APPENDIX D: CODE OF STUDENT CONDUCT

Rationale
The primary purpose for the imposition of discipline in the university setting is to protect the campus community. Consistent with that purpose, reasonable efforts will also be made to foster the personal, educational and social development of those students who are held accountable for violations of University regulations. However, the University must commit its policies and procedures first of all to protect and promote the academic enterprise. Consequently, it may be necessary to suspend or expel students who have been found responsible for violations of this Code, or who otherwise pose a substantial danger to the campus community.

Scope
1. The Code of Student Conduct applies to all students, student organizations and groups as defined herein. Each student shall be responsible for their conduct from the time of admission through the actual awarding of a degree.
2. This Code applies to students and student organizations including behavior: (1) occurring in any University facility or on any University property; (2) in connection with any University sponsored, recognized, or approved program, visit or activity, regardless of location; (3) that adversely affects the University’s pursuit of its mission or policies, regardless of location; (4) that otherwise threatens the health or safety of any member of the University community, regardless of location.
3. When there are criminal or civil charges pending:
   a. When there is evidence that a student has committed a crime on campus, disciplinary action at the University will normally proceed independently of pending criminal charges, including when charges involving the same incident have been dismissed or dropped. The student may also be subject to civil authorities as well as University action.
   b. Where there is evidence that a student has committed a crime off campus the director of Student Conduct will determine whether to resolve the case immediately or wait for the criminal justice process to conclude. A decision on whether to proceed with the conduct process or wait for the criminal justice process to conclude will be informed by access to available evidence, the seriousness of the charges, potential for harm to the campus community, location of the incident (on- or off-campus), and other relevant factors.

Definitions
1. Campus disciplinary actions for allegations of off-campus event related misconduct (see definitions) may take place regardless of the existence, status, or outcome of any criminal charges in a court of law related to the misconduct.

i. Additionally, interim action may be taken before any court action is completed. See section on interim action.

1. Campus disciplinary actions for allegations of off-campus event related misconduct (see definitions) may take place regardless of the existence, status, or outcome of any criminal charges in a court of law related to the misconduct.
• **Policy:** is defined as the written regulations of the University as found in, but not limited to, the Code of Student Conduct, Policies for On-Campus Housing, the Undergraduate Catalogue, the Graduate Catalogue, and polices found on the Towson University Policies Affecting Students page: www.towson.edu/studentaffairs/policies/

• Towson University’s **Policy on Sexual Misconduct** can be found at: https://www.towson.edu/studentconduct/sexualmisconduct/06-01.60-policy-on-sexual-misconduct.pdf

• **Preponderance of evidence** is that evidence which, when fairly considered, produces the stronger impression, has the greater weight, and is more convincing as to its truth when weighted against the evidence in opposition thereto.

• **Responding party:** means any student accused of violating the **Code of Student Conduct**

• **Reporting party:** means any person who believes that they have been the victim of a student’s misconduct or any person who submits an allegation that a student violated the **Code of Student Conduct**

• **Student:** includes all persons who are admitted to Towson University, whether or not they are currently enrolled in courses pursuing undergraduate, graduate, professional, certificate, non-degree, or continuing studies. Persons who miss a Fall or Spring term and are required to submit an application for reenrollment are not subject to the code unless they are serving the term of a sanction (i.e. suspension).

• **Support person:** when the responding party or the reporting party is a student, they are entitled to be accompanied by a support person in all meetings related to the Student Conduct process. This includes informational meetings, investigation meetings, conduct resolution meetings, and University Hearings. A support person is someone who provides support, guidance, and/or advice to the student, however this individual cannot speak on behalf of the student, directly participate in the proceedings, or submit any written requests (including appeals) on behalf of the student. The support person cannot serve as a witness during a conduct resolution meeting or University Hearing. This individual may be a family member, friend, faculty member, staff member, or other advisor/support. This person may be an attorney, but may not act as legal counsel in these meetings. Should a support person not adhere to these expectations, or attempt to play an active role in any proceedings, the Hearing Officer or staff member, at their discretion, may remove the support person from the room. **All meetings are scheduled based on student class schedules; we may not be able to accommodate the schedules of support persons or other non-class obligations.**

• **University and Institution:** both refer to Towson University (TU).

• **University Hearing:** see section in **Code**

• **University official:** includes any person employed by the University, performing assigned administrative, professional or paraprofessional responsibilities (including student resident assistants and building managers).

• **University premises:** includes all land, buildings, facilities and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

**Prohibited Conduct**

The following misconduct is subject to disciplinary action:

1a. Intentionally furnishing false information to the institution; this includes lying to University officials.

1b. Forging, altering or using instruments of identification or institutional documents with intent to defraud, or to otherwise benefit there from.

1c. Possession of false identification (e.g. a false driver's license).

2a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or normal University operations.

2b. Disruption or obstruction of University-sponsored activities or events.

2c. Off-campus conduct that is disorderly and disrupts others in the community.

3. Uncooperative behavior and/or failure to comply with proper instructions of officials acting in performance of their duties.

4a. Possession or use of alcoholic beverages in the following manner: by any person under 21 years of age; or, possession of, or consumption from, an open container in any public area which has not been approved by Towson University; or, a person 21 years of age or older purchasing for, serving to, or otherwise distributing alcohol to any person who is under 21 years of age.

4b. Public intoxication.

5a. Possession or use of illegal drugs, unauthorized controlled substances, or drug paraphernalia when not in accordance with established policy.

5b. Sale, distribution or intent to distribute, and/or manufacture of illegal drugs or controlled substances when not in accordance with established policy.


7a. Unwanted physical contact or threat of physical contact with a University official.

7b. Threats of violence or placing a person in fear of imminent physical injury or danger.

7c. Endangering conduct that imperils or jeopardizes the health or safety of any person or persons, including oneself.

8. Discrimination against any person (see definition).

9. Harassment of any person (see definition).

10. Abuse of any person; this includes verbal, written, electronic, or telephone abuse.

11. Acts that invade the privacy of another person.

12. Violation of the Towson University Policy on Sexual Misconduct.

13. Lewd, obscene or indecent behavior.

14. Intentionally or recklessly damaging, destroying, defacing or tampering with University, public or personal property of another.

15. Theft of property or services. This includes, but is not limited to, attempted theft, conspiracy to steal, knowing possession of stolen property, and misappropriation of another’s property.

16. Unauthorized entry, presence, or use of University property, facilities, systems, or records.
17. Event-related misconduct (see definitions).

18. Violation of published institutional regulations and policies.

19. Violation of state, federal and local laws.

20. Violation of the University Policy on Weapons Prohibited (this includes possession of firearms on campus, possession of stun guns, and other items described in the policy).

21. Possession of explosives, fireworks, or pyrotechnic paraphernalia on campus.

22. Violation of the Policies for On-Campus Housing.

23. Violation of the Student Academic Integrity Policy.

24. Unauthorized use of the name "Towson University" or the unauthorized use of any University trademark, service mark, logo or seal for advertising or promotional purposes in a manner that expressly or impliedly indicates the University's endorsement.

25. Retaliation against a person(s) alleging misconduct.

26. Violation of any disciplinary sanction.

Sanctions

The following sanctions may be imposed upon students and all student organizations for violations of the Code of Student Conduct. With certain exceptions, federal regulation prohibits disclosing the outcome of disciplinary proceedings to anyone other than to the responding party and to appropriate University personnel. The first exception relates to the disclosure of the final results of the University’s disciplinary proceeding to a victim of an alleged crime of violence or of a non-forcible sex offense regardless of whether the University concluded a violation was committed. In addition, the parents of students under the age of 21 may be notified when students are found responsible for violations of the University’s alcohol or drug policies.

1. Censure: A written reprimand for violation of specified regulations, including a warning that continuation or repetition of prohibited conduct may be cause for additional disciplinary action. This may include a specified period of probation.

2. Probation: Notice to the student that any further disciplinary violation, during a specified period of time, may result in suspension or expulsion from the University and/or on-campus housing.

3. Social Probation: Exclusion from participation in privileged or extracurricular institutional activities, including NCAA athletic events or practice, for a specified period of time. Additional restrictions or conditions may also be imposed. Violations of the terms of social probation, or any other violation of this Code during the period of probation, will normally result in a fine, suspension or expulsion from the University.

4. Suspension: Suspension involves separation of the student from the University for a specified period of time and usually impairs a student’s ability to pursue work at other colleges and universities. Normally, the student will also be barred from University premises during the period of suspension. Any student who is suspended shall not be entitled to any tuition or fee refund.

5. Expulsion: Expulsion constitutes permanent separation of the student from the University. Normally, the student will also be barred from University premises upon expulsion. Any student who is expelled shall not be entitled to any tuition or fee refund.

6. Event-related misconduct suspension or expulsion: In general, a student found responsible on a charge of event-related misconduct shall be suspended or expelled. Any decision to impose a sanction less than suspension or expulsion for University-sponsored event-related misconduct (see Definitions) must be supported by written findings signed by the vice president for Student Affairs. A record of any suspension or expulsion for University-sponsored event-related misconduct shall be noted on the student’s transcript for the duration of the sanction, or longer if so specified in the final notice of sanction.

A student suspended for event-related misconduct shall not be admitted to any other institution in the University System of Maryland during the term of the suspension. A student expelled for event-related misconduct shall not be admitted to any other institution in the University System of Maryland for at least one year from the effective date of the expulsion. Any student who is suspended or expelled shall not be entitled to any tuition or fee refund.

7. Suspension of group: Suspension shall consist of the withdrawal of an organization’s recognition by the University, for a stated period of time, when an organization is found to have violated regulations. Suspension shall result in complete suspension of activities of the group during the stated period of time and may also include conditions for removal of suspension.

8. Organizational dissolution: Organizational dissolution is a sanction imposed only upon student organizations guilty of serious and/or repeated violations of these standards. The sanctions involve permanent withdrawal of recognition by the University, denial of the use of University facilities or funds, and official dissolution of the organization on the campus.

9. Restitution: Restitution may be imposed on students whose violation has involved monetary loss or damage. Fines may be imposed in addition to restitution. Restitution becomes a financial obligation to the University and either full payment or an agreement for partial payment according to a schedule agreed to by the director of the Office of Student Conduct and Civility Education is required before a student may register for classes again, or in the case of seniors, before the student may graduate or before the diploma is released.

The University typically does not issue restitution to third parties, including other students, as part of a disciplinary action.

10. Removal from on-campus housing: This sanction prohibits a student from residing in on-campus housing for a stated period of time. Any student who is removed from on-campus housing shall not be entitled to any refund of housing costs. In addition to removal, students are typically banned from being in or around (as determined by University staff) all on-campus housing.

11. Fines: Fines of varying amounts may be imposed for certain violations. Fines issued to students for misconduct typically start at $100, with the exception of off campus disorderly and disruptive conduct violation, and may increase incrementally for subsequent violations or instances when the student is found responsible for multiple charges related to the same incident. These increases are typically in increments of $50. It should be noted that the severity of the incident may also impact this fine resulting in a higher amount charged. Additionally, students with a prior disciplinary record may receive higher fines if their prior history supports such action. Fines must be paid prior to the end of the current term, otherwise a student’s registration privileges will be withheld or prior registration canceled.

12. Other sanctions: Other sanctions may be imposed instead of or in addition to those specified above. For example, participation in and completion of an approved alcohol or drug educational/treatment program; restrictions upon or denials of University parking privileges.
for violations involving the use or registration of motor vehicles on campus; community service hours or research projects; educational sanctions or workshops; or probation of a University Housing Contract.

Standards and Procedures of Due Process

1. When a student is charged with a violation of one or more provisions of this Code, a letter listing the charges will be given or sent to the student within a reasonable amount of time. At a meeting with a representative of the Office of Student Conduct & Civility Education, the student will be informed of:
   a. Specific violation(s)
   b. Description of alleged incident
   c. Rights of appeal

2. Students facing suspension or expulsion from the University, or removal from on-campus housing if found responsible for their charged violation, will be entitled to a University Hearing, except as described in Scope above. With the exception of allegations of academic dishonesty, students subject to any other sanction will typically be entitled to a Conduct Resolution Meeting. Please refer to the Student Academic Integrity Policy for specifics.

3. The purpose of a disciplinary proceeding is to provide a fair evaluation of a responding student’s responsibility for violating the Code of Student Conduct. Although formal rules of evidence need not be applied, procedures shall comport with standards of fundamental fairness. Harmless deviations from the prescribed procedures shall not necessarily invalidate a decision or proceeding unless significant prejudice to a responding student or the University may result.

4. Any person may refer students or student groups or organizations suspected of violating this Code to the Office of Student Conduct and Civility Education. Allegations of violations occurring within on-campus housing may be referred to the Department of Housing and Residence Life.

   a. Those referring cases are normally expected to serve as a witness and to present relevant evidence during a University Hearing or Conduct Resolution Meetings.
   b. Suspensions and expulsions from the University will be made by the vice president for Student Affairs or designee. All other sanctions will be determined by the director of the Office of Student Conduct and Civility Education, or designee. In all cases, the responding party will be notified in writing of any sanctions to be imposed and of their rights of appeal.

5. Every student is guaranteed the right to inspect and review all information in their own files maintained by the Office of Student Conduct and Civility Education, subject only to reasonable regulations as to time, place and supervision. However, the student may not have copies of items in a file.

   a. A student may challenge the accuracy or presence of any item by following the standard appeal process (see Appeal Procedures below).
   b. When a case is referred, a disciplinary file may be developed in the name of the charged student.
   c. The file will be voided if the charges against the student are not substantiated.

   d. The file, including any University Hearing audio recordings, will be retained for seven years if the charges are substantiated. Disciplinary records may be retained for longer periods of time or permanently if the sanction is suspension or expulsion from the University or on-campus housing.

   e. Any record, file or incident report to which the student has access and an opportunity to respond, or records of previous hearings, may be taken into consideration by the decision-maker in arriving at an appropriate decision.

   f. Pursuant to the Family Educational Rights and Privacy Act of 1974, as revised, the Office of Student Conduct & Civility Education reserves the right to notify parents of students under the age of 21 who are found responsible for alcohol or drug violations of the Code of Student Conduct.

Conduct Resolution Meeting and University Hearing Procedure

Conduct Resolution Meeting: The Conduct Resolution Meeting is designed to reduce unnecessary proceduralism and potential contentiousness in disciplinary proceedings. A Conduct Resolution Meeting will normally begin with an informal, non-adversarial meeting between the responding party and a University administrator, as designated by the director of the Office of Student Conduct and Civility Education. The University shall consider all matters that reasonable persons would accept as having probative value, including documentary evidence, written statements and hearsay. The responding party will be given access to documentary evidence and written statements in advance or during the initial meeting and allowed to respond to them. Responding parties are also allowed to submit the names of appropriate and relevant witnesses. The responding party will be found responsible if the University administrator decides that a preponderance of evidence supports the charges.

The following procedural protections are provided to respondents in the Conduct Resolution Meeting:

1. Written notice of the specific charges prior to or at the initial meeting
2. Reasonable access to the case file during the Conduct Resolution Meeting or at the student’s request
3. An opportunity to respond to the evidence and call appropriate and relevant witnesses.

University Hearing: Students subject to suspension or expulsion from the University, or removal from on-campus housing, will be entitled to a University Hearing. However, when a student agrees to all charges of the Code listed in their charge notice, they waive their right to a University Hearing, but may request a meeting with their hearing officer to discuss sanctions.

The following procedural guidelines shall be observed for all hearings held by the University Hearing Board, except in cases of alleged violations of the Towson University Policy on Sexual Misconduct (see www.towson.edu/studentconduct/sexualmisconduct/reporting.html). The University Hearing Board will be composed of the hearing officer, who shall preside and make the final decision, and student conduct aides. In the absence of the student conduct aides, the hearing officer may hear and decide the case alone. A case may not be heard if the hearing officer is not in attendance. The hearing officer shall be responsible for submitting the hearing panel’s report to the Office of Student Conduct and Civility Education.

1. The responding party shall be given notice of the hearing date and the specific charges against them at least three business days in
advance and shall be accorded reasonable access to the case file, which will be retained in the Office of Student Conduct and Civility Education. (In some cases, the responding party may choose not to wait three days for a hearing to take place.)

2. The hearing will be audio recorded.

3. The responding party may be present for the hearing. If more than one student is charged with the same incident, the University may hold a combined hearing. If the responding party fails to appear, this will be stated for the record and the hearing will continue.

4. The responding party may be accompanied by a support person.

5. The hearing officer shall exercise control over the proceedings to avoid needless consumption of time and to achieve orderly completion of the hearing. Any person, including the responding party, who disrupts a hearing may be excluded by the hearing officer.

6. The responding party will be found responsible if the hearing officer decides that a preponderance of evidence supports the charges.

7. Formal rules of evidence shall not be applicable in disciplinary proceedings conducted pursuant to this Code. The hearing officer shall admit all matters into evidence that reasonable persons would accept as having probative value, including documentary evidence, written statements, and hearsay. Repetitious or irrelevant evidence may, however, be excluded. Documentary evidence and written statements shall only be admitted into evidence if available to the responding party before or during the hearing.

8. The director of the Office of Student Conduct and Civility Education may appoint a special hearing panel member in complex cases. Special panel members may question all parties, participate in hearing panel deliberations, and offer advice to the hearing officer.

9. The hearing officer’s report will be presented to the Office of Student Conduct and Civility Education. The responding party may view the hearing officer’s written report by appointment.

10. The responding party will receive the decision in writing from the vice president for Student Affairs or designee.

Disciplinary Procedures for Student Organizations, Groups, and NCAA Teams

Student organizations, groups and NCAA teams (referred to here collectively as “group”) may be charged with violations of the Towson University Code of Student Conduct.

When one or more members of a group are charged with a violation of the Code of Student Conduct, the University may charge the group as well. A student group and its officers may be held collectively and individually responsible when violations of this Code by those associated with the group have received the consent or encouragement of the group or of the group’s leaders or officers.

A position of leadership in a student group entails responsibility. Student officers or leaders cannot knowingly permit, condone or acquiesce in any violation of this Code by the group. This section of the Code is designed, in part, to hold a group and its officers accountable for any act of hazing. The express or implied “consent” of the victim or participant is not a defense.

The officers, leaders or any identifiable spokesperson for a student group may be directed by the vice president for Student Affairs or designee, to take appropriate action designed to prevent or end violations of this Code by the group. Failure to make reasonable efforts to comply with the vice president for Student Affairs’ directive shall be considered a violation of this Code, both by the officers, leaders or spokesperson for the group and by the group itself.

A Conduct Resolution Meeting, or whenever appropriate, a University Hearing, for student groups will be conducted in a manner similar to the procedures listed above. Conferences shall be conducted with one spokesperson representing the group, usually the president. Any sanction listed in the Code of Student Conduct may be imposed on a group and its individual members. If individual members are subject to suspension or expulsion from the University for actions of the group, those individuals will be offered a University Hearing.

A group may be held responsible for violations of the Code of Student Conduct resulting from the actions of its members, if the actions: arose out of activities related to the group; were encouraged, fostered or condoned by the group; were known or should have been known by members of the group; or were activities that the group could have prevented.

To be held responsible for group misconduct, it is not necessary that the misconduct be approved by the entire group nor is it necessary that more than one group member be involved in the misconduct.

In determining whether a group is responsible, the University may consider, among other factors, whether the misconduct would have occurred if the participating individuals were not members of the group or whether the misconduct was encouraged, fostered or condoned by the group or whether the misconduct could have been prevented by the collective action of the group.

Interim Administrative Action

The vice president for Student Affairs or designee may impose interim administrative action, including emergency suspension from the University, barring from on-campus housing, changes to academic schedule or housing assignment, no contact orders, and restrictions on a student prior to final resolution of Code of Student Conduct charges.

Any interim administrative action shall be reviewed, and appropriate final action taken, at the student’s request or at the university’s discretion, based on information available.

The student will be offered a meeting with a university official to discuss the interim administrative action. In situations where a student is not able to meet with a university official, interim administrative action may still be taken pending a meeting with the student.

1. Emergency Suspension
   a. When there is evidence that the continued presence of a student on the University campus poses a substantial threat to themselves or others, or to the stability and continuance of normal university functions, the vice president for Student Affairs or designee, may immediately suspend a student from any or all University activities, including on-campus housing, for an interim period pending a hearing or medical evaluation. Such an emergency suspension may become effective immediately without prior notice.
   b. An emergency suspension may be imposed only:
      i. to ensure the safety and well-being of members of the University community;
      ii. to ensure the student’s own physical or emotional safety and well-being;
iii. If the student poses a definite threat of, disruption of, or interference with the normal operations of the University.

1. A student issued an emergency suspension shall be denied access, as determined appropriate by the vice president for Student Affairs or designee, to:

   i. The entire campus, including classes;

   ii. On-campus housing and dining facilities;

   iii. All other activities or privileges for which the student might otherwise be eligible.

   1. In these cases, a University Hearing or medical evaluation will be scheduled as soon as is practicable.

Appeal Procedures

Any disciplinary determination resulting in expulsion or suspension from the University, or removal from on-campus housing may be appealed to the Student Appeals Committee.

Any disciplinary determination resulting in any lesser sanction except as provided below may be appealed to the vice president for Student Affairs or designee.

The basis for appeal of a disciplinary sanction must be one of the following:

• a flaw in the student’s right of due process
• evident bias in the decision of the hearing board or the individual conducting an Conduct Resolution Meeting
• new evidence or insufficient consideration of all aspects of the situation
• inconsistent or overly severe sanction imposed

Appeals must be submitted in writing to the Office of Student Conduct and Civility Education by the deadline indicated in the sanction letter. Only the reporting or responding student may submit an appeal, appeals may not be submitted by third parties, including parents or attorneys. Failure to appeal within the allotted time will render the original decision final and conclusive. Appeals shall be decided upon the record of the original proceedings, written letters submitted by the parties, and any further information requested by the committee, vice president for Student Affairs, or designee. The imposition of sanctions will not be deferred during the appeal process unless the student presents a compelling reason to the vice president for Student Affairs or designee.

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