# TEMPLE UNIVERSITY

## BOARD OF TRUSTEES
## POLICIES AND PROCEDURES MANUAL

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| **Title:** | Student Code of Conduct |
| **Policy Number:** | 03.70.12 |
| **Issuing Authority:** | Office of the President |
| **Responsible Officer:** | Provost |
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| **Date Created:** | January 1, 2004 |
| **Date Last Amended/Reviewed:** | August 20, 2012 |
| **Date Scheduled for Review:** | Spring Semester 2015 |
| **Reviewing Office:** | Office of Student Conduct and Community |

**Scope of Policy and Rationale:**

**INTRODUCTION**

Temple University is a community of scholars in which freedom of inquiry and freedom of expression are valued. Important aspects of attending the university as a student are having respect for the rights of others in the community, conducting one's self in a manner that is compatible with the university's mission and taking responsibility for one's actions.

To fulfill its functions of promoting and disseminating knowledge, the university has authority and responsibility for maintaining order and for taking appropriate action, including, without limitation, exclusion of those who disrupt the educational process. University authority should not be used merely to duplicate the function of general laws. Only when the university's interests as an academic community are substantially involved should the special authority of the university be asserted.

Responsibility for the enforcement of the rules of the university rests with all the members of the Temple community. University rules should serve as a guide for high personal standards. It is the student's responsibility to:

1. Foster an environment conducive to continued intellectual and educational stimulation within the university free from unlawful harassment by other members of the community; and

2. Foster the maintenance of physical and mental health, the safety and welfare of each member of the community; and

3. Respect the rights of others.

These general behavioral expectations and the university Student Conduct Code ("Student Code") represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to his/her education and to his/her obligations and responsibilities as a member of the university community.

The provisions of the Student Code should be interpreted consistent with this philosophy, and in accordance with all recognized student rights and privileges.

## ARTICLE I: DEFINITIONS

1. The term "**Accused Student**" means any student accused of violating this Student Code.

2. The term "**Appellate Board**" means any person or persons authorized by the University Code Administrator to consider an appeal from a Student Conduct Board's decision or from the sanctions imposed by the University Code Administrator.

3. The term "**Chairperson**" means any person or persons authorized by the University Code Administrator to chair a Student Conduct Board.

4. The term "**cheating**" includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; (3) the acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff; or (4) engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

5. The term "**Complainant**" means any member of the university community who files the initial report leading to the charges.

6. The term "**faculty member**" means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

7. The term "**impact statements**" means any statement regarding the impact of the events. The presentation of **impact statements** occurs in the sanctioning phase.

8. The term "**member of the university community**" includes any person who is a student, faculty member, or any other person employed by or affiliated with the

university. A person's status in a particular situation shall be determined by the University Code Administrator.

10. The term **"Personal Advisor"** means any person asked by the Accused Student or Complainant to assist the student in the student conduct process. The Personal Advisor is an inactive participant. Personal Advisors are not permitted to directly address the Student Conduct Board during Student Conduct Board Hearings. The Personal Advisor may guide the student through the student conduct process, help the student formulate questions, and help the student understand the Student Code. Students may choose to have, but are not limited to faculty, university staff, or an attorney as their Personal Advisor.

11. The term "**plagiarism**" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

12. The term "**policy**" means the written regulations of the university as found in, but not limited to, the Student Code, Residence Life publications and agreements, the university policies web page, and Graduate/Undergraduate Bulletins.

13. The term **"Process Review Meeting"** refers to the initial meeting, following the student's receipt of the charge notice, between the student and a Student Conduct Administrator. This informal meeting is designed to help the student better understand the student conduct process.

14. "**SCCS**" means the Office of Student Conduct and Community Standards.

15. The term "**student**" includes all persons taking courses at the university, either full-time or part-time, including but not limited to:

a. Persons who withdraw after allegedly violating the Student Code;
b. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the university;
c. Persons who have been notified of their acceptance to the university;
d. Persons who are living in university residence halls, although not enrolled in this institution; or
e. Persons participating in study abroad programs.

16. The term "**Student Conduct Administrator**" means a university official authorized by the University Code Administrator to manage the disciplinary process. The term also includes the Student Conduct Administrator's designee. The Student Conduct Administrator may serve simultaneously as the Student Conduct Administrator and the sole member or one of the members of the Student Conduct Board.

17. The term "**Student Conduct Board**" means any person or persons authorized by the University Code Administrator to determine whether a student has violated the Student Code and to recommend sanctions that may be imposed when a rules violation has been committed.

18. The term "**student organization**" means any number of persons who have complied with the formal requirements for university recognition.

19. The term "**University**" means Temple University- Of The Commonwealth System of Higher Education.

20. The term "**University Code Administrator**" is that person designated by the university president to be responsible for the administration of the Student Code. The term also includes the University Code Administrator's designee. The University Code Administrator may designate different persons to carry out different functions under the Student Code.

21. The term "**university official**" includes any person employed by or acting on behalf of the university, performing assigned responsibilities.

22. The term "**university premises**" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

**Policy Statement**

**Roles and Responsibilities:**

**ARTICLE II: STUDENT CODE AUTHORITY**

1. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and Appellate Boards and determine which Student Conduct Board and Appellate Board shall be authorized to hear each matter.

2. The University Code Administrator shall develop policies and procedures for the administration of the student conduct system that are consistent with the provisions of the Student Code.

3. Decisions made by a Student Conduct Board and sanctions imposed by the University Code Administrator shall be final unless modified by the appeal process.

## ARTICLE III: PROSCRIBED CONDUCT

### A. Jurisdiction of the Student Code

1. The Student Code shall apply to conduct that occurs:

a. on university premises;
b. within 500 yards of university premises;
c. on shuttle buses and other vehicles owned, used by or under the control of the university;
d. at university sponsored activities; or
e. off-campus incidents that adversely affect the university community and/or the pursuit of its objectives.

2. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after a degree is awarded).

3. The Student Code shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending. The University Code Administrator shall decide whether the Student Code shall be applied to conduct occurring off campus, on a case by case basis, in his/her sole discretion.

4. Subject to review and/or approval by the Board of Trustees or the President, the Schools of Medicine, Law, Pharmacy, Dentistry, Podiatric Medicine and the College of Health Professions and Social Work may adopt their own student codes in order to provide their students with guidelines concerning the additional standards required of students enrolled in those schools.

These student codes:

a. Must be consistent with this Student Code;
b. Must be in writing and published or disseminated widely at the school; and
c. Must be filed with the Student Conduct Administrator.

5. Violations of standards of academic conduct may result in either faculty-imposed academic sanctions or Student Code sanctions. Faculty members who feel that a grade reduction or a failing grade for an assignment, test/examination or course is a sufficient sanction need not refer cases to the OSCCS. Such actions by a faculty member may be subject to appeal pursuant to school, college, and/or university policies. Sanctions other than a reduced or failing grade may be imposed only following a hearing.

**B. Interim Suspension**

In certain circumstances, the University Code Administrator may impose a university or University Housing suspension (as defined in Article IV, D) prior to the Student Conduct Board Hearing.

1. Interim suspension may be imposed only when the University Code Administrator determines, in consultation with university officials as appropriate, that it is necessary:

a) to ensure the safety and well-being of members of the university community or preservation of university property;
b) to ensure the student's own safety and well-being; or
c) if the student poses an ongoing threat of, disruption of, or interference with, the normal operations of the university.

2. During the interim suspension, a student shall be denied access to the residence halls and/or to the university premises (including classes) and/or all other university activities or privileges for which the student might otherwise be eligible, as the University Code Administrator may determine to be appropriate.

3. The student should be notified in writing of the interim suspension, its terms, and the reasons for the interim suspension. The notice should specify the student's right to request a meeting at which the student may show cause why his or her continued presence on university premises or at university activities does not constitute a threat. The interim suspension and any review of this status does not replace the regular hearing process.

**C. Conduct—Rules and Regulations**

Any student or student organization found to have committed or to have attempted to commit the following is subject to the disciplinary sanctions outlined in Article IV, D:

1. Academic dishonesty and impropriety, including, but not limited to, plagiarism and academic cheating. This includes helping, procuring or encouraging another person to engage in academic misconduct.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized non-university activities when the conduct occurs on university premises.

3. Any act or threat of intimidation or physical violence toward another person including actual or threatened assault or battery.

4. Violation of the University Policy on Sexual Assault 04.82.02 which may be found on the university's policies and procedures webpage at http://policies.temple.edu).

Sexual assault includes any of the following:

(a) Any intentional, unconsented touching, or threat or attempt thereof, of: (i) an intimate bodily part of another person, such as a sexual organ, buttocks or breast; (ii) any bodily part of another person with a sexual organ; or (iii) any part of another person's body with the intent of accomplishing a sexual act; or

(b) Unwanted, inappropriate disrobing of another person or purposeful exposure of one's genitals to another without the other's consent; or

(c) Forcing, or attempting to force, any other person to engage in sexual activity of any kind without her or his consent.

*Consent is not considered given by a person when he/she is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of his or her intoxication, unconsciousness, mental deficiency or incapacity, or if consent is the product of threat or coercion.*

5. Violation of the University Policy on Sexual Harassment 04.82.01 which may be found on the university's policies and procedures webpage at http://policies.temple.edu).

6. Engaging in a course of conduct, including but not limited to stalking, directed at a member of the university community which would cause a reasonable person in the victim's position, severe emotional distress or which would place a reasonable person in the victim's position in fear of bodily injury or death, provided that this provision shall not be interpreted to abridge the right of any member of the university community to freedom of expression.

7. Theft of and/or damage to university property or the property of a member of the university community.

8. Providing false or misleading information, verbally or in writing, to the university or university personnel. This includes, but is not limited to:

a. Forgery, fraud (including payroll fraud), bribery, alteration, or misuse of university documents, records;

b. Providing false or misleading information during a disciplinary proceeding or investigation related to potential policy violations; or

c. Representing oneself as another member of the university community.

9. Use of another person's identity, password, identification number, university identification card or any other form of identification.

10. Hazing or any act that endangers the mental or physical health or safety of a person, embarrasses, frightens, or degrades a person or that destroys or removes public or private property, for the purpose of initiation, admission into, or affiliation with, or as a condition for continued membership, in a group, organization or team. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are violations of this rule.

11. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

12. Unauthorized possession, duplication or use of keys to any university premises, or unauthorized entry to or use of university premises.

13. Violation of any university policy, rule, or regulation published in hard copy or available electronically on the university website.

14. Violation of any federal, state or local law.

*Temple University seeks to encourage and sustain an academic environment that both respects individual freedom and promotes the health, safety and welfare of all members of its community. The university strongly encourages students to call Campus Safety Services for medical assistance for themselves or for other individuals who are dangerously under the influence of drugs or alcohol. No student seeking medical treatment for the effects of drug or alcohol use will be subject to university discipline for violating the Student Code. This medical amnesty will be granted to both the intoxicated student and to the student seeking medical assistance for the intoxicated student; however, the intoxicated student will be required to participate in the university's Drug and Alcohol Education Program in order to receive medical amnesty.*

15. Unlawful use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by or distributed to any person under twenty-one (21) years of age.

16. The illegal or unauthorized use, possession, cultivation, distribution, manufacture or sale of any drug(s), including prescribed medication.

17. Becoming intoxicated through the abuse of solvents, aerosols or propellants.

18. Causing another person to become impaired without his/her knowledge by administering or employing drugs or other intoxicants.

19. Use, possession, sale or storage of articles and substances that endanger a person's health and/or safety. This includes, but is not limited to, firearms (e.g. guns, pistols, rifles, stun guns, air rifles, pellet guns, etc.), fireworks, knives, weapons, ammunition,

gunpowder, explosives, or other material containing flammable substances, as well as replicas of any such articles or substances. The university also will confiscate any such articles. Any student found in possession of a firearm will be immediately suspended from Temple University pending the outcome of the Student Conduct process.

Firearms and other dangerous weapons are strictly prohibited in or on university facilities. This prohibition applies to all persons, even those who possess a license to carry such weapons, except for authorized Campus Safety Services and other law enforcement personnel performing official functions.

20. Any lewd or indecent act, including public urination, which the student knows is likely to be observed by others.

21. Engaging in disorderly conduct. Disorderly conduct may include disruption of programs, classroom activities or functions and processes of the university. This includes but is not limited to: unreasonable noise, creating a physically hazardous or physically offensive condition; inciting or participating in a riot or group disruption; failing to leave the scene of a riot or group disruption when instructed by officials; or obstruction of the free flow of pedestrian or vehicular traffic on university premises or at university sponsored or supervised functions.

22. Abuse of the student conduct process, including, but not limited to:

a. Failure to comply with the notice to appear for a meeting or hearing as part of the student conduct process;
b. Attempting to discourage an individual's participation in, or use of the student conduct process;
c. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, during, and/or after a Student Conduct Board proceeding;
d. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a Student Conduct Board proceeding;
e. Failure to comply with the sanction(s) imposed under the Student Code;
f. Influencing or attempting to influence another person to commit an abuse of the student conduct process.

23. Any dissolved or unrecognized student organization, including fraternities/sororities and sport clubs, organizing or sponsoring any event or activity that promotes or gives the impression or appearance that the dissolved or unregistered group is a viable organization. Moreover, these groups may not advertise, post, publish, solicit, rush, pledge, or fundraise on campus.

*Students should contact the Student Activities Office or Campus Recreation to ensure that a student organization is in good standing.*

24. Participation in a dissolved or unrecognized student organization.

## ARTICLE IV: STUDENT CONDUCT CODE PROCEDURES

### A. Nature of Proceedings

1. Any member of the university community may file a complaint regarding student conduct. A complaint shall be prepared in writing and directed to the SCCS. Any complaint should be submitted as soon as possible after the event takes place.

2. The Student Conduct Administrator may conduct an investigation to determine if the complaint has merit and/or if it can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final and there shall be no subsequent proceedings.

3. The Student Conduct Administrator is responsible for determining whether to charge a student with a violation of the Student Code. Notification of conduct charges will be sent by e-mail to the Accused Student's official Temple University e-mail address. Reasonable efforts will be made to schedule a Student Conduct Board Hearing not more than 15 school days after the student has been notified. Time limits for scheduling may be extended at the discretion of the Student Conduct Administrator.

4. No student against whom charges have been filed will be permitted to graduate until the charges are resolved.

5. If the Accused Student admits violating university rules, but s/he does not agree to the sanction, the subsequent process shall be limited to determining the appropriate sanction(s).

6. All notifications under the Student Code will be sent by e-mail to the student's official Temple University e-mail address.

### B. Process Review Meeting

1. The Process Review Meeting is an informal, non-adversarial meeting between an Accused Student and a Student Conduct Administrator of the SCCS. The purpose is to educate the student about the student conduct process.

2. Notification of the Process Review Meeting will include the information needed to schedule a meeting accompanied by the written notification of the charges, a summary of the allegations which support the charges, and information regarding disciplinary hearing procedures and the Student Code. The notification also will inform the student that a Personal Advisor can be present at the Process Review Meeting in a non-active role. The student is required to attend this meeting. If the Accused Student does not attend a Process Review Meeting the disciplinary process will continue.

3. The Accused Student and a Student Conduct Administrator will meet to review the charges, the allegations against the Accused Student, the possible sanctions for the

charges, the hearing process options and procedures, and any available information that will be presented at the hearing.

4. If the Student Conduct Administrator concludes, based on the Process Review Meeting, that there is no basis for charges against the student, s/he may, at any stage of the proceedings, withdraw the charges.

5. The Student Conduct Administrator will determine the appropriate hearing process. In determining which hearing body is appropriate, the Student Conduct Administrator will consider the severity of the potential sanction and the complexity of the factual dispute.

**C. Student Conduct Board Hearings**

Student Conduct Board Hearings shall be conducted according to the following guidelines:

1.Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board proceedings.

2. Student Conduct Board Hearings shall be conducted in private. The Complainant, Accused Student and their Personal Advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Administrator.

3. The Accused Student, the Complainant, and all university witnesses will be contacted with their Student Conduct Board Hearing date, time, and location via their official Temple University e-mail address.

4. The Accused Student and the Complainant may challenge the selection of the Chairperson for good cause. The name of the Chairperson will be included in their Student Conduct Board Hearing notification and the challenge must be received at least 72 hours prior to the conduct board hearing date. The Student Conduct Administrator will accept or reject the challenge as s/he deems appropriate.

5. At the commencement of the hearing, the Accused Student and the Complainant may challenge, for good cause, the membership of any student, faculty member or administrator on the Student Conduct Board. The Chairperson will accept or reject the challenges as s/he deems appropriate.

6. In Student Conduct Board Hearings involving more than one Accused Student, the Student Conduct Administrator, in his or her discretion, may permit the Student Conduct Board hearing to be conducted either separately or jointly.

7. The Accused Student and the Complainant have the right to be assisted by any Personal Advisor they choose, at their own expense. The Accused Student and the

Complainant also may have a parent or spouse present at all hearings. The Accused Student and the Complainant are responsible for presenting his or her own information in any Student Conduct Board hearings. A student should select as a Personal Advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing. Delays will not normally be allowed due to the scheduling conflicts of a Personal Advisor. The Accused Students and the Complainant must notify the Student Conduct Administrator of the name of any parent, spouse or Personal Advisor at least two school days prior to the hearing.

8. The Accused Student, the Complainant, and the Student Conduct Administrator may present evidence, including arranging for witnesses to present pertinent information, to the Student Conduct Board. The Student Conduct Administrator will try to arrange the attendance of possible witnesses who are members of the university community, if reasonably possible, and who are identified by the Accused Student and/or Complainant at least two school days prior to the Student Conduct Board Hearing. All witness notifications will be sent to members of the university community via their official Temple University e-mail address. Witnesses will provide information to and answer questions from the Student Conduct Board. Questions may be suggested by the Accused Student and/or Complainant to be answered by each other or by other witnesses. This will be conducted by the Student Conduct Board with such questions directed to the Chairperson, rather than to the witness directly. This method is used to preserve the educational character of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Chairperson of the Student Conduct Board.

9. Pertinent records, exhibits, and written statements (including impact statements during the sanctioning phase of the hearing) may be accepted as information for consideration by a Student Conduct Board at the discretion of the Chairperson.

10. All procedural questions will be resolved by the Chairperson of the Student Conduct Board.

11. At the commencement of all hearings, the Student Conduct Administrator will remind all hearing participants that they are obligated to provide accurate and truthful information to the Student Conduct Board. The Student Conduct Board will conduct the questioning and evaluate the testimony and any other evidence. The Student Conduct Board will determine whether a student has violated the Student Code. If the Student Conduct Board determines that a student has violated the Student Code, the Student Conduct Board will recommend a sanction. The Student Conduct Board will reach its decision by a simple majority vote. In the event of a tie vote among members of the Student Conduct Board, a finding of no violation shall be made.

12. The Student Conduct Board's determination shall be made on the basis of whether it is more likely than not that the Accused Student violated the Student Code

13. The Accused Student will not be compelled to testify, and no inference may be drawn from the student's failure to testify. No person will be compelled to give testimony that could incriminate himself/herself.

14. There shall be a single record, which may include an audio recording, of all Student Conduct Board hearings before a Student Conduct Board. Deliberations shall not be recorded. The record shall be the property of the university.

15. Appearance at all stages of the student conduct process is mandatory. The Accused Student, the Complainant, and the University will be expected to have all witnesses and evidence present at the scheduled time of the hearing. Failure of the student or of university personnel to appear may result in the hearing being held in their absence and a decision being reached on the charges. When the Student Conduct Administrator provides evidence that he/she has sent Student Conduct Board Hearing notification through official Temple University e-mail addresses as shown in University records, failure to appear for a meeting or hearing cannot be justified by a claim of non-receipt of notice. It is the responsibility of the student to notify the University immediately of any change of address or make the appropriate change through TUPortal.

16. As determined in the sole judgment of the Student Conduct Administrator, the Student Conduct Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Accused Student, Complainant, and/or other witness during the hearing by: providing separate facilities, using a visual screen, and/or permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, or other means.

17. Faculty or administration may make recommendations to the Student Conduct Board concerning sanctions if a student is found in violation of the Student Code.

18. The Student Conduct Board will make its findings and recommendations upon the conclusion of its deliberations.

19. The hearing is then concluded.

20. In each case in which a Student Conduct Board determines that a student and/or Student Organization have violated the Student Code, the Student Conduct Board shall recommend sanctions to the University Code Administrator. The recommendation of the Student Conduct Board shall be considered by the University Code Administrator in determining and imposing sanctions; however, the sanctions shall be determined and imposed by the University Code Administrator and the University Code Administrator is not limited to sanctions recommended by members of the Student Conduct Board.

21. Following the Student Conduct Board hearing, the Student Conduct Administrator shall advise the Accused Student, group and/or organization, and Complainant in writing of the determination and of the sanction(s) imposed, if any, along with instructions regarding appeals (Article IV, E). In the case of a proceeding involving a charge of

sexual assault or a violent crime, the University Code Administrator will also advise the victim of the final outcome.

**D. Sanctions**

1. The following sanctions may be imposed upon any student found to have violated the Student Code:

**a. Letter of Reprimand**—A notice in writing to the student that will remain with his/her discipline record.

**b. Probation**—Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.

*Students on probation may be ineligible to participate in certain university programs, e.g. study abroad and student leadership positions such as Resident Assistant positions and Owl Team.*

**c. Loss of Privileges**—Denial of specified privileges for a designated period of time.

**d. Fine—**Fines may be imposed and range from $50 to $1000. However, the combined fines for multiple violations of this Student Code found at a single hearing will not exceed $1,500.

**e. Restitution**—Compensation for loss or damage to university property. This may take the form of appropriate service and/or monetary or material replacement.

**f. Other Sanctions**—Work assignments, psycho-educational sessions, essays, service to the university, community service, or other related assignments.

**g. University Housing Suspension**—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. When a sanction of suspension from University Housing is imposed, the student is denied the opportunity to enter, even as a guest, or live in University Housing for a specified or indefinite period of time. Students removed from University Housing and Dining Facilities shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.

**h. University Housing Expulsion**—Permanent separation of the student from the residence halls. When a sanction of expulsion from University Housing is imposed, the student is permanently denied the opportunity to enter, even as a

guest, or live in University Housing. Students removed from the University Housing and Dining Facilities shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.

**i. University Suspension**—Separation of the student from the university for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. When a sanction of suspension is imposed, the student **MAY NOT**:

- Be present on university premises, attend classes, receive academic credit for classes taken at Temple or at any other institution during the period of suspension, or enter any university facility including residence, dining, recreation, leisure or library facilities, with the exception of facilities when they are open to the public and university-sponsored programs, activities or related events when they are open to the public;
- Participate in university registered or recognized clubs or organizations, or university sponsored programs, activities or related events;
- Be employed by the university in any capacity contingent upon their status as a student.

*The suspended student is responsible for payment of all tuition and fee charges in accordance with payment information contained in university policy.*

**j. University Expulsion**—Permanent separation of the student from the university. When a sanction of expulsion is imposed, the student **MAY NOT**:

- Be present on university premises, attend classes, receive academic credit for classes taken at Temple, or enter any university facility including residence, dining, recreation, leisure or library facilities, with the exception of facilities when they are open to the public and university-sponsored programs, activities or related events when they are open to the public;
- Participate in university registered or recognized clubs or organizations, or university sponsored programs, activities or related events;
- Be employed by the university in any capacity contingent upon their status as a student.

*The expelled student is responsible for payment of all tuition and fee charges in accordance with payment information as contained in university policy.*

**k. Revocation of Admission and/or Degree**—Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violations of university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

**l. Academic Sanctions-** A grade reduction, failing grade and other appropriate academic sanctions.

**m. Minimum Mandatory Sanctions for Alcohol and Drug violations:**

**First Finding of Responsibility:**

- Notification of parent(s)/guardian(s) regarding violation(s) where the accused student is under the age of 21.
- Mandatory participation in Temple University's Drug and Alcohol Offense Program (DAO). Completion of the appropriately assigned track(s). A student who fails to satisfy the sanction requirement in the specified time may incur an additional $50 fine and will be charged with an additional violation of the Code of Conduct.
- Disciplinary probation for a minimum of 15 weeks, not to exceed 20 weeks.
- Fine of **$250**

**Second Finding of Responsibility:**

- Notification of parent(s)/guardian(s) regarding violation(s) where the accused student is under the age of 21.
- Individual alcohol and drug assessment with DAO program staff and completion of the appropriately assigned track(s). A student who fails to satisfy the sanction requirement in the specified time may incur an additional $50 fine and will be charged with an additional violation of the Code of Conduct.
- Extension of disciplinary probation by a minimum of 15 weeks with a maximum to be determined by the panel. This extension of disciplinary probation may begin when the initial disciplinary probation ends.
- Fine of **$500**

**Third Finding of Responsibility:**

- Notification of parent(s)/guardian(s) regarding violation(s) where the accused student is under the age of 21.
- Suspension/expulsion from the university.

2. More than one of the sanctions listed above may be imposed for any single violation. The full range of sanctions is available for any violation depending on the nature and severity of the violation.

3. No student with outstanding sanctions will be permitted to graduate until the sanctions have been completed.

4. Those sanctions listed above in Article IV D 1a-f, may be imposed upon groups or organizations. Additionally, groups and/or organizations may be sanctioned with loss of

selected rights and privileges for a specified period of time or deactivation which may include loss of all privileges and university recognition, for a specified period of time.

**E. Appeals**

1. A decision reached by the Student Conduct Board or a sanction imposed by the University Code Administrator may be appealed by the Accused Student and/or the Complainant to an Appellate Board within five school days of the decision. Such appeals must be submitted in writing to the Student Conduct Administrator.

2. An appeal shall be limited to a review of the record of the Student Conduct Board Hearing and supporting documents for one or both of the following purposes:

> a. To determine whether there were procedural defects that substantially prevented a full and fair hearing on the merits;
>
> b. To consider the availability of new evidence sufficient to alter the decision.

3. The Appellate Board will review the record of the Student Conduct Board Hearing. In the event that the Appellate Board does not recommend that the original decision be affirmed, the Appellate Board may take the following actions:

> a. If a majority of the Appellate Board decides that there were procedural defects that substantially prevented a full and fair hearing, the Appellate Board will return the case for a new hearing before a Student Conduct Board;
>
> b. If a majority of the Appellate Board decides that new information sufficient to alter the decision was not known to the person appealing at the time of the original hearing, the Appellate Board will return the case for a new hearing before a Student Conduct Board.

4. Appellate Board proceedings are not recorded.

5. The Student Conduct Administrator shall advise the Accused Student, group and/or organization, and the Complainant in writing of the Appellate Board decision and there shall be no further appeals.

**F. Status of a Student Pending Appeal**

1. The academic status of a student who has been expelled or suspended by a Student Conduct Board may not be altered pending completion of the appeal process, except as provided in Article III.B of the Student Code. Generally, it is presumed that a student may participate in any university registered or recognized club or organizational activity, or any university sponsored program, activity or related event pending completion of the appeal process. However, the University Code Administrator or his/her designee may, in his/her sole discretion, prohibit a student from (1) residing in or being present in

University Housing or (2) participating in any university registered or recognized club or organizational activity, or any university-sponsored program, activity or related event pending completion of the appeal process.

2. The results of a disciplinary proceeding do not become final until all internal appeals have been resolved.

## ARTICLE V: RELATED GRIEVANCE PROCEDURES

Temple University has established due process procedures for the resolution of academic, administrative and employment grievances initiated by students against the university.

**1. Academic Grievances:** A student who believes that capricious or arbitrary judgment has been used in the evaluation of academic work should follow the Academic Grievance Procedure applicable in the School/ College in which the academic work was performed. Copies of the procedures as well as information on the Academic Ombudsperson are available in the office of the appropriate academic dean and on the respective webpage of each School/College.

**2. Administrative Grievances:** A student who is unable to resolve an administrative grievance, including incidents involving student employment through regular administrative offices, should consult with the Dean of Students Office.

**3. Sexual Harassment Grievances:** In addition to reporting the incident to Campus Safety Services, a student who experiences sexual harassment should contact the Office of Equal Opportunity Compliance or a Sexual Harassment Ombudsperson and follow the procedures outlined in the Sexual Harassment Policy. The University's Policy on Sexual Assault 04.82.02 and Sexual Harassment 04.82.01 may be found on the university's policies and procedures webpage at http://policies.temple.edu).

**4. Sexual Assault Grievances:** In addition to reporting the incident to Campus Safety Services, a student who experiences a sexual assault should contact the Sexual Assault Counseling and Education (SACE) Coordinator and follow the procedures outlined in the Sexual Assault Policy. The University's Policy on Sexual Assault 04.82.02 and Sexual Harassment 04.82.01 may be found on the university's policies and procedures webpage at http://policies.temple.edu).

**5. Student and Faculty Academic Rights and Responsibilities**: Temple University students who believe that instructors are introducing extraneous material into class discussions or that their grades are being affected by their opinions or views that are unrelated to a course's subject matter can file a complaint under the university's policy on academic rights and responsibilities. The University's Policy on **Student and Faculty Academic Rights and Responsibilities** 03.70.02 may be found on the university's policies and procedures webpage at http://policies.temple.edu).

The policy encourages students to first discuss their concerns with their instructor. If a student is uncomfortable doing so, or if discussions with the instructor do not resolve the student's concerns, an informal complaint can be made to the Student Ombudsperson for the student's school or college. Unresolved complaints may be referred to the dean for handling in accordance with the school or college's established grievance procedure. Final appeals will be determined by the Provost.

**Communications and Training:**

## ARTICLE VI: INTERPRETATION, REVISION AND STUDENT CONDUCT FILES

A. The Student Code shall be reviewed every three years under the direction of the Student Conduct Administrator and revised as determined by the University Code Administrator.

B. Student Conduct files shall be maintained separately from other files of the student. Access to them will be governed by the current university policy on the disclosure of information of student, faculty, and employee records. Information from the Student Conduct files will not be made available to unauthorized persons within the university community or to any non- university person without the express written consent of the student involved except under legal compulsion or in cases where safety of persons is involved. All Student Conduct files will be retained for at least six years after graduation or separation from the university.

## ARTICLE VII: NOTICE/KNOWLEDGE OF STUDENT CODE

Copies of this Student Code will be posted on the university's policies and procedures webpage at http://policies.temple.edu, which is information provided to each incoming student and will be generally available throughout the university at all times. Students are responsible for knowing the content of the Student Code. Ignorance of Student Code provisions will not constitute a defense in any proceeding against a student.

**Notes**

**1. Dates of official enactment and amendments:**

Implemented January 1, 2004; revised July 31, 2006; revised August 31, 2009; revised August 20, 2012

**2. History:**

The historical information for this policy is not available as policy was created before a history requirement was created.

**Reviewed By:**

A committee composed of Student Affairs professionals, student representatives, faculty representatives, and the Office of University Counsel.

**3. Cross References/Appendix:**

Any university policy, rule, or regulation published in hard copy or available electronically on the university website, including but not limited to the University Alcohol Policy, the Temple University Policy on Sexual Assault, the Temple University Policy on Sexual Harassment, the Computer Usage Policy.