

# STUDENT CODE OF CONDUCT

2019-2021



**Cheyney**made.

# Table of Contents

<b>SECTION A</b>	<b>2</b>
Purpose	2
Jurisdiction	2
<b>SECTION B STANDARDS &amp; POLICIES</b>	<b>3</b>
Standards of Conduct	3
Confidentiality	3
Medical Amnesty	3
Safe Harbor Policy	4
Computing, Networking, and Internet	4
Parental Notification (Alcohol and Drug Incidents)	6
<b>SECTION C CODE OF CONDUCT</b>	<b>7</b>
Violations	7
Hazing	10
<b>SECTION D STUDENT CONDUCT PROCESS</b>	<b>19</b>
Understanding the Process	19
Complainant Procedures	19
Immunity	20
Student Conduct Procedures	21
Disciplinary Appeal Procedures	23
<b>SECTION E STUDENT SEXUAL MISCONDUCT VIOLATIONS OF TITLE IX</b>	<b>25</b>
Complaint and Respondent Rights and Expectations	25
Administrative Fact Finding	28
Disciplinary Hearing Procedures	28
Appeals	29
<b>SECTION F DISCIPLINARY SANCTIONS</b>	<b>30</b>

## The Student Code of Conduct

Cheyney University of Pennsylvania strives to maintain a learning environment that is designed to foster and support students' educational objectives and which protects the health, safety, and welfare of all members of the University community. Moreover, Cheyney University works in collaboration with numerous stakeholders to nurture responsible, conscientious, and contributing citizens. To provide notice about the standards of conduct that Cheyney students must meet, Cheyney University has adopted the Student Code of Conduct.

The Student Code of Conduct is Cheyney University of Pennsylvania's formal policy pertaining to the adjudication of violations of the standards of behavior and conduct expected of students enrolled at the University. Every student is expected to uphold high standards of conduct and civility in they/them/their day-to-day contact with all members of the University community. Additionally, students must observe all established policies, procedures, rules, and regulations, which govern the institution, as well as all local, state, and federal laws. Reasonable efforts are made to foster the personal, educational, and social development of those students who are found in violation of the Student Code of Conduct.

The Division of Campus Life and Student Affairs is responsible for providing oversight of the process for protecting student's rights to live and learn in a safely, orderly, caring, and crime-free environment. University action may be taken in addition to actions taken by civil or criminal courts. Students may be subject to University action in conjunction with citations or other charges of which the University becomes aware.

### **Jurisdiction**

The Code of Conduct applies to all student and student organizations of Cheyney University. "Student" for the purposes of the Code of Conduct refers to any person who accepts an offer of admission indicating they/them/their intent to enroll at the University, including participation in a course or participation in a University-sponsored program. A person who is not enrolled for a particular semester but who otherwise has a continuing relationship, including a student who is on a medical leave of absence with the University is considered to be a "student" for the purpose of this code. The classification of "student" is not limited to the physical campus of the University. Concern for the conduct of students extends to satellite and remote locations wherever University operations or events are conducted, including students enrolled in distance education courses. Students will also be held responsible for their conduct regardless of their place of residence or whether their conduct occurred on or off campus. The Code also applies to any group of students who have complied with the University requirements for recognition as a student organization. Members of a student organization may be individually held responsible and charged as a group for infractions and violations of the Code.

### **Awareness of Policies**

All students, including those who are participating in any program that is University sponsored, on or off campus, must abide by the policies, rules and regulations underlying the Student Code of Conduct. The rule and regulations listed here are available on the university's web pages at:

<https://cheyney.edu/who-we-are/compliance-policies/policies-for-students/>

## **Standards of Conduct**

The bulleted list that follows identifies forms of conduct that are prohibited and constitute violations of the Student Code of Conduct. These acts, and in some cases, the failure to act, necessitate disciplinary attention and will subject students to disciplinary action through the student judicial process.

The list of policies and rules outlined herein are not exhaustive; students who reside on campus are reminded that, in addition to the policies and rules identified in the Student Code of Conduct, they must also adhere to the provisions of the Student Housing Contract Terms and Policies, as well as other procedures and regulations as directed by the Division of Campus Life and Student Affairs. In addition, athletes may be subject to rules governing eligibility and behavior.

## **Confidentiality**

The Office of Student Conduct will make every effort to ensure the privacy of all parties involved in the disciplinary process. Information relative to disciplinary cases will be shared only with appropriate University authorities and law enforcement authorities, as necessary for each case. Due to the University's obligation and commitment to investigate complaints, circumstances may arise that may limit the ability of the Office of Student Conduct to provide absolute confidentiality.

## ***Responsible Action Act – Medical Amnesty***

Cheyney University holds the safety, security and well-being of its students as a top priority and prides itself on offering all of the benefits of a public institution while preserving a caring, individualized community. The University recognizes that a student's concern for potential disciplinary action while under the influence of alcohol and/or drugs may hinder his or her actions in response to seeking assistance in certain emergency situations and/or reporting incidents.

It is imperative that medical attention be sought when the concern arises for one's own safety or the safety of others. Medical Amnesty is intended to increase the reporting of incidents requiring emergency assistance during a life-threatening or alcohol/drug related illness and will, in turn, result in the increased safety for students and the campus community.

Medical amnesty is in effect to ensure that those students who seek assistance for another individual who may have consumed excessive alcohol or drugs, will turn to the appropriate personnel to seek emergency medical assistance without the fear of being cited by public safety officers for alcohol violations or for violations cited within the Cheyney University Student Code of Conduct. In order for a student to receive medical amnesty, the student seeking assistance for a person under the influence must:

1. Contact public safety or dial 911 in good faith, based upon the reasonable belief that another person was in need of immediate medical attention to prevent death or serious injury;
2. Reasonably believed that they were the first person to contact public safety or 911 emergency services and report that a person needed immediate medical attention to prevent death or serious injury;

3. Provide their own name to emergency personnel; and
4. Remain with the person needing medical assistance until emergency health care providers arrived and taken care of the person in need of medical assistance.

### ***Safe Harbor Policies – Hazing***

The welfare and general safety of the members of the Cheyney University of Pennsylvania community is very important. When individuals are in need of help, the university encourages students and community members to offer assistance regardless of location, on and off campus. Students may hesitate to offer assistance to others for fear that they may risk sanctions and involvement in the conduct process for their own behavior in a situation such as having knowledge of hazing activities. The community's interest are served best when individuals report crimes, call 911 or Public Safety and seek help for those in need of assistance. It is the intent of this policy to indicate that a student who would qualify for safe harbor under the provisions of the Pennsylvania Crimes Code will not be referred to the Office of Student Conduct for violations related to hazing.

***The Anti-Hazing statute, (18 Pa. C.S.A. §§ 2801 et seq.),*** protects individuals from prosecution for individuals seeking medical attention for another, if the individual can establish the following:

- (1) A law enforcement officer first became aware of the individual's violation because the individual placed a call to Emergency Responders, 911 or Public Safety based on a reasonable belief that another individual needed 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 Public Safety, Police, or Emergency Responders and report that the other individual needed immediate medical attention to prevent death or serious bodily injury.***
- (3) The individual provided the individual's own name to the 911 operator or Public Safety dispatch, police and/or emergency responders.***
- (4) The individual remained with the other individual in need of medical assistance until a Public Safety officer, Police, and/or emergency services arrived and the need for the individual's presence is no longer needed.***

***Additionally, the individual needing medical attention is also immune from prosecution 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 prosecution. Immunity may NOT apply if law enforcement, including Public Safety learn of the offense prior to and independent of the action of seeking or obtaining emergency assistance.***

### ***Computing, Networking and Internet Policies***

*All Information Technology (IT) resources should be used for University-related business (instruction, research, academic and administrative activities). Users of these resources are expected to conduct their activities in a professional and responsible manner and follow the guidelines, restrictions and overall university policies of Cheyney University, the State System of Higher Education, the laws of the Commonwealth of Pennsylvania, and federal statutes. The Networking, Computing and Internet Policy can be found in its entirety online at:*

<https://cheyney.edu/who-we-are/compliance-policies/it-computer-and-internet-policies/>

*As an institution committed to the principle that a quality education is the cornerstone of a democratic society, Cheyney University strongly encourages the free exchange of ideas and information among all members of its community and with members of other communities. The instruments of communication can stimulate intellectual, social, cultural, and emotional growth but they also can be a means to destroy and harass. Therefore, students, faculty, guest and staff in the University community are expected to exercise responsibility, use computing resources ethically, respect the rights and privacy of others, and operate within the bounds of the law and of University policies and codes of conduct.*

*Improper use of Cheyney University's Information Technology (IT) resources include (but are not limited to) the following:*

- 1.** Use of University Information Technology (IT) resources must comply with State and Federal Law, State System of Higher Education policies and University policies. Therefore, University Information Technology (IT) resources may not be used for commercial or profit-making purposes, for political purposes, or for personal benefit where such use incurs a cost to the University and is not academic or work related. Use of the University's microcomputers, workstations, or information networks must be related to a Cheyney University business. If the non-business usage of information services results in a direct cost to the University for any reason, it is the individual's responsibility to reimburse the university.
- 2.** Users should only use the computer, network id and password assigned to them. Access of or attempts to access another person's computer, directories, files, or data communications whether protected or not are prohibited. Attempts to access unauthorized Information Technology (IT) resources via the computer network, to decrypt encrypted materials, or to obtain privileges to which the user is not entitled are prohibited. Sharing of a computer account with other persons is prohibited; User ids and passwords must be protected, and the user must not leave a machine logged on when the user is not present.
- 3.** Theft, damage or destruction of computing equipment, facilities, programs or data is prohibited.
- 4.** Information or software cannot be placed on any University owned computer system. Cheyney University has signed software licenses for much of the software that are available on the computer systems; removal or transfer of such software without authorization is prohibited. All persons shall abide by the terms of all software licensing agreements and copyright laws.
- 5.** Copying of site licensed software for distribution to persons other than Cheyney University faculty, staff, and students, or the copying of site licensed software for use at locations not covered under the terms of the license agreement, are prohibited.
- 6.** Users of University Information Technology (IT) resources shall not consume unreasonable amounts of these resources. The University may impose restrictions or limits on use of such resources. Deliberate acts which are wasteful of computing\information network resources or which unfairly monopolize resources to the exclusion of others are prohibited. These acts include, but are not limited to, playing internet games, videos, MP3's, sending mass emails or chain letters, creating unnecessary multiple jobs or processes, obtaining unnecessary output, or printing or creating unnecessary network traffic. Any network traffic exiting the University is subject to the acceptable use policies of the network through which it flows (PREPnet, NSFNET, SSHenet, etc.), as well as to the policies listed here.
- 7.** Printing multiple copies of any document including handouts or announcements is also prohibited.
- 8.** No person shall use IT resources to harass others; to send obscene messages or materials; to threaten the safety of another; to send libelous messages or to interfere with the work of the University.

9. No person shall post materials on electronic bulletin boards that violate existing laws or the University's policies and codes of conduct.
10. The University may have a business necessity or reason to access files and accounts of its employees or students, including the investigation of complaints of misuse of the system. It is therefore unreasonable for any IT user to have an expectation of privacy in the use of Information Technology (IT) resources.
11. All other unauthorized acts or uses of university computing facilities or resources, or any other actions not in accordance with university policies, or not in the best interests of Cheyney University are prohibited.

### ***Parental Notification Policy – Alcohol and Drug Incidents***

The Family Educational Rights and Privacy Act (FERPA) protects the privacy of student education records and these rights transfer from parents directly to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Cheyney University must have written permission from the student to release any information from a student's education or judicial record. However, FERPA does allow for some disclosures without student consent in accordance with appropriate guidelines.

Cheyney University's Parental Notification policy includes notifying parents or guardians of students who are under 21 years of age who have been found responsible for being involved in an incident in which there was an alcohol violation. Additionally, the Cheyney University's Parental Notification policy also includes notifying parents or guardians of students who have been found responsible for being involved in an incident in which there was a drug violation. Parental Notification is an option within the law that will be subscribed to when deemed to be in the best interest of the student.

Cheyney University will notify parents or guardians of underage students found in violation of alcohol or drug policies, as outlined in the Code of Student Conduct. As part of the conduct sanction, students may be enrolled in an alcohol education program presented by staff in the Office of Student Health and Wellness or Department of Academic Success.

Serious or repeat violations related to the alcohol or drug policies may result in an assessment and intervention by a licensed clinician by an external agency or involuntary withdrawal from Cheyney University. Suspension and/or expulsion from the University is also a possible sanction for repeat violations

## Violations

### ***Alcohol Violations***

The laws of the Commonwealth of Pennsylvania prohibit possession, consumption, and distribution of alcoholic beverages by, and to, those under the legal drinking age of 21 years of age. Alcohol is prohibited at all student-sponsored events. Cheyney University of Pennsylvania is a dry campus, which means that alcohol is not permitted along with no open bottles/containers on campus or any affiliated campus property. Accordingly, the possession, consumption, and/or distribution of an alcoholic beverage on campus and in the residence halls are prohibited, regardless of an individual's age.

Underage students found to have consumed alcoholic beverages and students, who are publicly intoxicated, will be subject to disciplinary action, as well as other penalties under the law. In addition, Cheyney University prohibits the display of empty containers of alcohol in the residence halls by resident students. Empty alcohol containers, including those with trace amounts found in residence hall rooms, as well as others places on campus, will subject those students to disciplinary action. Furthermore, students found to be in possession, consumption, or who have distributed alcoholic beverages will also be subject to disciplinary action. Providing alcoholic beverages to minors is a violation of the Commonwealth of Pennsylvania and University policy.

### **Violations of this policy include, but are not limited to:**

- Consumption
- Display of Empty Alcohol Containers
- Driving Under the Influence
- Excessive Alcohol (Keg, Liquor, Beer Ball, 30-pack or more...etc.)
- Open Alcohol Containers
- Possession and/or Distribution of Alcohol
- Public Intoxication
- Selling and/or Furnishing Alcohol to Minors

### ***Dining Hall Violations***

All Cheyney University students and their guests are expected to comply with all specified rules and regulations governing dining facilities on campus. Students are subject to disciplinary action for the following violations:

- Failure to comply with dining services policies
- Failure to provide a Cheyney University identification card when entering the dining facilities
- Involvement in food fights

### ***Dishonesty***

Acts of dishonesty include, but are not limited to: knowingly providing false information to or making false reports to University or government officials; misrepresenting oneself through written, verbal, electronic, and digital communication; misrepresenting oneself through social media, and falsifying of records and documents, including, but not limited to, parking permits, University identification cards, meal cards, access card; and the misuse and unauthorized possession of keys and identification.

Fraudulent use and/or possession of University-issued property or use of the University's name or brand without proper authorization is prohibited. Violations of the University's policies on the unauthorized use of the University name, brand and likeness will be handled by the university designee.

***Disorderly/Disruptive Conduct***

Conduct that impedes, hinders, threatens, or prevents the orderly functioning of any of the University's academic or administrative operations and/or an individual's ability to work, study, or participate in activities of the University is prohibited.

**Violations of this policy include, but are not limited to:**

- Causing a Public Disturbance
- Fighting or Engaging in a Brawl
- Leading, Instigating, and/or Inciting a Riot
- Lewd or Indecent Conduct
- Unreasonable Noise
- Disruptive Behavior in the Classroom
- Acts of Unlawful Discrimination

***Environmental Health and Safety Violations, Including Fire Safety Violations***

Students and their guests are expected to observe environmental health and safety mandates, including fire safety rules and regulations.

**Violations of this policy include, but are not limited to:**

- Creating hazardous conditions
- Failure to evacuate and exit any building (upon the activation and sounding of a fire alarm, including failure to participate in a fire drill)
- Failure to secure an event permit (to include outdoor cooking/grilling with the use of an open flame on University premises)
- Smoking in any University facility
- Activating false fire alarms (students can be expelled from the University for this offense)
- Possessing and/or burning candles/incense
- Committing arson
- Otherwise setting or causing a fire
- Tampering with fire safety equipment (to include damage, destruction, misuse, covering or other interference with life-safety equipment. This includes, but is not limited to, emergency exit doors, fire extinguishers, pull stations, smoke detectors, sprinklers, etc.)
- Carrying a lit cigar, cigarette, pipe, Juul, Vape Pens or other smoking devices.

***Failure to Comply with Sanctions***

Violations of or failure to complete a sanction imposed by the University Student Conduct Board or Conduct Officer may result in additional and more severe sanctions. Students who repeatedly violate the Student Code of Conduct, local, state, federal laws, and University policies and procedures will be subject to imposed sanctions that are greater in severity with each offense.

### ***Non-Compliance***

Non-compliance is the failure to comply in any capacity when issued a verbal or written directive by a University official to include gross disobedience manifested by any of the following listed below. This includes hindering, obstructing, and interfering with the implementation of the Student Code of Conduct. A University official is defined as any individual who is serving within the scope of, they/them/their employment responsibilities.

#### **Violations of this policy include, but are not limited to:**

- Failure to comply with established rules and regulations
- Failure to comply with a reasonable request by a University official
- Failure to provide a valid Cheyney University student ID
- Failure to provide information

### ***Gambling***

Engaging in any game of chance or that which involves the exchange of money, good or services on University property or in University facilities is prohibited.

### ***Guest Policy Violations***

Visitors to the residence halls are expected to adhere to the procedures and regulations established by the Division of Campus Life and Student Affairs and the policies and rules established by Cheyney University of Pennsylvania. Students will be held accountable for their guest(s) actions and behaviors.

**Students should not sign-in individuals they do not know.**

#### **Violations of this policy include, but are not limited to:**

- Violations of the Student Housing Contract Terms and Policies
- Violation of the Student Code of Conduct by the resident and/or guest
- Use of a member of the opposite gender bathroom
- Conduct that constitutes unlawful discrimination based on another person's race, color, sex, religion, age, national origin, disability, sexual orientation, or veteran's status (those found to be in violation of this policy will be subject to severe sanctions)

### ***Harassment and Intimidation***

The University prohibits harassing behavior, including harassment based upon gender identity, meaning conduct directed at a specific individual(s) that is sufficiently severe or pervasive to substantially interfere with the individual's employment, education, or access to University programs, activities, and/or opportunities. Behavior is considered to be punishable harassment if: (1) it has a harmful effect on the individual in question; and (2) is behavior that would have a harmful effect on other reasonable individuals who experienced the same treatment. Conduct that constitutes unlawful Harassment and Intimidation based on another person's race, color, sex, religion, age, national origin, disability, sexual orientation or veteran's status is prohibited. (those found to be in violation of this policy will be subject to severe sanctions)

**Violations of this policy include, but are not limited to:**

- Interfering with the freedom of any person to express they/them/their views as long as they are within legal limits;
- Interfering with conduct that limits or restricts a person's freedom to move about in a lawful manner without consent; and
- Using technology to carry out any of the foregoing

***Hate Crime***

Any crime that manifests evidence that the victim was intentionally selected because of the victim's actual or perceived race, religion, gender, sexual orientation, ethnicity, or physical/mental disabilities.

***Hazing***

Pennsylvania Hazing Law mandates that colleges and universities across the Commonwealth adopt a Policy prohibiting hazing. Cheyney University strictly prohibits hazing within the University community and this policy applies to acts conducted on and off campus. No individual or organization (sponsored or recognized) associated with Cheyney University shall conduct or condone any activity that can be described or perceived as "hazing".

Cheyney University reserves the right to adjudicate any student or University recognized or sponsored organization for any action or inaction (where there is a duty to act) that an ordinary, reasonable, intelligent individual or group of individuals know or should know might result in corrective or disciplinary action. Consent is not a defense to a criminal charge of hazing or a charge under the University's Student Code of Conduct. Students violating this policy may face sanctions, including fines, the withholding of a diploma or transcripts, pending compliance with rules or pending compliance with the payment of fines, probation, suspension, dismissal, or expulsion. Organizations violating this policy may face fines, and/or revocation of University sponsorship or recognition.

Any person experiencing or witnessing behavior suspected to be hazing is to report the behavior to the Office of Campus Life and Student Affairs, [studentaffairs@wolf.cheyney.edu](mailto:studentaffairs@wolf.cheyney.edu); (610) 399-2217 or the Department of Public Safety at (610) 399-2405 IMMEDIATELY.

This policy in its entirety can be found online at:

<https://cheyney.edu/wp-content/uploads/2019/02/NEW-HAZING-POLICY-IAL-final-11719.pdf>

Hazing, as defined by the Pennsylvania Hazing Law, (18 Pa. C.S.A. §§ 2801 et seq.) and Cheyney University is "any action or situation created, which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of, or recognized as, an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of

public property, or which is personally degrading or violates any federal, state, local statute or university policy is considered hazing. In addition to hazing, the following is considered to be a violation:

- A. Conducting or participating in unapproved membership intake activities on campus or off.
- B. Participating in on-campus or off-campus membership intake activities by an approved or unrecognized Greek letter or social organization outside of the intake window approved by the university (pre/post-pledging). Furthermore, any inductee (pledge) who willingly participates in any act of hazing will also be considered in violation of this policy.

Any person experiencing or witnessing an action in violation of this policy is encouraged to report the incident to the Coordinator of Greek Life/Office of Campus Life and Student Affairs and/or Department of Public Safety. Appropriate university disciplinary procedures and municipal and State statutes are applicable, including House Bill 749, the Anti-Hazing Law.

Please Note: Any student who participates in hazing is subject to the University Judicial system and may be suspended or expelled from the university. Hazing is a criminal offense. Any student who participates in hazing may be arrested and prosecuted. Convictions may result in applicable penalty under the Pennsylvania Crimes Code.

**Sanctions:**

Sanctions will be in line with the University Judicial Code/Student Code of Conduct. In cases, of violations, the operations of the organization/group will be reviewed by the Chief Conduct Officer or designee and the national organization may be involved where applicable. A statement of expectations and guidelines will be developed for the organization to follow. Official warnings for minor violations, in cases where no previous disciplinary record is indicated, may be issued by the Chief Conduct officer or designee.

***Housing Contract Terms and Policies***

Residents and their guests are expected to be familiar with and abide by all policies, procedures, rules and regulations governing the residential community, as established by the Division of Campus Life and Student Affairs and Student Life, and the University. These procedures and regulations apply to all Cheyney University residential students and their guests while in the residence halls. Furthermore, residential students and their guests are also expected to treat other students, faculty, staff, members of the Cheyney University community, and the Residence Life and Housing staff with dignity, civility, and respect at all times. Violations of any of the terms and conditions outlined in the Student Housing Contract Terms and Policies will result in disciplinary action at the discretion of the Director of Student Affairs and in consultation with the Director for Residence Life and Housing, and the Chief Conduct Officer and/or designee.

Such action may include, but is not limited to, referral to the Assistant Director, Director of Residence Life and Housing, University Student Conduct Board, a designated Residence Life Hearing Officer, immediate removal from the Residence Life program, or Student Housing Agreement termination.

**Violations of this policy include, but are not limited to:**

- **Violations of Courtesy Hours/Quiet Hours Policy** - Members of the residential community and their guests are expected to exhibit respectful and civil conduct and be mindful at all times that others may be attempting to study and sleep. Courtesy Hours and Quiet Hours are designated hours where noise should be kept to a minimum and during the evening hours, not heard outside of a student's room.
- **Violations of CU Roommate Agreement** – Residential students will be required to complete a CU Roommate Agreement with their roommates(s) once they have moved into their rooms or any time a new roommate moves into a room. The CU Roommate Agreement is a binding contract between all roommates and students will be held accountable for violations of the agreement.
- **Discarding Objects Out of a Residence Hall Window** – Due to safety concerns, students are prohibited from discarding any items outside of any residence hall windows.
- **Failure to Attend Advertised Mandatory Residence Hall Meetings** - Throughout the academic year and to protect the health and safety of the residential community, it may be necessary to schedule mandatory residence hall meetings where students will be required to attend.
- **Failure to Vacate During Official Check-Out** – It is expected that all members of the residential community follow and adhere to all advertised check-out, closing procedures and guidelines when the University is closed for official University breaks.
- **Violations of Guest/Visitation Policy** – Students and their guests must adhere to all University guidelines, policies, procedures, and local, state, and federal laws. Students are responsible for the actions of their guests. All individuals visiting the residence halls will be required to sign in and out at the courtesy desk located in the lobby of each hall. Unescorted guests will be cited for trespassing.
- **Illegal Entry into a Residence Hall** - Students may enter into their assigned residence hall by swiping, via the card access system, and producing a valid Cheyney University ID. Individuals not assigned to a particular residence hall must be signed in by a resident of the visiting residence hall. Any other entry into a residence hall is a violation.
- **Illegally Entering or Exiting Emergency Doors** – Emergency doors are marked and designated for use during emergency situations only, as designated by a University official. Use of these doors at any other time is prohibited.
- **Illegal, Prohibited, and Unauthorized Appliances and Equipment** - The University considers fire safety and the safety of all residential students as serious business. Students are prohibited from possessing any illegal and/or prohibited items that pose a health and safety risk in their room, to themselves, and/or the residential community.

Such items include but are not limited to:

- Refrigerator and Microwaves: Note each suite in the New Residence Hall/LLC is equipped with these appliances
- Alcohol or Alcohol paraphernalia (I.e. decorative collections of alcohol containers are not permitted)
- Pets
- Candles/Incense
- Strobe lights, fog machines, decorative string lights\* (only LED lights are approved)
- Lava or Oil lamps
- Slow Cookers or Crock Pots
- Grills \*(includes George Forman Grills)

- Toasters, or Toaster Ovens
- E-Cigarettes/E- Hookah
- Hookah
- Wireless Routers
- Water Beds
- Space Heaters
- Hoverboards

- **Pets** – Pets of any kind are not allowed, including fish.
- **Pranks** - Mischievous acts that harass or harm another individual, cause damage or destruction to university property will be considered vandalism and/or cause that individual to have a reasonable fear of bodily harm or harm to they/them/their property is considered inappropriate behavior.
- **Prevention of Authorized Room Assignment** – Housing Operations staff reserves the right to assign another student to a room at any time where empty spaces have been identified or reassign students to another space with notification. Students who hinder, prevent, and/or exhibit uncivil behavior towards another student who has been assigned to the room will be held accountable.
- **Propped Open Doors of a Secured Building** - For the safety of all members of the residential community, propping entrance and exit doors of a residence hall is prohibited.
- **Removal of Window Screens** - Removal of window screens from any residential facility is prohibited.
- **Repeated Room Lock-Outs (three or more per semester)** - Students are always required to carry their room key with them. Failure to provide your key on three or more occasions will be considered a violation.
- **Smoking** - The use of smoking devices or equipment that includes but is not limited to electronic cigarettes (e-cigarettes), vape pens, vaporizers, hookahs, and pipes are strictly prohibited within the residence halls.
- **Unauthorized Event/Party** - All events, programs, and functions must be approved by completing the events policy guidelines and obtaining the approval of the Division of Campus Life and Student Affairs. Students are prohibited from hosting unauthorized events.
- **Unauthorized Room/Hall Change** – Room and residence hall assignment changes must be approved by an assistant director or the director of residence life and housing.
- **Unauthorized Selling or Solicitation** – Selling and the distribution of unauthorized items and good in and/or near the residence halls is prohibited.
- **Unnecessary Mess/Trash** – All members of the residential community are expected to take pride in their community, clean up after themselves, and discard all trash and unwanted items in the appropriate manner.
- **Unsanitary/Unacceptable Conditions in a Residence Hall Room** – Students will be in violation of the health and safety guidelines in the event that their assigned room is in unsanitary, unsafe, and/or unacceptable conditions.
- **Use of Bathrooms** - *Guest and students are expected to use the restroom facility that corresponds to their sex or gender identity.*

- **Vandalism** - The intentional and/or reckless, but not accidental destruction of property; damaging, destroying, defacing, tampering, misuse, or abuse of University property and/or the property of any person and/or business is prohibited.
- **Violations of Health and Safety Inspections** - Violations and/or conditions in a residence hall room that endangers the health, safety, and welfare of any member of the residential community are prohibited.
- **Other** – Any violation of the Student Housing Agreement.

### ***Illegal Drugs***

State and federal laws prohibit the possession, consumption, and distribution of illegal drugs. This includes, but is not limited to, depressants, hallucinogens, narcotics and opioids without a prescription. Cheyney University of Pennsylvania has zero tolerance for illegal drugs on campus and in the residence halls.

Students found to have consumed illegal drugs, as well as those students who are found to be in possession of, consumption of, and/or distributing (including those with the intent to sell) illegal drugs, may be subject to disciplinary action, arrest, and criminal prosecution. Possession of drug contraband and paraphernalia (e.g. Vape Pens, THC oils, and “Edibles”) is also a violation and will be subject to disciplinary action.

Additionally, the use of substances that give off odors similar to illegal drugs (e.g., cannabis) that cause university officials to respond because of suspected use, and which causes material and substantial disruption or interference with the day-to-day operations of the residence halls, will also be considered a violation of this policy whether or not actual illegal drugs are recovered.

### **Violations of this policy include, but are not limited to:**

- Consumption and/or Use of Illegal Drugs
- Possession and/or Distribution of Illegal Drugs
- Possession with the Intent to Sell Illegal Drugs
- Public Intoxication / Under the Influence
- Misuse or abuse of Prescription Drugs

### ***Illegal Use of Electronic Equipment***

The University recognizes that a number of CU students will have cell phones and other electronic devices with video, camera, or voice recording capabilities. In consideration of each member of the university community, and for purposes of compliance with laws, CU students are prohibited from using video and camera features without the consent of the individual (s) who are intended subjects. In some instances, videoing may be illegal without consent. In addition, students are advised that any voice recording of another individual without consent may constitute a violation of state wiretapping laws.

### ***Infliction of Harm***

Any willful and deliberate or negligent act that results or which may result in the infliction of harm to another person, the property of another person, or to University property. Such acts include: physical assault or abuse, (i.e. fighting) attempted physical assault or abuse upon another person, and reckless behavior that may result in injury.

**Retaliation**

Harassment of the person(s) alleging misconduct including, but not limited to, intimidation, threats, infliction of harm and the use of social media, text messages, “group chats” or electronic devices to complete any of the foregoing is prohibited.

**Sexual Misconduct**

Sexual Misconduct includes a variety of acts that are perpetrated against another without consent or when an individual is unable to give consent freely. Sexual misconduct includes, but is not limited to the following prohibited behaviors:

**Dating Violence**

Dating violence, which is a violation of the University’s Sexual Harassment policy, is violence by a person who is or has been in a romantic or intimate relationship with the complainant. Whether such a relationship exists or existed will be gauged by the length, type, and frequency of interaction between the complainant and respondent. Stalking is defined as a course of conduct directed at a specific person that would cause a reasonable person to fear for, they/them/their, or others’ safety, or to suffer substantial emotional distress.

**Rape** – Forcing or coercing another, regardless of gender or gender identity, to engage in a sexual act (anal, oral, or intercourse) without that person’s consent or when the act is deemed without the person’s consent because the person was incapable of consenting or understanding the nature of the act for any reason.

**Sexual Assault** - Touching without the person’s consent of any of the intimate parts of another person’s body with the intent to commit a sexual act.

**Sexual Harassment/Sexual Violence**

Cheyney University does not tolerate sexual harassment of any kind, including sexual violence and gender identity harassment. All students are required to be familiar with the University’s policy on Preventing and Addressing Sexual Harassment, available at:

<https://cheyney.edu/wp-content/uploads/2018/12/2SexualHarassmentSE2010-6001-1.pdf>

**Violations of this policy include, but are not limited to:**

- Engaging in unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors – either verbal or non-verbal, or physical conduct of a sexual nature.
- Committing an act of sexual violence, including, but not limited to: rape, sexual assault, sexual battery, and sexual coercion or other sexual acts committed against a person’s will, where a person is incapable of giving consent (as explained in the University’s Sexual Harassment Policy).
- Committing an act that constitutes dating violence, domestic violence, or stalking.

**Domestic Violence** - is a violation of the University's Sexual Harassment policy and includes the ongoing pattern of physical violence (misdemeanor and felony offenses) occurring between a complainant and:

- The complainant's current or former spouse
- The complainant's current or former cohabitant, including same sex partner
- A person similarly situated under domestic or family violence laws; or
- Anyone else against an individual protected under domestic or family violence laws

**Cheyney University encourages the reporting of any incidents of Sexual Harassment to the Title IX Coordinator or the Dept. of Public Safety immediately.**

### **Stalking**

Cheyney University is determined to provide a campus environment free of violence for all members of the campus community. For this reason, Cheyney University does not tolerate stalking, and will pursue the perpetrators of such acts to the fullest extent possible. Cheyney University is also committed to supporting victims of stalking through the appropriate provision of safety and support services. This policy applies to all students of Cheyney University community. Stalking incidents are occurring at an alarming rate on the nation's college campuses. It is a crime that happens to men and women of all races/ethnicities, religions, ages, abilities, sexual orientations, and sexual identity. It is a crime that can affect every aspect of a victim's life. Stalking often begins with phone calls, emails, social networking posts and/or letters, and can sometimes escalate to violence.

Stalking is the engaging in a course of conduct directed at a specific person that causes that individual to fear for they/them/their own safety, the safety of others, or cause said individual to suffer substantial emotional distress. Stalking is also a violation of the University's Sexual Harassment Policy. Such behaviors and activities may include, but are not limited to, the following:

- Non-consensual communication, including face-to-face, telephone calls, voice messages, e-mails, written letters, gifts, or any other method of communication that is undesirable and causes fear in an individual;
- Use of online, electronic, or digital technologies, including the posting of pictures or information in chat rooms or on Web sites;
- Sending unwanted/unsolicited email or talk requests;
- Posting private or public messages on internet sites, social networking sites, group chats, and/or school bulletin boards;
- Installing spyware on a victim's computer;
- Using Global Positioning Systems (GPS) to monitor a victim;
- Pursuing, following, waiting, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the victim;
- Surveillance or other types of observation, including staring or "peeping";
- Trespassing;
- Vandalism;
- Non-consensual touching;
- Direct verbal or physical threats;
- Gathering information about an individual from friends, family and/or co-workers;

- Threats to harm self or others; and
- Defamation – lying to others about the victim.

**Report Stalking** -- Cheyney University encourages the reporting of all incidents of stalking to Public Safety, Residence Life and Housing or any representative of the University. Stalking is a crime in Pennsylvania and is subject to criminal prosecution. Students perpetrating such acts of violence will be subject to disciplinary action through the Cheyney University Office of Student Conduct (or appropriate division office). This can include expulsion from Cheyney University and/or criminal prosecution simultaneously.

### ***Theft***

For the purpose of this policy, theft shall be defined as knowingly taking, receiving, or attempting to take or receive the property of an individual or of the University, without the expressed consent of the owner. Additionally, the removal of any University owned items and furniture from classrooms, dining hall, lounges, residence halls and/or other public areas without the permission of a University official will also constitute a violation.

### ***Trespassing***

Entering and remaining in a University building, including University residence halls without authorization.

### ***Vandalism***

Causing damage to or destroying University property or the property of an individual.

### ***Violations of Civil or Criminal Law***

Students are reminded that they should represent the University in a positive manner, both on campus and off campus. A violation of any provision of federal or state law that adversely affects the University or members of the University community constitutes a violation of the Code of Conduct.

### ***Weapons***

The possession or carrying of any deadly or offensive weapon by any person is prohibited in University academic buildings, administrative buildings, student residence buildings, dining facilities, or while attending a sporting, entertainment or educational event on the University's property or sponsored by the University. Entry upon University property in violation of this prohibition is expressly forbidden. Holders of valid permits to possess weapons will be directed to remove the weapon immediately from University property. Failure to comply with such directive may result in further disciplinary action for students or employees.

A deadly or offensive weapon is defined as "any device designed to produce death or serious bodily injury". Offensive weapons may be any devices so defined under the Pennsylvania Crimes Code Section 908 (c), i.e., those which serve no common lawful purpose. Deadly and offensive weapons may include, but are not limited to:

- a. Firearms, loaded or unloaded
- b. Paint, BB, pellet, flare, tranquilizer, stun, spear, or dart guns
- c. Knives with blades larger than a small folding knife
- d. Any cutting instrument where the blade is exposed in an automatic way
- e. Daggers or swords

- f. Striking instruments, including clubs, truncheons and blackjacks
- g. Fireworks and any explosive devices
- h. Any weapon or item that has been adapted or modified for use as a weapon
- i. Martial arts weapons
- j. Bow and arrow combinations
- k. Ammunition or components to manufacture ammunition

Offensive weapons not included are devices sold commercially such as aerosol dispensers or non-lethal chemical irritants, small pocketknives, or general tools not designed as weapons and used for their lawful and intended purposes.

Due to the risk of being identified as a real weapon, any item which looks like a weapon and is used for any purpose on University property must be reported to and approved by campus police prior to use in any activity. Examples of such activities include official ROTC military exercises, color guard, intercollegiate athletics, class instruction or presentations, dramatic plays, and similar artistic events. Weapons brought to campus for the activities so noted must be stored in a manner approved by the Public Safety with appropriate notification by the student's advisor/professor of the need for such item to be on campus. Failure to comply with such directives may result in further disciplinary action for students.

## Disciplinary Procedures

### Introductory Information

Student conduct that is prohibited by University policies will be addressed under the disciplinary procedures designed to facilitate a fair and impartial resolution of each case. The procedures include disciplinary hearings. Disciplinary hearings, whether held before a Student Conduct Officer or the University Student Conduct Board, are unlike court hearings. Disciplinary hearings involve a full discussion of charges and circumstances. Rules of evidence and procedure differ from those applicable to proceedings before criminal or civil authorities. Therefore, students should familiarize themselves with these procedures to ensure that they are aware of their rights and responsibilities.

In order to ensure impartiality in student disciplinary proceedings, a University Student Conduct Board member or Student Conduct Officer, who has a conflict of interest or a bias toward either side or party is required to recuse they/them/their selves. All potential facts that may give rise to a question of disqualification should be provided to the Chairperson of the University Student Conduct Board for final resolution. The decision of the Chairperson shall be final. In the event that the Chairperson has a conflict, such conflict shall be disclosed to the Director of Student Affairs. The decision of the Director of Student Affairs as to the Chairperson 's participation, is final.

### The University Conduct Board

The composition of the University Student Conduct Board shall be as follows:

- Faculty members to be approved by the Provost and/or Chief Academic Affairs Officer
- Full-time enrolled students that have been appropriately trained
- Administrative staff members to be approved by the Director of Student Affairs
- Students who serve as members of the University Student Conduct Board must have a minimum cumulative grade point average (GPA) of 2.50 and be in good judicial standing.

### Disciplinary Process

1. Complaint is made
2. Notice is provided to student against whom complaint is made
3. Hearing is held
4. Decision is rendered
5. Student has 5 days to appeal
6. Conduct Appeals Committee makes decision, if an appeal is filed

When a student is charged with a violation of conduct regulations, disposition of the student 's case shall occur in accordance with the requirements outlined below:

### Complaint Procedures

Complaints of alleged violations by a student or student groups shall be made in writing and submitted to the Office of Student Conduct. Alleged infractions that take place in the Residence Life and Housing community may be addressed by the Conduct Officer, depending upon the severity of the infraction.

- Preliminary investigations of charges against students shall be made by the University Student Conduct Board through its Chairperson or university designee.
- Each complaint shall contain a statement of facts outlining each alleged act of misconduct and shall state all regulations which the student is alleged to have violated.
- The Chairperson of the Student Conduct Board or the Conduct Officer shall expeditiously set the time and place for a hearing and shall notify the other members.

### ***IMMUNITY***

The University encourages victims of serious crimes to report incidents and encourages all students to report violations of the Code of Conduct. Consistent with these objectives, the University reserves the right to grant amnesty for misconduct that is secondary to the reported misconduct.

Note: Title IX sexual misconduct cases are subject to additional requirements (see Section E of the Code, following). To the extent that there is a conflict between Title IX requirements and Student Code of Conduct requirements, Title IX requirements take precedence.

### ***Notice to the Accused***

- The Chairperson of the Student Conduct Board shall provide notice of the hearing date to the student against whom the Complaint has been filed. The student shall be notified of the alleged violation in writing by the Chairperson of the Student Conduct Board at least 72 hours in advance of the hearing. If the student is being placed on interim suspension, the procedures in the next section of this policy shall apply.
- Notices shall include the date, time, and location of the hearing; a statement of the specific charges and notice to the student that they/them/their are entitled to bring witnesses and one advisor of they/them/their choosing.
- When student has been accused of minor violations, the Notice will explain that they/them/their is afforded the opportunity to waive they/them/their right to a hearing, admit responsibility for the violation, and accept the sanction or to request a formal hearing. A student who agrees to these terms shall be required to sign the Waiver of Rights to a Hearing form.
- Notices will be delivered to the student's university email address or sent to the home address, where appropriate. Where there is reasonable proof that a letter has been delivered, the student will be held responsible for honoring the hearing date.

### ***Interim Suspension***

The University may impose an interim suspension and/or loss of privileges including removal from University-owned housing upon any student whose presence on campus constitutes an immediate threat to the health, safety, and welfare of the student or others, or the welfare of the University, its property, or personnel. In such cases an administrative hearing will be convened within 10 University days, unless extenuating circumstances warrant an extension, in which case a hearing will be provided at the earliest possible date. Please note that Interim Suspension is applied prior to any judicial proceeding.

### ***Hearing Date***

Students who fail to appear at the scheduled hearing on the assigned date will have the hearing rescheduled **only** if a written excuse is submitted to the chair of the Student Conduct Board or Conduct Officer in advance, and a new date is approved by the same. A student's failure to appear for the second scheduled hearing will result in the hearing being conducted in the student's absence, which might result in additional violations and sanctions including a determination of the student's Failure to Comply.

### ***Student Rights***

At hearings of the University Student Conduct Board or Conduct Officer, a student shall be afforded all rights required of due process, including:

- The right to one advisor of they/them/their choice.
- The advisor may not speak during the hearing of the University Student Conduct Board.
- However, the advisor may consult privately with the student.

### ***The Right to Question the Complainant***

- The right to present evidence in they/them/their behalf.
- The right to call witnesses in they/them/their behalf and cross-examine other witnesses.
- The right to remain silent and have no inference of guilt drawn from such silence.
- The right to request a Waiver of Rights to a Hearing Form.
- The right to be advised of they/them/their right to appeal the decision of the University Student Conduct Board or Conduct Officer.
- The right to review the Student Code of Conduct prior to the scheduled hearing.
- The right to request mediation with approval from the chair of the University Student Conduct Board or Conduct Officer.
  - Mediation will not be permitted, under any circumstances, when the alleged misconduct is an act(s) of sexual violence, dating violence, domestic violence or stalking.
  - In cases where mediation is permissible, requests for mediation may be granted only when all parties agree to the mediation process.
- The right to attend classes and university functions until a hearing is held and a decision is rendered unless an interim suspension is in effect or unless the right must be limited or modified if necessitated by the implementation of remedial actions taken pursuant to the University's Policy on Addressing and Preventing Sexual Harassment, Including Sexual Violence.
- The right to receive a copy of the hearing proceedings upon submission of a flash drive.

### ***Hearing Procedures***

- There are two types of hearings at the university, an Administrative Hearing where the Student Conduct Officer or designee makes the decision. Both the Administrative Hearing and a hearing decided by the University Student Conduct Board are the same process the difference is on whether an individual or group determines the outcome. The purpose of the hearing is to hear the facts and circumstances of the alleged incident.

- The hearings shall be closed except for the respondent, the complainant, an advisor for the respondent, the University Student Conduct Board or the Conduct Officer, the University official presenting the case, and Witnesses asked to testify should only be present for the portion of the hearing that involves their testimony and questions arising from that testimony
- A quorum will be necessary to hold a hearing. A quorum shall consist of three members; consisting of faculty/staff, student, and the Committee Chair or Designee.
- The University Student Conduct Board or Conduct Officer shall open the proceedings by reading the statement of charges.
- The Chair of the University Student Conduct Board or the Conduct Officer shall be responsible for maintaining order and room decorum and make all rules reasonable and necessary for the orderly and efficient disposition of the cases. All hearings are closed proceedings.
- Before presenting any testimony, each witness must submit to an oath where their/them/they swear and affirms the truth of statements to be made.
- The student will have the opportunity to enter the plea of responsible or not responsible.
- The charging party shall then present its case against the respondent. This shall be done by the submission of written, physical, and testimonial evidence. The referred party and the University Student Conduct Board or Conduct Officer shall have the right to conduct reasonable and pertinent questioning of the charging party and the charging party's witnesses.
- At the conclusion of the charging party's presentation, the referred party shall present a response to the charges. This shall be done by the submission of written, physical, and testimonial evidence. The charging party and the University Student Conduct Board or Conduct Officer shall have the right to conduct reasonable and pertinent questioning of the referred party and the referred party's witnesses.
- Witnesses will be allowed in the hearing to testify and answer questions posed by the University Student Conduct Board or Conduct Officer. Witnesses will be asked to leave after their testimony has been given and before closing statements are made.
- Each party will have the opportunity to make a closing statement.

### ***Deliberative Process***

The University Student Conduct Board or the Conduct Officer will determine the outcome of the case based on the all materials, testimony, and evidence presented. Hearsay shall not be used as the sole evidence to establish any fact finding necessary to establish responsibility in any case. The decision in the case shall be based upon a ***preponderance of the evidence***. This means that it is more likely than not that the accused committed the alleged misconduct. A majority vote shall be required.

- If the University Student Conduct Board or Conduct Officer determines that the student is responsible, the University Student Conduct Board or Conduct Officer may consider the following elements before imposing a sanction:
  - Evidence presented during the hearing.
  - Academic record and class year of the student.
  - Previous discipline record including that which is public record
  - Demeanor of the accused during the hearing.
  - Members of the University Student Conduct Board shall execute a Statement of Confidentiality as to information received concerning any student disciplinary matter.

### ***Communication of Decision and Appeal Rights***

- The decision reached at the hearing will be communicated, in writing, to the student by the University Conduct Officer. If the decision is that the student is responsible, the assigned sanctions shall also be communicated to the student. Additionally, the student shall be notified, in writing, of they/them/their right to appeal the decision of the University Student Conduct Board or Conduct Officer.
- In cases of appeal, any action assessed by the hearing body or officer shall remain in effect, pending the outcome of the appeal by the University Appeals Committee.
- A brief determination letter shall be sent to the student(s), the Director of Student Affairs, and others as appropriate, within twenty (20) business days after the hearing.

### **Disciplinary Appeal Procedures**

A respondent, or, in limited circumstances, a complainant, may appeal a decision of the University Student Conduct Board or Conduct Officer by filing a written Statement of Appeal with the Executive Director of Campus Life and Student Affairs, or they/them/their designee, within five (5) business days of receipt of the determination based upon one or more of the following grounds:

- The respondent alleges that the hearing process was conducted unfairly and not in accordance with established procedures.
- Respondent alleges that there is new evidence or relevant information, not available at the time of the original hearing, which may alter the outcome of the case.
- Respondent alleges that the University policies, procedures, rules, or regulations alleged to have been violated were not properly interpreted or applied by the University Student Conduct Board or Conduct Officer.
- Respondent alleges that the sanction imposed was not proportionate to the gravity of the misconduct.
- The respondent and complainant have the right to appeal in cases of alleged sexual misconduct.
- The appeal must be filed within five (5) business days of receipt of the determination of the University Student Conduct Board or Conduct Officer.
- Respondent shall clearly state they/them/their grounds for appeal in they/them/their written Statement of Appeal to the Committee. The disposition of the appeal shall be governed by following the guidelines below:
  - Within five (5) business days of receiving the student 's written appeal, the Director of Student Affairs or they/them/their designee, will notify the Chair of the University Conduct Appeals Committee.
  - The Chair of the University Conduct Appeals Committee will convene the Conduct Appeals Committee and review all of the information presented (written summaries, audiotapes, and/or transcripts, any party involved to include the Chair of the University Student Conduct Board) in the case file and make a final decision.
  - Within ten (10) days from the receipt of the appeal the chairperson of the University Conduct Appeals Committee shall convene the committee to make a decision and forward the Committee 's decision regarding the appeal to the Director of Student Affairs.

- The Director of Student Affairs or they/them/their designee, will inform the student, in writing, of the outcome of the appeal. The decision of the University Conduct Appeals Committee is the final decision.

## **SECTION E: STUDENT SEXUAL MISCONDUCT VIOLATIONS OF TITLE IX**

Situations involving allegations of violations of sexual misconduct can be very difficult for both the complainant and the respondent. Title IX of the Education Amendments of 1972 and its underlying regulations mandate that educational institutions prevent and address cases of sexual misconduct against students, whether perpetrated by peers, employees of the institution or other individuals. Cheyney University has appointed Robin Coward, Esquire, as the Campus Title IX Coordinator.

Robin Coward, Esquire, Title IX Coordinator  
Office of the President, Biddle Hall, First Floor.  
[rcoward@cheyney.edu](mailto:rcoward@cheyney.edu)  
610-399-2430

**Alleged violations must be immediately reported to the Title IX Coordinator.**

### **Outline of Process for Sexual Misconduct Violations:**

- Step 1: Incident report is submitted.
- Step 2: Assessment of interim measures take place.
- Step 3: Assessment of a timely warning notification takes place.
- Step 4: Preliminary review of the incident occurs.
- Step 5: Determination of whether the incident is a policy violation.
- Step 6: Notification of fact-finding investigation is given.
- Step 7: Fact finding investigation begins.
- Step 8: Re-assessment of timely warning notification occurs.
- Step 9: Fact finding report is submitted to the Office of Student Conduct.
- Step 10: Administrative hearing takes place with the respondent.
- Step 11: Outcome is reached by hearing panel.
- Step 12: Compliance discussion is held with Title IX Coordinator.
- Step 13: Determination is concluded by hearing officer.
- Step 14: Accountability measures are assigned if applicable.
- Step 15: Students are notified of the outcome and informed of their appeal rights.
- Step 16: Implementation of any further remedies take place.
- Step 17: Sanctions are enforced if applicable.
- Step 18: Process is complete, and case is closed.

### **STATEMENT OF RIGHTS OF THE COMPLAINANT IN CASES INVOLVING SEXUAL MISCONDUCT**

- A. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to university administrators;
- B. The right to be treated with respect by university officials;
- C. The right of both accuser and respondent to have the same opportunity to have others present (in support or advisory roles) during a campus investigation;
- D. The right to be promptly informed of the outcome and sanction of any disciplinary hearing involving sexual misconduct and/or any violent crime offenses;

- E. The right to be informed by university officials of options to notify proper law enforcement authorities, including on-campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student so chooses. This also includes the right not to report, if this is the victim's desire;
- F. The right to be notified of available counseling, mental health or student services for victims of sexual misconduct, both on campus and in the community;
- G. The right to notification of and options for, and available assistance in, changing academic and living situations after an alleged sexual misconduct incident, if so, requested by the complainant and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available);
- H. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- I. The right to have any complaint of sexual misconduct fairly adjudicated and not mediated;
- J. The rights to make a victim-impact statement during the investigation and to have that statement become a part of the report submitted to the Conduct Officer or they/them/their designee.
- K. The right to a campus no contact order against another person who has engaged in or threatens to engage in stalking, threatening, harassing or other improper conduct that presents a danger to the welfare of the complaining student or others;
- L. The right to have complaints of sexual misconduct responded to quickly and professionally by campus law enforcement, Office of Student Conduct and the Title IX Coordinator;
- M. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law and/or cannot be revealed for compelling safety reasons, at least 48 hours prior to the hearing;
- N. The right to preservation of confidentiality, to the extent possible and allowed by law;
- O. The right to an adequate, reliable and impartial investigation closed to the public;
- P. The right to bring a victim advocate or advisor to all phases of the investigation;
- Q. The right to give testimony in a campus hearing by means other than being in the same room with the respondent student;
- R. The right to ask the investigators to identify and question relevant witnesses, including expert witnesses;
- S. The right to be fully informed of campus conduct rules and procedures as well as the nature and extent of all alleged violations contained within the complaint;
- T. The right to have the university compel the presence of student and employee witnesses, and the right to challenge documentary evidence;
- U. The right to have complaints investigated and heard by Student Conduct investigators and administrators who have received annual sexual misconduct training;
- V. The right to appeal the findings and sanctions given to the respondent in accordance with the standards of appeal established for sexual misconduct cases;
- W. The right to have university policies and procedures followed without material deviation;
- X. The right to be considered for amnesty of other Code of Conduct violations when reporting a sexual misconduct incident.
- Y. The right to have the disclosure of this information governed by the Family Educational Rights and Privacy Act and to only permit exceptions that is allowed by the Family Educational Rights and Privacy Act and its regulations. You can find out more information about the disclosing of information by clicking here:  
<https://cheyney.edu/registrar/the-family-educational-rights-and-privacy-act-ferpa/>

## STATEMENT OF RIGHTS OF THE RESPONDENT IN CASES INVOLVING SEXUAL MISCONDUCT

- A. The right to an investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to university administrators;
- B. The right to be treated with respect by university officials;
- C. The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
- D. The right to be fully informed of the nature, rules and procedures of the campus conduct process and to the timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- E. The right to a hearing on the complaint, including timely notice of the hearing date, and adequate time for preparation;
- F. The right not to have irrelevant prior sexual history admitted as evidence in a campus hearing;
- G. The right to make an impact statement during the investigation and to have that statement become a part of the report submitted to the Conduct Officer or his/her designee;
- H. The right to appeal the findings and sanctions given to the respondent, in accordance with the standards for appeal established for sexual misconduct cases;
- I. The right to review all documentary evidence available regarding the complaint, subject to the privacy limitations imposed by state and federal law and or cannot be revealed for compelling safety reasons, at least 48 hours prior to the hearing;
- J. The right to an adequate, reliable and impartial hearing closed to the public;
- K. The rights to have the university compel the presence of students, and the right to challenge documentary evidence.
- L. The right to have complaints investigated and heard by investigators and conduct administrators who have received annual sexual misconduct training;
- M. The right to have university policies and procedures followed without material deviation;
- N. The right to have an advisor or advocate accompany and assist in the campus hearing process. This advisor can be anyone, including an attorney (provided at the respondent student's own cost), but the advisor may not take part directly in the hearing itself, though they may communicate with the respondent student as necessary;
- O. The right to a campus conduct outcome based solely on evidence presented during the investigation process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- P. The right to written notice of the outcome and sanction of the hearing;
- Q. The right to have the disclosure of this information governed by the Family Educational Rights and Privacy Act and to only permit exceptions that is allowed by FERPA legislation. You can find out more information about the disclosing of information by clicking here:  
<https://cheyney.edu/registrar/the-family-educational-rights-and-privacy-act-ferpa/>

## ADMINISTRATIVE FACT FINDING

Upon notification of an alleged sexual misconduct violation, the University's Title IX Coordinator or designee will coordinate an Administrative Fact-Finding process. This investigation will include interviews of the complainant, the respondent, and any witnesses. When the alleged perpetrator is a Cheyney University student, a report of this investigation will be submitted to the Conduct Officer (or designee) for an Administrative Hearing. Included in the report will be a summary of the allegation, a list of university policies that may have been violated and a synthesis of the facts outlining what questions remain and elements that are in dispute or in agreement. Also, investigators will assess the credibility of both complainant and respondent and provide an objective credibility statement based on the interviews and other facts of the case. Respondents and Complainants will be informed of the outcome of the Administrative Fact-Finding process.

## DISCIPLINARY HEARING PROCEDURES

It is important to note that our campus disciplinary process is a type of administrative procedure, not a criminal procedure. It is a University proceeding designed to hold students responsible for their role in violations of the Student Code of Conduct.

As in all other Administrative Hearings, the University will apply a **“preponderance of the evidence”** standard in determining whether a violation of the student code of conduct occurred in cases of alleged sexual misconduct. A preponderance of the evidence standard simply means that it is “more likely than not” that the respondent committed the violation. In addition, the University has chosen to utilize an investigation model for resolving sexual misconduct complaints. The investigation model is non-adversarial and minimizes re-victimization by discouraging interaction between the complainant and respondent. Investigations are conducted with all involved parties separately. Pertinent notes are synthesized and compiled into a Fact-Finding Report. If a Code of Conduct violation is prevalent in the Fact-Finding report, the respondent (also known as the accused student) will be afforded an administrative hearing by the Office of Student Conduct. Outlined below are the additions to the existing Administrative Hearing procedures adhered to in cases of alleged sexual misconduct:

1. Upon receipt of the accusations in the Administrative Fact-Finding Report, an Administrative Hearing will be held.
2. In cases of alleged sexual misconduct, the respondent:
  - a. May select an advocate to guide them through the judicial process;
  - b. Shall be advised of their responsibility to tell the truth before speaking to the charges;
  - c. May decline to answer questions posed during a hearing. The refusal of the respondent to answer questions shall not be considered as evidence of a violation of the Code; however, such refusal may be considered in assessing credibility;
  - d. Shall be allowed to introduce witness testimony, relevant evidence and they/them/their version of the events that resulted in the accusation of a violation of the Code of Conduct;
  - e. May question and examine the relevant statements, evidence and documents presented. The Conduct Officer, designee or Hearing Officer will determine if questions will be submitted in writing prior to the hearing;

- f. May bring an advisor or Judicial Advocate who may consult with and advise the student/student organization but may not otherwise participate in the hearing.
3. Hearing decisions and penalties imposed shall be provided to the respondent or student organization in writing and shall include information about the student's rights to an appeal hearing. Complainants of sexual misconduct violations shall also be notified of hearing decisions and their rights to appeal in accordance with FERPA requirements and Title IX guidelines.
4. All hearing procedures shall be carried out in a timely fashion adhering to the following guidelines:
  - a. All charges of a violation as well as the date, time and place of the hearing shall be provided in writing to the complainant, respondent or student organization;
  - b. The Hearing Officer shall consider the evidence presented within the Administrative Fact Finding Report and provided by the hearing with the respondent to determine if a violation of the Student Code of Conduct occurred. The Hearing Officer shall inform both the respondent and the complainant of the decision. If additional time is required to render a decision, the respondent and complainant shall be informed of the decision within five (5) business days of the hearing conclusion. All decisions will be communicated in writing;
  - c. The respondent and complainant have the right to an appeal in cases alleging sexual misconduct;

#### **APPEALS**

A student may appeal the Administrative Hearing decision, in writing to the University's Appeal's Committee within five (5) class days following the decision.

1. Appeals to the University Appeal Committee or designee must be based on one or more of the following:
  - a. Alleged violations of hearing procedures.
  - b. New information pertaining to the case that was not available at the time of the hearing that may substantially change the decision.
  - c. Sanctions imposed were arbitrary or capricious for the violation of the Student Code of Conduct.
2. The Committee will review the existing record and may:
  - a. Uphold the findings and sanctions.
  - b. Modify some or all of the findings and sanctions.
  - c. Reverse all of the findings of the Administrative Hearing decision.
  - d. Order a new hearing.
3. The Decision rendered by the Committee or Director of Student Affairs is final.

In matters of a safety and/or security risk to the campus, the Director of Student Affairs or designee reserves the right to institute measures to protect the safety and well-being of the campus. In such matters, the Director of Student Affairs or Conduct Officer or designee will have sole discretion to ensure the safety of the University, including but not limited to an interim suspension.

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## **Disciplinary Sanctions**

Violations of the Student Code of Conduct may result in a sanction being imposed. Sanctions are intended to serve as a deterrent to misconduct, to provide educational experiences that will foster the development of conduct demonstrative of responsible citizenship and, most importantly, to protect the safety and welfare of the University Community and to maintain an environment that is conducive to learning. Accordingly, sanctions are levied relative to the nature and scope of the violation. Repeat offenders will be subject to more severe sanctions than first- time offenders.

To ensure that an educational environment characterized by collaboration, collegiality, and cooperation is maintained, Cheyney University of Pennsylvania has the right to levy sanctions against any student or student organization, including Greek letter and social organizations, found responsible for violating the standards of behavior and conduct established by the University. Students who aid, abet, encourage, request, initiate, assist, or have knowledge of any other student, non-student, or student organization in acts which violate this Student Code of Conduct may be subject to the disciplinary process. Elected student officials, more specifically, class and Student Government Association (SGA) officers, Greek Life/Social Fellowship leadership and active membership along with other Student Leadership Positions and officers, who are found responsible for a violation of the Student Code of Conduct by the University Student Conduct Board or a Residence Life Hearing Officer may be subject to removal from the elected and/or appointed office.

Serious violations that threaten the health, safety, and welfare of individuals or the welfare of University property may result in immediate suspension (interim suspension) from Cheyney University. The University's Director of Student Affairs may expel students from the University for violations that threaten the health, safety and welfare of the University or for repeated violations of the Student Code of Conduct that are disruptive to the learning environment.

The following are disciplinary sanctions, which may be imposed for a violation:

### **Disciplinary Reprimand:**

- Students will be informed, in writing as an official warning that their conduct violates one or more of Cheyney University of Pennsylvania 's policies, procedures, rules, or regulations.

### **Disciplinary Probation:**

- Students will be informed, in writing that their warrants probation for a specified period of time. Students to whom a sanction of disciplinary probation is imposed are not considered in good standing with the University. Disciplinary probation is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated.

### **Restrictions on Participation/Attendance at Activities and Events:**

- Students and student organizations will be informed, in writing, that student(s) is/are banned from specific University sponsored and/or approved activities and events for a specified period of time or removed from student leadership positions for a specified period of time.

**Restitution:**

- Students will be required to provide reimbursement for repair of damage or replacement of property that was stolen, defaced, lost or damaged as a result of a violation of the Code of Conduct. Restitution may take the form of appropriate service or other compensation. Either full payment or an agreement for partial payment according to a schedule agreed to by the Conduct Officer/University Student Conduct Board is required before the student may register for classes again, or in the case of seniors, before the student may graduate.

**Residence Hall Reassignment:**

- Students will be informed in writing that they are being involuntarily reassigned to a new housing assignment on campus. This action may include restriction from entering specific University-owned or affiliated buildings for a designated period of time.

**Educational/Developmental Assignments:**

- Students may be given the responsibility of completing an assignment or project that offers an educational benefit or other opportunity for growth. Students may be required to demonstrate responsibility as a member of the university. Educational assignments are based on an individual assessment of each case.
- Educational/developmental assignments include, but are not limited to:
  - Individualized and/or group sessions to address alcohol consumption and its adverse consequences, promote healthy choices, and develop coping skills for risk reduction, mediation, life skills, and/or critical thinking.

**Community Service:**

- Students will be assigned a specific number of hours to perform service for the Cheyney University of Pennsylvania community on campus. The department supervisor must submit written approval for service, as well as confirmation upon completion.

**Written Assignment:**

- Students can reflect on a violation in writing. If the paper does not meet the minimum requirements and/or is not satisfactory in its content, the Residence Life Hearing Officer or University Student Conduct Board can return the paper and require it to be rewritten. All assignments need to be submitted electronically and a hard copy to the Residence Life Hearing Officer or University Student Conduct Board Committee on or before the due date.

**Letter of Apology:**

- Students will be required to write a letter of apology to the individual(s) that the violation was transgressed against. All letters of apology must be reviewed by the Residence Life Hearing Officer or the Chair of the University Student Conduct Board before it can be distributed to the designated student(s).

**Collaborate and Coordinate an Educational Program with an Office on Campus:**

- Students will be assigned to an on-campus office to collaborate and assist with the facilitation of a University sponsored program.

**Educational Assignment:**

- Students will be assigned and given written directions to attend, assist, create and/or complete an educational project and/or University- sponsored event that will benefit the student as well as the University community.

**Interview of an on Campus Professional:**

- Students will be assigned the task of interviewing an on campus professional to gain a better understanding of a specific topic or policy.

**Mentorship Program:**

- Students will be assigned to a volunteer professional University mentor for a specified period of time.

**Referral:**

- Students may be required to seek evaluation through off campus counseling resources and comply with the recommendations that result from the evaluation.

**No Contact Directive:**

- This action is implemented to avoid initiating contact with another member of the university community and may include limited access to areas to avoid incidental contact includes direct interactions in person or through technology as well as the use of third parties to interact (i.e. family, friends, etc.). Failure to adhere to this sanction may be grounds for a student to be issued more severe sanctions and/or arrested depending on the severity of the violation.

**Residence Hall Suspension:**

- Students will be involuntarily separated from the Residence Life program at Cheyney University of Pennsylvania for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. Students residing on campus will be required to schedule an appointment with the Director of Residence Life and Housing to discuss and receive approval and to be reinstated into housing. When a suspension from the University of its residence hall is imposed, the student loses the privilege to reside in the residence halls of Cheyney University, as specified by the University Hearing Officers and/or the University Student Conduct Board. Students who are suspended from the residence halls forfeit room and board charges that have been paid. See REFUND POLICY in the Cheyney University Student Handbook. Students suspended from the residence halls or the University are prohibited from entering or visiting any University residence halls.

**Fines:**

- Fines levied are sanctioned as a means to deter unacceptable and unsafe behavior. All fines will be paid directed to the Business Office. These funds will be used to create education programs for the University community. Students found in violations of these policies may be subject to the following fines:

**Fighting/Infliction of Harm:**

- **First Offense - \$100**
- **Second Offense - \$200**

**Possession or Use of Drugs and Drug Paraphernalia Violations**

- **First Offense - \$100**
- **Second Offense - \$200**
- **Third Offense - \$300**

**Possession or Use of Alcohol and Alcohol Containers Violations**

- **First Offense - \$100**
- **Second Offense - \$200**
- **Third Offense - \$300**

**Failure to Provide Residence Hall Room Key after Three Lockouts**

- **\$25.00**

**Improper Check-Out and/or Excessive Trash in Residence Hall Room**

- **\$60**

**Conduct Requiring Excessive Cleaning and Removal of Trash Charges in a Residential Area**

- **\$30/hour**

**Failure to Evacuate the Residence Halls during a Fire Alarm**

- **First Offense - \$100**
- **Second Offense - \$200**

### **Interim Suspension:**

- This action will be imposed if it is determined that the student 's continued presence constitutes an immediate threat of harm to the student, other students, university personnel, or university property. Students will be informed, in writing, that he/she is suspended from Cheyney University of Pennsylvania, pending final disposition of the student 's case. Suspensions can be issued by the following persons:
  - Director of Student Affairs
  - Student Conduct Officer

If an interim suspension is imposed, a hearing shall be convened within ten (10) business days, unless extenuating circumstances warrant an extension, in which case, a hearing shall be provided at the earliest possible date. Students will be required to return their Cheyney University ID card and room key (if applicable) before they vacate the University premises. Students suspended from Cheyney University are prohibited from visiting any and all affiliated University premises and facilities during the term of the suspension and will be considered to be trespassing if they violate this directive.

### **Deferred Suspension:**

- Students will be informed, in writing, that even though their conduct warrants suspension, a suspension is being deferred at this time. Students to whom a sanction of deferred suspension is imposed are not considered in good standing with the university. Deferred suspension, like disciplinary probation, is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated. If during the period of deferred suspension, a student is again found responsible for a violation of the Student Code of Conduct or violating an order of the University Student Conduct Board or Residence Life Hearing Officer, the student can be immediately suspended from Cheyney University of Pennsylvania.

### **Disciplinary Suspension:**

- Students will be involuntarily separated from the University for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. This action involves the following: loss of the privilege to be enrolled as a student at Cheyney University, from one to eight semesters; notation of the suspension on the student 's disciplinary records; withdrawal from all courses in accordance with university policy; and forfeiture of tuition and fees. See REFUND POLICY in the Student Handbook. Students will be required to return their Cheyney University ID card and room key (if applicable) before they vacate the University premises. Students suspended from Cheyney University are prohibited from visiting any and all affiliated University premise and facilities as they will be considered as trespassing.

### **Expulsion:**

- The student is separated from the university permanently. There are no revisions for the readmission if student in the future. See REFUND POLICY in the Student Handbook. Students will be required to return their Cheyney University ID card and room key (if applicable) before they vacate the University premises. **Students expelled from Cheyney University are prohibited from visiting any and all affiliated University premises, as well as complete all requirements pertaining to withdrawing from the University.**

**Stops on Accounts/Records:**

- The University may withhold transcripts, diplomas, or other official records and/or suspend certain privileges such as class registration, moving into the residence halls, pending the disposition of cases and completion of sanctions if such action is reasonably necessary to preserve the University 's ability to enforce its disciplinary rules.

**Inactivation:**

- Temporary loss of University recognition and campus privileges for a designated period of time not to exceed five (5) years, imposed upon a student organization.

**Termination of University Recognition of a Student Organization:**

- The organization is not eligible for reinstatement for a minimum of five (5) years. Only the Director of Student Affairs or Director of Student Activities can grant reinstatement of an organization's recognition. Consideration for reinstatement must be accompanied by a written proposal developed under the guidance of the Director of Student Activities. The proposal for reinstatement must also include the following criteria: letter of endorsement/support from a opposed faculty/staff advisor and Student Government Association (SGA).