction or removal of public or private property.
8. Any violation of federal, state, or local law or rule or University policy.

Any action listed above that has a direct relation to the initiation, admission into, or affiliation with a student organization, regardless of an individual's willingness to participate, is considered a violation of the hazing policy.

M. Ineligible Recruitment/Participation in a Fraternity or Sorority- It is a violation for a Fraternity or a Sorority to accept or recruit ineligible students. It is also a violation for a student to pledge, join, or attempt to join a Fraternity or a Sorority if they do not meet the eligibility requirements (see Fraternity and Sorority Life website for eligibility <https://intranet.bloomu.edu/fraternity-sorority-life>).

N. Student Groups/Organization - Bloomsburg University recognizes many fraternity and sorority organizations. Membership can provide students with a positive, enriching experience along with unique leadership and service opportunities. Recognition offers the groups latitude to operate as sanctioned members of the Bloomsburg community and entitles the group to receive privileges not available to non-recognized organizations. Recognition is a mutually beneficial status to allow the University to regulate and monitor these groups while the organizations agree to abide by reasonable restrictions and perform reasonable services in the community. From time to time, these organizations engage in behavior that compromises the positive experience and exposes members to high rates of hazing, underage and binge alcohol use and other violations of law and policy. Pursuant to this Code, offending organizations will be investigated, and if warranted, suspended or derecognized.

During any period of suspension or derecognition of a student organization, a students' relationship with these organizations could be a violation of this Code of Conduct which could lead to suspension or expulsion. A students' relationship for this section shall be defined as:

Engaging in any conduct that would more likely than not objectively imply or affirmatively state a relationship with a derecognized organization irrespective whether the relationship is prospective or continuing and can include:

1. Planning, participating or engaging in any recruitment event conducted on or off campus, including mixers, parties, rush or pledge events, social gatherings or any other gathering that more likely than not is objectively intended to gain members.
2. Planning, participating or engaging in any event that more likely than not objectively intended to educate the community or raise awareness of the group's existence.
3. Planning, participating or engaging in any event that more likely than not objectively was sponsored by the organization.
4. Planning, participating and engaging in any process that more likely than not is objectively related to the induction of new members.

O. Retaliation- Any action taken in response to a report of misconduct that restrains, interferes with, coerces, or punishes a participant of an investigation or conduct process.

P. Safety Violations- Violation of safety regulations including, but not limited to:

1. Setting unauthorized fires.
2. Tampering with fire safety systems, firefighting equipment or defibrillators or rendering such equipment inoperable.
3. Turning in false alarms by any means of communication.
4. Tampering with or improper use of University emergency communication devices.
5. Failure to evacuate facilities upon the sounding of an alarm or drill.
6. Creating any hazardous condition that endangers the health and safety of others.
7. Creating a safety hazard due to reckless or negligent conduct.

Q. Community responsibility is expected of all members of the Bloomsburg University

community. - Off-campus behavior that is disruptive to the local community. Students are reminded that they must ensure adherence to these sections, all applicable policies, and are responsible for the actions that occur at their residence or property in which they control and can include:

1. Unreasonable noise as defined by the local noise ordinance;
2. Fire, health, zoning, building and safety codes, including occupancy limits as defined by the Town of Bloomsburg;
3. Litter, trash and garbage violations (refer to the local regulations for trash disposal)
4. Failure to take proactive steps to manage the conduct of guests, including measures that reduce the risk of harm.
5. Failure to ensure compliance with all state and federal laws or local ordinances including but not limited to those regulating firearms, alcohol and liquor laws or illicit drugs.

R. Sexual Misconduct- A violation of the University Sexual Harassment Policy (PRP 4790). Violations are:

1. Dating Violence
2. Domestic Violence
3. Retaliation
4. Sexual Assault
 - a. Sexual Penetration Without Consent
 - b. Sexual Contact Without Consent
 - c. Statutory Sexual Assault
5. Sexual Exploitation

6. Regulatory Prohibited Conduct
7. Regulatory Quid Pro Quo Sexual Harassment
8. Non-Regulatory Quid Pro Quo Sexual Harassment
9. Regulatory Hostile Environment Sexual Harassment
10. Non-Regulatory Hostile Environment Sexual Harassment
11. Stalking

For complete definitions, please refer to the Sexual Misconduct Policy, https://intranet.bloomu.edu/policies_procedures/4790.

- S. Solicitation-** Any violation of the University solicitation policy as set forth in PRP 2650 is a violation of the Student Code of Conduct.
- T. Theft/Stolen Property-** This includes theft or attempted theft of the property or services of the University, any organization, or any individual, by means of taking, deceiving, misappropriating, or misusing; or possession of stolen property or receiving stolen property.
- U. Unauthorized Access-** Forcibly entering, trespassing, or unauthorized entry of any locked or secured facility, University or individually owned or rented property is a violation.
- V. University Policies-** Violations of written or published University policy or regulations contained in any official publications, administrative announcements, contracts postings including University websites.
- W. Vandalism-** Any acts of abuse or destruction of University or private property by any means.
- X. Violation of Safety Precaution Requirements:** To reduce the risk of spreading infectious disease, students shall adhere to all Safety Precautions (which are defined as any health-related laws, regulations, or mandatory guidelines established by the University or federal, state, county, or municipal authorities). There are two categories of this Violation:
 1. The intentional or reckless disregard of Safety Precautions, or intentional or reckless actions that cause or directly threaten the spread of disease. For example: Hosting a large gathering where social distancing is not possible and masks are not worn, or taking specific action(s) designed to spread the virus to another person, either of which has an extremely high risk of virus spread. A single instance of this category of Violation may result in loss of housing, mandated remote campus participation, and/or suspension for a student who is found responsible for this violation. A student's actions in relation to a high risk of disease spread and the student's conduct history will be considered in determining the level of sanction.
 2. Failing to comply with Safety Precautions. This includes all Safety Precautions, as defined above, and expressly includes failing to abide by face covering policies or directives. If Safety Precautions from multiple sources apply to a given situation or in the event of conflict between or among them, students are required to follow the most restrictive Safety Precaution. A student's actions in relation to a high risk of disease spread and the student's conduct history, as well as the existence of prior violations of this category will be considered and may lead to a more severe sanction including suspension.

Students and Student Groups found to have more likely than not violated these provisions shall be subject to discipline under the Student Code and may face suspension or expulsion. Furthermore, Students or Student Groups who fail to enforce these provisions, may face similar charges under the code of conduct whether or not they were active participants in the violations.

VIII. PROCEDURES FOR RESOLUTION

For definitions related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790

Introduction: As required by the Board of Governors of the State System of Higher Education regarding student discipline and due process, Bloomsburg University has established a hearing procedures system. Its primary intent is educational in nature, attempting to create behavioral changes in students while simultaneously protecting their rights and the rights of the community-at-large. The hearing procedures exist to review complaints against students or student organizations for alleged violations of the Student Code of Conduct. Hearing officers, chairpersons, the University formal hearing board, and the appeals board have full delegated authority from the President of the University to hear student disciplinary cases.

Student and student organization hearings are intended to foster an understanding of the rights and responsibilities of members of the University community. When students or student organizations are involved in a hearing, it is important that both the complainant and respondent be afforded the opportunity to understand the alleged violations and the principles of due process under which the hearing will be conducted.

- A. Timeline:** Bloomsburg University will resolve all cases in a prompt and timely manner, however, the timeline will vary based on the circumstances of the case, including breaks in the academic calendar, availability of the parties and witnesses, scope of an investigation, need for interim actions, and unforeseen or exigent circumstances. The party(s) will be periodically updated on the status of their case.
- B. Notification:** For any conduct process, the respondent and complainant (if applicable) shall be notified, in writing, by an appropriate hearing officer of the alleged violation(s) of the Student Code of Conduct and of how the alleged violation(s) came to the Office of the Dean of Students' attention. The respondent and complainant shall receive written notification of the time and place of the hearing at least three business days prior to the hearing. The parties shall receive a written statement of charges, with sufficient particularity to enable the respondent and complainant to prepare for the hearing, a minimum of three business days prior to a hearing. The parties shall receive written notification of all hearing rights, procedures, and responsibilities regarding the conduct process. The parties shall receive written notification of the hearing results within 10 business days of the conclusion of the hearing, unless extenuating circumstances warrant an extension.
- C. Informal Hearing:** In this process a hearing officer will review the charges, discuss rights, and provide the respondent an opportunity to respond. The respondent may elect to take responsibility for the allegations and accept the appropriate sanctions. Alternatively, a respondent may elect to deny responsibility, and still be held responsible and assigned sanctions by the hearing officer. For sanctions of suspension in abeyance, suspension, and expulsion, students may elect to sign a waiver, waiving a formal hearing option. The respondent will receive a written decision in which facts and reasons are set forth with reasonable specificity, which will be issued within ten business days of the informal hearing unless extenuating circumstances warrant an extension.
- D. Formal Hearing:** Most commonly used for higher level policy violations, violations that could result in suspension or expulsion, or in some cases in which a student does not waive the formal hearing option. A formal hearing is facilitated by a formal hearing chairperson and is held in front of a board made up of three trained members of the campus community. During the hearing, parties will be asked if they object to any members of the board. If an objection is raised, the formal hearing chairperson will hear the objection and determine appropriate next steps.
 - 1. Recording:** All formal hearings are recorded. Recordings are utilized in the event of an appeal or for the review of the board during their deliberation. Any individual involved in a hearing is not permitted to use any type of recording device to record the formal hearing proceedings. Anyone found recording the proceedings will have the device automatically confiscated, may be removed from the

proceedings, and may face additional charges/sanctions. For access to recordings, please see records (section XV).

- E. Witnesses:** The parties have the right to appear in person, to present information regarding the violations, and to call witnesses on their behalf. A witness is a person who has relevant knowledge pertaining to an alleged violation. Witnesses and statements meant to solely bolster the character of a party will not be allowed. The parties as well as the board shall have the opportunity to hear and question all witnesses. No hearing participant, including the respondent, complainant, and any witnesses, will be required to answer any question posed. The parties must present the names of the witnesses appearing in writing at least 48 business hours prior to the scheduled hearing to the formal hearing chairperson.
- F. In Absentia:** The University reserves the right to hold a hearing even where the respondent or the complainant do not attend (“in absentia”) whenever necessary and appropriate. If the hearing is held in absentia, the respondent will not have the opportunity to respond to the alleged violation(s) or the complainant will not have the opportunity to present their case. Should the respondent elect not to appear, it shall not be taken as an indication that the respondent has violated a University policy and must be noted. The decision in such cases will be made after considering the evidence available. If the initial complainant is unable or unwilling to participate, the University may proceed as the complainant where necessary to provide a safe and nondiscriminatory environment for all students.
- G. Hearing Decorum:** Anyone who displays disorderly or disruptive behavior and refuses to comply with the request of the formal hearing chairperson or conduct officer during a hearing will be asked to leave the hearing and could be subject to disciplinary action. Formal hearing notification will include formal hearing guidelines, detailing specific expectations regarding decorum in a formal hearing proceeding.

Advisor: During a formal hearing, students have the right to be assisted by any advisor they may choose, at their own expense. The advisor may be any person who is not a potential witness or party in the matter or a related matter. The University understands the benefits of providing support to all students including those potentially accused of violating this Code. However, the focus of this Code is educational in nature, thus the role of an advisor is much different than counsel in a criminal or civil action. Therefore, participation of an advisor is permissive rather than compulsory and the advisor’s role is limited. The role and participation of any advisor is governed by this section.

Attorneys acting as advisors must follow the same rules as non-attorney advisors. An advisor may attend all meetings but shall not participate directly in any aspect of the conduct process, including speaking directly to hearing board members, chair, or other participants. The involved students must speak on their own behalf and communicate directly with the formal hearing chairperson and board members.

An advisor’s failure to comply with these participation limitations may cause the advisor to be removed from the meeting or proceeding. If the Advisor is removed from any stage of the proceedings, the Office of the Dean of Students shall make the determination as to whether that advisor may continue in that role in future interactions. This determination is made on a case-by-case basis and shall consider all of the relevant facts and circumstances leading to their removal. At any point, the involved student may select a new advisor; however, in no case shall the proceedings be delayed because of the advisor’s failure to meet their obligations under this section.

- J. Standard of Proof:** To be found responsible under this Code, in either a formal or informal hearing, the respondent must be found to have committed the alleged conduct by a preponderance of the evidence. This means that the individual(s) charged with making a finding must determine whether it is more likely than not that a violation of the policy occurred.

IX. FORMAL HEARING OUTLINE

For formal hearing procedures related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790

Formal Hearing Process: outlined below is an example of the standard formal hearing process.

A. Introduction:

- The hearing chairperson begins the hearing formally introducing the proceedings. The chair will: (a) state date/time/location/purpose of the hearing; (b) facilitate introductions of all participants; (c.) and discuss further proceedings.

B. Charges and Statement of the Case:

- The hearing chairperson reads the charges of policy violations brought against the respondent.
- The hearing chairperson asks the respondent to respond to each charge by saying that the respondent is “responsible” or “not responsible”.
- The hearing chairperson facilitates the presentation of the information that led to the proceedings.

C. Complainant Process:

- Present Information: The hearing chairperson asks the complainant or individual presenting charges to state their case. Written statements cannot be submitted, but may be read aloud.
- Questioning: The hearing chairperson will then instruct the board that they may ask questions regarding the information presented by the complainant.
 - o Once the board is finished with their questions, the hearing chairperson will ask the respondent if they have any questions regarding the information presented. All questions from the respondent must be presented to the hearing chairperson and will be asked by the hearing chairperson at the chair’s discretion.
 - o The board then has a final opportunity to ask questions of the complainant.

D. Complainant Witnesses: The complainant then has an opportunity to call witnesses.

- The witness may present their information and the complainant then has an opportunity to ask questions of their witness.
- Once the complainant’s questions are complete, the board may ask questions, and the respondent may submit questions to the hearing chairperson who will ask the questions at the chair’s discretion.
- This process is repeated until all witnesses for the complainant are called and have presented their information.

E. Respondent Process:

- Present Information: The hearing chairperson asks the respondent to state their case. Written statements cannot be submitted, but may be read aloud.
- Questioning: The hearing chairperson will then instruct the board that they may ask questions regarding the information presented by the respondent.
 - o Once the board is finished with their questions, the hearing chairperson will ask the complainant if they have any questions regarding the information presented. All questions from the complainant must be presented to the hearing chairperson and will be asked by the hearing chairperson at the chair’s discretion.
 - o The board then has a final opportunity to ask questions of the respondent.

F. Respondent Witnesses: The respondent then has an opportunity to call witnesses.

- The witness may present their information and the respondent then has an opportunity to ask questions of their witness.
- Once the respondent’s questions are complete, the board may ask questions, and the complainant may submit questions to the hearing chairperson who will ask the questions at the chair’s discretion.
- This process is repeated until all witnesses for the respondent are called and have presented their information.

G. Closing Statement:

- The complainant and the respondent are each permitted, if they wish, to make a closing statement.
- Once closing statements are finished, the hearing chairperson dismisses the parties involved and ends the recording.

H. Decisions:

- The board shall immediately convene following a formal hearing to discuss and reach a decision by majority vote.
- The hearing chairperson forwards the recommended decision and sanctions to the Dean of Students who will conduct a final review, for appropriateness and consistency, and render a final decision.
- The Dean of Students will send a final outcome letter to the respondent.

I. Outcome Notice: The outcome letter shall be sent electronically to the respondent's University email account and shall be deemed received the day following the date the communication was sent.

X. APPEALS

For appeal procedures related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790

Upon receiving a sanction as a result of a hearing process, a student or student organization may appeal. All appeals must be made in writing by the published appeal date noted on the outcome letter and submitted via the appeal form online. With the exception of interim measures, upon receipt of the written appeal, the Office of the Dean of Students will defer the imposition of the sanction(s) pending the outcome of the appeal process. Appeals must be submitted on one or more of the following grounds:

1. New evidence that could substantially affect the outcome of the hearing has been discovered since that hearing. The appeal must indicate, in detail, what new evidence exists. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision.
2. Disciplinary action disproportionate to the violation. The appeal must specify and describe why the disciplinary action is disproportionate to the violation. Simple dissatisfaction with a sanction is not grounds for an appeal under this provision.
3. Denial of due process, in that the student conduct process was not conducted in conformity with the prescribed procedures and substantial prejudice to the complainant or the respondent resulted.

A. Appeal Content- All appeals must include, at a minimum:

1. At least one of the three permissible grounds for appeal listed above;
2. A concise summary statement of your reasoning for the appeal;
3. All relevant details that support your appeal, this includes
 - a. Quotations or paraphrased testimony and who made the statements, references to evidence submitted including why and how the testimony or evidence support your appeal.
 - b. Inclusion of new evidence. No new evidence may be submitted during an appeal. However, if your appeal ground is new evidence, you must clearly articulate how and when this information was discovered, why it was not available at the time of the hearing, and how this evidence would have impacted the result of the hearing.

B. Review- A written appeal will be reviewed by an appeal officer designated by the Dean of Students or designee, who has no prior connection to the case. Upon a review of the case file and related

documentation, the appeal officer will determine whether or not the appeal criteria and grounds have been met and determine appropriate next steps.

- C. **Outcomes-** An appeal will not automatically result in a new hearing. The appeal officer may:
1. Dismiss the appeal without further consideration for failure to meet the guidelines;
 2. Uphold the determination of the board as written in the outcome letter;
 3. Amend the outcome based solely on the submissions of the appeal;
 4. Appoint an appeal board to consider the basis of the appeal; or
 5. Order a new hearing.
- D. **Appeal Board-** If an appeal board is convened, the appeal board will review the case file and all related documentation and evidence, including the original recording of the related hearing if applicable. The appeal board has the authority to request additional information or conduct an additional hearing. The appeal board may:
1. uphold the outcome
 2. amend the outcome
 3. overturn the original hearing board's decision.

Decisions of the appeal will be issued to the respondent (and complainant if applicable), in writing, within fifteen business days after receipt of the appeal, unless extenuating circumstances warrant an extension.

XI. Conduct Boards

A. Formal Hearing Board: Typically for higher level policy violations, such as violations that could result in suspension abeyance, suspension, or expulsion, or in some cases in which a student does not waive the formal hearing option. A formal hearing is facilitated by a formal hearing chairperson and is held in front of a board made up of a three-member combination of Bloomsburg University students, faculty, or staff, selected by the Dean of Students or designee (students are not on sexual misconduct boards).

The hearing chairperson, the University hearing board, and the appeals board have full-delegated authority from the President of the University to hear student disciplinary cases. Board members are responsible for objectively listening to information provided, evidence, and statements presented during the hearing process. Upon the conclusion of the hearing process, the board discusses first whether or not the respondent is responsible. If the respondent is found responsible, then the board determines sanctions. Next, the chairperson forwards the recommendation, including facts and rationale with reasonable specificity, and sanctions to the Dean of Students who will conduct a final review, for appropriateness and consistency, and render a final decision. The A of Students will send a final outcome letter to the respondent (and to the complainant in sexual misconduct cases).

The role of the hearing chairperson is to maintain control over the hearing by ensuring orderly and efficient administration of the hearing. Any procedural or process issues are the sole responsibility of the hearing chairperson. The hearing chairperson controls all questioning, informing the parties and board members when they may ask questions and determining what questions are allowed. In addition, the hearing chairperson facilitates discussion, guides board deliberations, and assists the board with rendering a decision and applying consistent sanctioning. The hearing chairperson does not vote.

Faculty and staff will be selected from a general pool of individuals who have completed required training. Students are selected to serve on the board from a pool of interested students who: (a.) have completed at least 24 credits; (b.) maintain a 2.00 GPA; (c.) maintain good conduct standing; and, (d.) have completed required training.

B. Appeals Board: The composition of the appeals board will include a three-member combination of Bloomsburg University students, faculty, or staff. Appeal board members must have completed required training. The appeal

board will review the case file and all related documentation and evidence, including the original recording of the related hearing if applicable. The appeal board has the authority to request additional information or conduct an additional hearing. The appeal board may: (a.) uphold the outcome; (b.) amend the outcome; or, (c.) overturn the original hearing board's decision. (Students are not on sexual misconduct boards.)

XII. DECISIONS

Upon the conclusion of a conduct process, a student or student organization will be found responsible or not responsible for Student Code of Conduct violations. If a decision of responsibility is determined by the assigned conduct officer, board, or designee the below sanctions may be applied.

XIII. SANCTIONS

For sanctions related to sexual misconduct please see the Sexual Misconduct policy.
https://intranet.bloomu.edu/policies_procedures/4790

Written Warning- A written warning may be issued in circumstances when a policy violation has not been determined to have occurred, but questionable conduct has been reported.

Disciplinary Warning Level One- A written reprimand noting that a policy violation occurred emphasizing that further violations would result in progressive sanctioning. One stipulation may be imposed that is consistent with the nature of the offense. A student or student organization receiving a disciplinary warning shall continue to exercise the rights and privileges of a student or student organization in good standing.

Disciplinary Warning Level Two- A written reprimand noting that a policy violation occurred emphasizing that further violations would result in progressive sanctioning. Numerous stipulations may be imposed that are consistent with the nature of the offense. A student or student organization receiving a disciplinary warning shall continue to exercise the rights and privileges of a student or student organization in good standing.

Disciplinary Probation- An imposed probationary status rendering a student or student organization not in good disciplinary standing with Bloomsburg University. Further violations could result in suspension. Additional stipulations may be imposed that are consistent with the nature of the violation.

Suspension in Abeyance- The highest probationary status rendering a student or student organization not in good disciplinary standing with Bloomsburg University. Further violations will most likely result in suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense. This is a student's or student organization's last opportunity to make serious changes in behaviors in order to remain a student or student organization at Bloomsburg University.

Suspension-

Student: The termination of a student's right to register or attend classes for a period, after which the student may return following a re-enrollment process. Suspended students may not be present on University property, or at University sponsored events during the time of suspension. Additional stipulations may be imposed that are consistent with the nature of the offense in order for a student to be eligible for re-enrollment.

Student Organization: Suspension of recognition includes a student organization's immediate loss of all rights and privileges associated with University recognition, complete suspension of all student organization activities, and may include conditions for reinstatement of recognition. The student organization will be notified that the University no longer recognizes them for a specified period. An student organization that violates the terms of the suspension may be subject to permanent revocation of University recognition.

Expulsion-

Student: The permanent termination of a student's enrollment. The student may not be present on University property or attend a University sponsored event.

Student Organization: The permanent revocation of a student organization's University recognition.

Interim Suspension- If it is determined that a student's continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property the University may issue an interim suspension from the University. The interim suspension may include temporary suspension of a student's privilege to enter any University property or facility. If a student is suspended under this section, a hearing shall be convened within 10 working days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date. An interim suspension issued in conjunction with this section shall remain effective pending the results of an investigation or hearing process.

Interim Suspension against a student organization recognized by the University- If an allegation leads to the issuance of an interim suspension against a student organization recognized by the University, the University will use its best efforts to facilitate a conduct process within 10 days of the issuance of the suspension. If a process cannot be held, the University will issue a letter to the organization explaining the extenuating circumstances which have caused the delay.

Counseling Referral- The student is referred to counseling. A student will be required to sign a waiver to permit a counselor to verify attendance.

Educational Sanctions- Educational sanctions typically include one or more of the following: workshops, community service, behavioral contract, administrative referral, and other related educational assignments. These sanctions are designed to promote self-awareness/student organization awareness of behavior, awareness of appropriate/inappropriate behavior, and awareness of institutional expectations, and to educate the student or student organization in the specific area of their violation.

Housing Probation- A student remains in good disciplinary standing, however, their on-campus housing privileges could be revoked with any further issues, concerns, or violations.

Loss of Campus Housing Privileges- The student no longer has the privilege of residing in any on-campus residential facility which includes the lower and upper campus and any off-campus properties which are managed by the University. Students removed from housing may remain liable for all housing costs and may not be eligible for any refunds.

Loss of Privilege(s)- Loss of University privilege(s) for a specific period of time.

No Contact Orders- Official written expectations issued by a University administrator restricting or prohibiting contact between individuals, and may also include other restrictions.

Restitution- A written directive to replace, repair, or make specific compensation for property of the University that was destroyed, damaged, misused or lost.

Fines- The following fines will be charged to a student's Bloomsburg University account based on Student Code of Conduct violations or as a related sanction:

Drug Violations in On-Campus Housing:

First offense = \$100

Second offense = \$200

Third offense = Loss of on campus housing with no refund

Incomplete Sanction:

Failure to complete DAWN workshop = \$75 (subject to repeat if not completed)

Sanction/Probation extension = \$75

Failure to complete sanction/probation = \$150

Failure to Comply = \$100

XIV. MEDICAL AMNESTY

Under Pennsylvania law, a person under the age of 21 will be protected from prosecution for the purchase, consumption, possession, or transportation of alcoholic beverages and from hazing under certain circumstances if law enforcement, including Bloomsburg University Police, first became aware of the violation because the individual was seeking medical assistance for someone else. The Crimes Code of Pennsylvania, specifically section 2810 (hazing) and section 6308.1 (purchase, consumption, possession, or transportation of alcoholic beverages), provides for immunity from prosecution for individuals seeking medical attention for another if the individual can establish all of the following:

1. A law enforcement officer first became aware of the individual's violation because the individual placed a 911 call or contacted campus security, police, or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.
2. The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police, or emergency services and report that the person in distress needing immediate medical attention to prevent death or serious injury.
3. The individual provided the individual's own name to the 911 operator or equivalent campus security officer, police, or emergency services personnel.
4. The individual remained with the other individual needing medical assistance until a campus security officer, police, or emergency services personnel arrived and the need for the individual's presence ended.

Additionally, the individual needing medical attention is immune from prosecution for the purchase, consumption, possession, or transportation of alcoholic beverages or for hazing, only if another individual reported the incident and remained with the individual needing medical attention and the other (reporting) individual qualifies for safe harbor from prosecution. Immunity may not apply if law enforcement, including Bloomsburg University Police, learn of the offense prior to and independent of the action of seeking or obtaining emergency assistance. The safety and general welfare of the members of Bloomsburg University and the Bloomsburg community are of paramount importance.

Sometimes students may hesitate to offer help to others for fear that they may risk conduct consequences for their own behavior in a situation (for example, drinking alcohol while under the age of 21 or participating in or having knowledge of hazing activities). The community's best interests are served when individuals report crimes, call 911, and seek help for those in need of assistance. It is the intent of this policy that a student, who would qualify for safe harbor under the provisions of the Crimes Code of Pennsylvania will not be referred to the Office of the Dean of Students for alleged violations related to alcohol or hazing. Although the student will not be held

responsible for a policy violation, they may be required to participate in alcohol or other drug education or anti-hazing education.

XV. PARENT/GUARDIAN CONTACT

Pursuant to FERPA and other laws enacted to protect student information and records, the University generally will not release student educational records to anyone, including parents/guardians, without a waiver. However, the University reserves the right to send notice or contact a parent/guardian when:

1. A student is found responsible for various violations of alcohol and controlled substances/drugs policies;
2. There are concerns for a student's health or safety; or,
3. In decisions that may affect a student's enrollment at the University such as loss of campus housing privileges, suspension, interim suspension, and expulsion;

Every effort will be made to inform students that notice is being sent to a parent/guardian, unless extenuating circumstances apply. Students may contact the Office of the Dean of Students within 24 hours after receiving notification of their student conduct hearing results to notify the office of independent status based on financial aid and income tax records.

XVI. RECORDS

All students' disciplinary records are kept in accordance with the Family Educational Rights and Privacy Act (FERPA) of 1974 (the "Buckley Amendment"), 20 U.S.C. 1232g. In accordance with these provisions, all disciplinary files are confidential and may only be accessed by the student, parents of dependent students with a signed waiver (as defined by the Internal Revenue Service), or by a person or agency possessing a waiver signed by the student waiving their right to this protection and meeting the requirements for valid waivers under the "Buckley Amendment."

Bloomsburg University will also allow access to a disciplinary record in order to comply with a subpoena or court order served upon it. When served with a subpoena or court order, the University will notify the student in writing that it is complying with the court order. The University may disclose the results of a disciplinary proceeding brought against the alleged perpetrator to the alleged complainant of any crime of violence, as that term is defined in 18 U.S.C. 16.

The release of records relating to student organizations will be managed by the Office of the Dean of Students in consultation with appropriate staff within Student Success and Enrollment Services and the University. There may be times when it is appropriate or necessary to release the interim status or outcome of a particular conduct meeting/hearing to those both within and outside of the University. Those types of decisions will be made on a case-by-case basis. FERPA requires the confidentiality of individual student records.

Bloomsburg University maintains disciplinary records of students. These records are maintained separately from the student's official academic records. The University shall retain academic integrity violations and all other discipline records for seven years after incident providing students were in good standing with the University. Records involving expulsions are kept indefinitely. The University reserves the right to keep any records for a longer period of time. All records related to student organization conduct will be kept in the student organization official files for seven years and the student organization's outcomes may be shared or published at the University's discretion.

Access to records (not already provided):

Access to records shall be limited to the hearing chairperson, the complainant, the respondent, and those University personnel approved by the Dean of Students. To gain access, a complainant or respondent must submit, in writing, a request to the Dean of Students.

If access is granted, the requestor may read or listen to the specific approved records under the supervision of the Office of the Dean of Students. Any document that includes another student's name or information may be redacted. No third-party requests for access to recordings or records will be honored. No written transcripts or audio copies of the recording will be provided (with certain exceptions in relation to sexual misconduct).

XVII. SEXUAL MISCONDUCT

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. The U.S. Department of Education, which enforces Title IX, has long defined the meaning of Title IX's prohibition on sex discrimination broadly to include various forms of sexual harassment and sexual violence that interfere with a student's ability to equally access educational programs and opportunities.

On May 19, 2020, the U.S. Department of Education issued a Final Rule under Title IX of the Education Amendments of 1972 that:

- Defines the meaning of "sexual harassment" (including forms of sex-based violence) that are reflected in the definitions of Regulatory Quid Pro Quo or Hostile Environment Sexual Harassment, Dating or Domestic Violence, Sexual Assault and Stalking in this Policy
- Addresses how the University **must** respond to reports of misconduct falling within the definitions of "sexual harassment" under this Policy, and
- Mandates a grievance (or resolution) process the University **must** follow before issuing a disciplinary sanction against a person accused of "sexual harassment" under this Policy.

Please refer to the Sexual Misconduct Policy for details in relation to sexual misconduct.
https://intranet.bloomu.edu/policies_procedures/4790

XVIII. REVISIONS TO THE CODE

The Office of the Dean of Students will conduct an annual review of the Student Code of Conduct and address any required legal updates, best practice, or related procedural changes. All necessary and appropriate revisions to the Student Code of Conducts will be managed by the Office of the Dean of Students. In Title IX/sexual misconduct policy and procedures, the Title IX Coordinator will be consulted. Academic Integrity Policy revisions are managed by the Bloomsburg University Curriculum Committee. All approved revisions to the Student Code of Conduct will be posted on the Bloomsburg University website.

Bloomsburg University Nondiscrimination Statement: Bloomsburg University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, age, national origin, ancestry, disability, or veteran status in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies.

For information regarding civil rights or grievance procedures and for inquiries concerning the application of Title IX and its implementing regulation, contact: Title IX Coordinator- Jennifer Raup, Bloomsburg University of Pennsylvania, Elwell Hall, 400 East Second Street, Bloomsburg, PA 17815; Phone: (570) 389-4808; Email: titleixcoord@bloomu.edu.

Additionally, inquiries concerning Title IX and its implementing regulation can be made to the U.S. Department of Education, Office of Civil Rights, Region III, The Wanamaker Building, 100 Penn Square East - Suite 505, Philadelphia, PA 19107; Phone: (215) 656-6010; Fax: (215) 656-6020.