APPENDIX D: CODE OF STUDENT ACCOUNTABILITY

I. Policy Statement:

Towson University ("Towson" or "University") is dedicated to supporting and maintaining a scholarly community. To help protect the campus community and advance its educational mission, the University publishes a *Code of Student Accountability* ("*Code*") and recommend appropriate accountability actions upon Students being found responsible for violating that *Code*. The purpose of this *Code* (and associated procedures) is to ensure a fair and impartial accountability process.

The Code outlines policies and procedures that seek to:

- **Develop**, implement, and assess educational and disciplinary Accountability Actions that empower students to think critically, to make safe and healthy choices, and to become engaged community members.
- **Educate** the campus community on the Code of Student Accountability and community standards of acceptable behavior.
- **Engage** students in opportunities for learning through their participation in an educational, fair, equitable, and multi-faceted adjudication and accountability process that addresses allegations of misconduct.
- **Promote** a campus climate rooted in civility by offering educational sessions, programs, consultation to the campus community, and an Alternative Resolution Process.

The University endeavors to promptly and thoroughly investigate allegations that a Student violated the *Code*. Upon receiving such allegations, the Office of Student Accountability and Restorative Practices conducts a preliminary review of the circumstances and reasonably available information. It does so to inform its decision whether there is sufficient evidence to support a reasonable belief the individual violated the *Code*. If there is not sufficient evidence, the University withdraws the charge allegation(s) and takes no further action. If there is sufficient evidence, it proceeds with the accountability process described herein.

Students have the right to participate in the accountability process and may offer evidence and information consistent with relevant procedures. A Student may appeal the imposition of accountability action consistent with this *Policy* and procedures.

If there is a finding that a Student has violated the *Code*, Towson imposes accountability action, including, though not necessarily limited to, suspending or expelling the Student. It may also impose other accountability obligations upon Students found to have violated the *Code (e.g.,* a meeting a Student must attend or an activity they must complete prior to being allowed to return to campus). As appropriate, the University will take reasonable efforts to resolve cases which effectively encourages and fosters the personal, educational, and social development of those Students found to have violated the *Code*.

When Students choose to accept admission to Towson, they are expected to maintain a high standard of behavior as outlined by this *Code*. Because the University establishes high standards for membership in the University community, its standards of behavior, while falling within the limits of the law, may exceed federal, state, or local requirements. The University has a vested interest in the contributions Students make and the impact they have on the broader community; therefore the University expects students to uphold these standards of behavior both on and off campus.

II. Responsible Executive and Office:

Responsible Executive: Vice President for Student Affairs
Responsible Office: Office of Student Accountability and Restorative Practices

III. Entities Affected by this Policy:

All members of the University Community.

IV. Scope

1. The *Code* applies to all Students, Student Groups, and Student Organizations.
2. Each Student is responsible for their behavior under the *Code* for the period of time they meet the definition of Student.
3. This *Code* applies to behavior: (1) occurring in any University facility, on any University property, or off-campus; (2) occurring in connection with any University sponsored, recognized, or approved program, visit, or activity; (3) that adversely affects the University's pursuit of its mission or policies; or (4) that otherwise threatens the health or safety of any member of the University Community.
4. When there are pending criminal or civil charges:
   a. The University will pursue its accountability process independent of those pending charges, regardless of whether they are dismissed, dropped, or otherwise resolved.
   b. The SARP Director or their designee may approve Interim Administrative Action prior to the conclusion of a criminal or civil case.
   c. The SARP Director or their designee will determine whether to proceed with the disciplinary process or wait for the accountability process to conclude. This decision will be informed by the reasonably available evidence, nature of the charges, potential for harm to the University Community, location of the incident (on- or off-campus), and/or other relevant factors.
5. Campus accountability actions for allegations of off-campus Event-Related Misconduct may take place regardless of the existence, status, or outcome of any civil or criminal charges in a court of law related to the alleged misconduct.

If, prior to the Student matriculating to the University, the University discovers an admitted student falsified or omitted information on their application or documents considered for admission, the University may revoke admission without following the procedures listed below. The individual may then reapply using accurate information.

V. Definitions

1. **Accountability Resolution Meeting** is an informal, non-adversarial meeting between the Responding Party and a University administrator designated by the SARP Director. The University offers an opportunity to participate in this meeting to all Student(s) alleged to have violated this Code.
2. **Behavior** is defined as how one acts, carries, and conducts themselves.
3. **Crime of Violence** is an act(s) that would, if proven, constitute any of the following offenses or attempts to commit the following

offenses: arson, assault offenses, burglary, criminal homicide-manslaughter by negligence, criminal homicide-murder and non-negligent manslaughter, destruction/damage/vandalism of property, kidnapping/abduction, robbery, and forcible sex offenses, as defined by the Family Educational Rights and Privacy Act (FERPA) (20 U.S. C. § 1232g; 34 C.F.R. Part 99).

4. **Cyberbullying** is a form of harassment directed towards another person(s) or organization(s) directly or indirectly via online or other technology including but not limited to e-mail, text messages, social media, discussion board platforms, electronic, or other social networking sites that have the effect of causing reasonable fear of harm or damage to a person or property; creating a hostile environment; materially and substantially disrupting the education process or the orderly operations; intimidating; humiliating; harassing; harming; embarrassing; or damaging person(s) or organization(s). This includes acts or behaviors that are severe, persistent, repeated, badgering, or pervasive and may include signs; signals; writing; images; sounds; data or intelligence of any nature transmitted in whole or in part; or the impersonation of another. Cyberbullying does not include speech that is protected by freedom of expression.
5. **Cooperate** is to assist or comply with the requests and needs of any University officials acting in performance of their duties.
6. **Deferred Suspension** means if there is a failure to complete all accountability actions by the specified deadline or if a student or student organization is found responsible for other violations of Code during the period of deferred suspension, the student or student organization may be in jeopardy of being separated from the University.
7. **Denial of Access** means prohibiting a Student from coming onto designated University property.
8. **SARP Director** is the person designated as responsible for the administration of the *Code.*
9. **Discrimination** is unequal treatment based on a legally protected status (*e.g.*, race, color, sex, gender, gender identity or expression, sexual orientation, marital status, age, national origin, political affiliation, veteran status, disability, religion, genetic information, homelessness, or any other legally protected class) that (i) is sufficiently serious to interfere with or limit and individual's opportunity to participate in or benefit from a University program or activity; or (ii) adversely affects a term or condition of the individual's working, learning, and living environment at the University.
10. **Event-Related Misconduct** means misbehavior (including, though not limited to, rioting, assault, theft, vandalism, or fire-setting) related to a university sponsored event, that results in harm to persons or property or otherwise poses a threat to the campus community or stable operation of the University.
11. **Faculty Member** or **Instructor** means any person hired by the University to conduct classroom activities.
12. **Good Disciplinary Standing** means a student has no pending disciplinary matters or incomplete Accountability Actions, and is eligible to continue or return to the University.
13. **Harassment** means unwelcome conduct (including written or electronic communication) directed at a specific person(s), which is so severe, pervasive, or persistent that it interferes with or limits a person's ability to participate in, or benefit from the services, activities, or opportunities offered by the University.
14. **Harmed Party** for purposes of ARP, means a person who has experienced harm by another community member.
15. **Harming Party** for purposes of ARP, means a person who has caused harm to another member of community, regardless of that community members' affiliation with TU.
16. **Case Administrator** is a person identified by SARP to decide on responsibility for alleged violations of this Code.
17. **Hearing Board** means those student, faculty, or staff members authorized by the SARP Director or designee to determine whether a Student has violated the *Code* in cases where the discipline imposed may include Suspension, Expulsion, or Removal from On-Campus Housing.
18. **Interim Administrative Action** is action that is imposed by the University pending a final decision about a violation of this *Code*.
19. **Misbehavior** refers to any actions that violate the Student Code of Accountability.
20. **On-Campus Housing** includes all residential buildings located on Towson University property
21. **Organizational Dissolution** is withdrawal of recognition by the University, including denial of the use of University facilities or funds.
22. **Outcome Letter** means the communication in letter form provided to the Responding Party upon the conclusion of the disciplinary process. This letter will include the decision of responsibility for any alleged violation(s) made by the appropriate hearing body, any Accountability Action(s) imposed, if appropriate, and information regarding the right and deadline to appeal.
23. **Policy** means the written regulations of the University as found in, but not limited to, the *Code*, Policies for On-Campus Housing, the Undergraduate Catalogue, the Graduate Catalogue, and polices found on the Towson University Policies Affecting Students page.
24. **Possession** means control, custody, or ownership of a substance or item when that item is located on a Student's person, within their property or controlled space (i.e. residence hall room and/or vehicle), or within their body.
25. **Preponderance of Evidence** is the standard of proof used in disciplinary proceedings. This means that the evidence demonstrates that it is more likely than not that the conduct occurred and constitutes a violation of the *Code*.
26. **Reasonable Person** is a hypothetical person who exercise average care, skill, and judgement in conduct, conclusion, or expectation in relation to a particular circumstance or fact.
27. **Reporting Party** is 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.*
28. ***Responding Party** is any Student, Student Group, or Student Organization accused of violating the* Code.
29. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a Reasonable Person to – (1) fear for their safety or the safety of others; or (2) suffer substantial emotional distress. For the purposes of this definition a course of conduct means two or more acts, including, but not limited to, acts in which the alleged stalker directly, indirectly, or thorough third parties, by an action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to our about a person, or interferes with a person's property.
30. **Student** includes all persons who are admitted to the University (whether or not they are currently enrolled in courses) to pursue 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 Accountability Action (e.g., Suspension, etc.).

31. **Student Appeals Committee** is an Academic Senate committee comprised of: (i) six elected tenured faculty members (with no two being from the same college), (ii) two administrators appointed by the President, (iii) two Students appointed by the President of the Student Government Associate, and (iv) the SARP Director. This committee is responsible for considering appeals of cases resulting in Suspension, Expulsion or Removal from On-Campus Housing.
32. **Student Accountability Appellate Board** is a group comprised of: (i) four administrators and (ii) one Student. The board members are appointed by the SARP Director and the Director of Housing & Residence Life. The board is responsible for considering appeals of all cases, except those which may result in Suspension, Expulsion, or Removal from On-Campus Housing.
33. **Student Group** is a number of persons (whether Students or not) who associate with each other but who have not complied with University requirements for registration as an organization. A Student Group also includes formerly-recognized student organization or groups which have lost recognition as a consequence of a decision by their governing entity or the University.
34. **Student Organization** means a number of Students (or others) who associate with each other and have complied with formal requirements for University recognition.
35. **Support Person** the Responding Party is entitled to be accompanied by a Support Person in meetings related to the investigative and disciplinary 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 individual. However, a Support Person cannot speak on behalf of the individual, directly participate in the proceedings, or submit any written requests (including appeals) on behalf of the individual. The Support Person also cannot serve as a witness in the context of an Investigation. A Support Person may be a family member, friend, faculty member, staff member, attorney, or other adviser/supporter. Should a Support Person not adhere to these expectations or attempt to play a direct and/or active role in any proceedings, the Hearing Officer or staff member, at their discretion, may order the excusal of the Support Person.
36. **Towson University Policy 06-01.60 – Policy on Sexual Harassment and Other Sexual Misconduct (OSM)** ("Policy on Sexual Harassment and OSM") is the University's Policy addressing sexual harassment and other sexual misconduct and can be found online.
37. **University Community** means Students, University Officials, visitors, and guests.
38. **University Hearing** is a type of disciplinary procedure intended to evaluate the responsibility of a Student(s) who is alleged to have violated this *Code* when the possible Accountability Action(s) could result in Suspension, Expulsion, or Removal From On-Campus Housing (see section below for more information).
39. **University Official** includes any person employed by the University and performing assigned administrative, educational, professional, or paraprofessional responsibilities (including Student resident assistants and building managers).

VI. Prohibited Conduct:

The following misconduct is subject to disciplinary action:

1. *Acts of Harm Toward Others*
   a. Physical assault, causing physical harm to, or having unwanted physical contact with any person.
   b. Threats of violence include behaviors such as gestures, words, or written communications which would place a Reasonable Person in fear of imminent physical injury or harm. The person who is the object of the threat does not have to observe or receive the threat so long as a Reasonable Person would interpret the threat as placing the person in fear of imminent physical injury or harm.
   c. Endangering conduct that imperils or jeopardizes the health or safety of any person or persons.
   d. Any violation of the Policy on Sexual Harassment and OSM (06-01.60).
   e. Intentionally or recklessly damaging, destroying, defacing, or tampering with University, public, or personal property of another.
   f. Theft of property or services. This includes, but is not limited to, attempted theft, conspiracy to steal, knowing possession of stolen property, misappropriation of another's property, extortion, blackmail, utilizing services without payment and embezzlement.
   g. Engaging in bribery of any person by providing, offering, or taking anything of value (e.g., money, presents, services, meals, assets, etc.) in exchange for something which can include, but is not limited to, enticing someone not to participate in the student accountability process, a change of grades, the removal of an assignment, or any other action that seeks to influence a student or University Official to gain a more favorable or desired outcome.
   h. Discrimination against any person. See Definition.
   i. Harassment or Cyberbullying of any person. See Definitions.
   j. Retaliation against a person(s) for reporting or alleging misconduct (including violations of University policy or the Code) or participating in any related University process or procedure.
   k. Acts that unreasonably invade the privacy of another person.
   l. Stalking any person. See Definition.
2. *Community Disruption*
   a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or normal University operations, including University-sponsored activities or events.
   b. Off-campus conduct that is disorderly and disrupts others in the community.
   c. Lewd, obscene, or indecent behavior.
   d. Unauthorized entry into, presence at, or use of University property, facilities, systems, or records.
   e. Engaging in Event-Related Misconduct. See Definitions.
   f. Possession of explosives, fireworks, or pyrotechnic paraphernalia on campus.
   g. Action in association with or encouragement of another person whose conduct violates any policy.
3. *Failure to Comply*
   a. Uncooperative behavior and/or failure to comply with reasonable instructions of University Officials acting in performance of their duties.
   b. Violation of any disciplinary Accountability Action imposed by a University Official.
4. *False Information*
   a. Intentionally furnishing false or untruthful information to a University Official.

b. Forging, altering, possessing, or using false instruments of identification or University Official documents (e.g. a false driver's license, altered parking pass, falsified medical documents, etc.).

5. *Substance Misuse*
   a. Possession or use of alcoholic beverages by any person under 21 years of age.
   b. Providing or otherwise making available an alcoholic beverage to any person under 21 years of age.
   c. Consuming alcohol from an open container either on campus property at a location not approved by the University or on public property in an unlawful manner.
   d. Public intoxication.
   e. Possession or use of illegal drugs, unauthorized controlled substances, or drug paraphernalia. (As required by federal law, this includes the possession or use of marijuana/cannabis on University premises or at University-sponsored activities or events, including medicinal, recreation, and any other consumption forms of marijuana/cannabis).
   f. Sale, distribution (or intent to distribute), and/or manufacture of illegal drugs or controlled substances.
   g. Possession, sale, use, and/or distribution (or intent to distribute) of medication not in accordance with a medical doctor's prescription.
6. *Violation of Other University Policies or Laws*
   a. Violation of the University Policy on Weapons Prohibited (06-01.11).
   b. Violation of the Hazing Policy (05-09.00).
   c. Violation of the Student Academic Integrity Policy (03-01.00).
   d. Violation of the Policies for On-Campus Housing.
   e. Violation of other published Towson University regulations and policies.
   f. 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.
   g. Violation of state, federal, and/or local laws.

VII. Interim Administrative Action

The Vice President for Student Affairs or designee may impose Interim Administrative Action for a reasonable period of time and prior to final resolution of the accountability process. Such action may include emergency Suspension, Denial of Access, Removal from On-Campus Housing, changes to academic schedule or housing assignment, no contact orders, and/or other restrictions. A Student may submit a written appeal to the Vice President for Student Affairs or designee setting forth reasons why the student believes the Interim Administrative Action is not appropriate or reasonable under the circumstances. Disagreement with the imposition of an emergency Interim Administrative Action is not grounds for appeal. Once the appeal has been reviewed, the Vice President of Student Affairs or their designee will issue a written decision on the appeal.

1. Emergency Suspension
   a. Pending the outcome of the disciplinary process, the Vice President for Student Affairs, or designee, may order the emergency Suspension of a Student from some or all University activities, including Removal from On-Campus Housing. Such an emergency Suspension may become effective immediately without prior notice.
   b. An emergency Suspension may be imposed:
      i. To ensure the safety and well-being of members of the University Community; or
      ii. If the Student poses a definite threat of, disruption of, or interference with the normal operations of the University; or
      iii. If the Student fails to comply with an interim measure(s), restriction(s), or other reasonable University directive(s).
   c. In conjunction with the emergency Suspension, the University will issue a Denial of Access. A Student may be Suspended from and denied access to:
      i. The entire campus, or portion thereof, including classes; or
      ii. All other activities, events, or privileges for which the Student might otherwise be eligible; or
      iii. A specific activity, event, or privilege for which the Student might otherwise be eligible.
   d. After imposition of an emergency Suspension, the disciplinary process will proceed as soon as is practicable.
      i. In most cases, a Conduct Resolution Meeting will be offered within 3 business days. A Hearing, if necessary, will be scheduled no sooner than 3 business days following the Conduct Resolution Meeting.
      ii. A Responding Party may request that proceedings be delayed temporarily to allow for preparation or to accommodate a Support Person. The process will generally not be delayed more than 10 business days. The emergency Suspension will remain in place during the period of delay.
      iii. The University reserves the right to delay the process when the Responding Party is not able to participate and indicates a desire to do so. This can occur when a student experiences incarceration, hospitalization, or is otherwise unfit to fully participate in the process. The emergency Suspension will remain in place during the period of delay.
      iv. Decisions to delay the process will be made by the Director of Student Conduct & Civility Education or designee.
   e. Students may appeal an Emergency Suspension in writing to the Vice President for Student Affairs or designee at VPSA@towson.edu. A student who receives an Emergency Suspension may also request a meeting with the Vice President for Student Affairs or designee to discuss the basis for the appeal. Appeals should provide evidence regarding why the allegations do not meet the imposition grounds listed in section VII.1.b. of this Code. Disagreement with the imposition of Emergency Suspension is not grounds for appeal.
2. Order of No Contact
   a. When there is evidence that a Student's ongoing contact with another Student(s) or member(s) of the University Community could pose a threat to the individual(s), or to the stability and continuance of normal University functions, the Vice President for Student Affairs, or designee, may issue an order of no contact between the Responding Party and said individual(s). This order of no contact prohibits making contact with another person(s), whether in-person, electronically, telephonically, in writing, or through a third party.
   b. When the disciplinary process concludes, SARP will re-consider the continued need for the order of no contact and may decide to lift it, if appropriate. In addition, SARP will consider requests to end orders of no contact on a case-by-case basis.

VIII. Accountability Actions

When Students or Student Organizations are found responsible for having violated a policy(s) listed in this Code, appropriate Accountability Action(s) will be assigned. These outcomes are intended to educate Students on the impact of their behavior on themselves and the community, and invoke change in future decision making. Accountability Actions are determined based upon the severity of the incident, the disciplinary history of the Responding Party, and the general precedent of past Accountability Actions assigned for similar incidents. The following Accountability Actions may be imposed upon Students and all Student Organizations for violations of the *Code*:

1. **Warning** is a written reprimand for violation of specified regulations, including a notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
2. **Probation** is a specified period of time during which any further disciplinary violation by a Student may result in Suspension, Expulsion, or Removal from On-Campus Housing. Probation is imposed for a period of time no less than 6 months and up to the remainder of the Student's time at TU.
3. **Residence Life Probation** is a specified period of time during which any further disciplinary violation by a Student living in On-Campus Housing may result in Removal from On-Campus Housing. Residence Life Probation is imposed for a period of time no less than 6 months and up to the remainder of the Student's residency in On-Campus Housing.
4. **Social Probation** means excluding a Student Group or Student Organization from participating in certain activities, such as NCAA athletic events/practices, social events, or similar organizational events. Violations of the terms of Social Probation (or any other violation of this *Code* during the Social Probation period) will normally result in a Fine, Expulsion, Suspension, or Organizational Dissolution.
5. **Suspension** involves (i) separation of the Student from the University for a specified period of time or (ii) prohibition upon a Student Group or Student Organization from engaging in all activities for a specified period of time. It may also include a Denial of Access. Any Student, Student Group, or Student Organization subject to Suspension is not entitled to any tuition or fee refund. Suspension is imposed for a period of time no less than one semester and up to five years. When Suspension is imposed during a semester, the imposition begins immediately, unless an exception is expressly indicated in the Outcome Letter. Students who are enrolled will be withdrawn from classes following the appeal process, at which time the decision is final.
6. **Expulsion** constitutes permanent separation of the Student from the University. Any Student who is Expelled is not entitled to any tuition or fee refund.
7. **Suspension or Expulsion for Event-Related Misconduct** means that, in general, a Student found responsible for event-related misconduct will be Suspended or Expelled. Any decision to impose an Accountability Action less than Suspension or Expulsion for Event-Related Misconduct must be supported by written findings signed by the Vice President for Student Affairs. A record of any Suspension or Expulsion for Event-Related Misconduct will be noted on the Student's transcript for the duration of the Accountability Action, or longer if so specified in the final notice of Accountability Action. A Student Suspended for Event-Related Misconduct will 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 will 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.
8. **Financial Restitution** is a monetary Accountability Action imposed upon a Student, Student Group, or Student Organization whose Prohibited Conduct caused monetary loss or damage to the University. Restitution amounts will be applied to a Student's account and can be paid through the Student and University Billing Office. Failure to pay Restitution may result in limitations on a Student's ability to register or attend classes. Restitution to third parties other than the University (including another Student) is not discipline the University imposes.
9. **Removal from On-Campus Housing** means prohibiting a Student from residing in On-Campus Housing for a stated period of time or visiting On-Campus Housing. Any Student removed from On-Campus Housing is not entitled to any refund of housing costs.
10. **Other Accountability Actions** means participation in and completion of an alcohol or drug education/treatment program, an anger management program, or community service hours; completion of an academic, research, or educational activity, project, or workshop; etc.
11. **Post-enrollment or Post-Graduation Accountability Actions** are imposed to a student who is found in violation of the Code while they are a student, but who graduates or withdraws from the University before imposition of the Accountability Action. A student in this position is subject to (i) revocation of any degree awarded, (ii) temporary or permanent withholding of degree conferment, diploma or transcript for any degree, or (iii) having Accountability Action(s) imposed as a condition of re-enrollment at the University.

IX. Procedures

A. Reporting

Reports can be made by any person to SARP in person, via phone (410) 704-2057), or electronically (online reporting form at www.towson.edu/reportit). Allegations of violations occurring within On-Campus Housing may also be referred to the Department of Housing and Residence Life in person to a staff member, via phone (410) 704-2516 or via email to housing@towson.edu.

The University encourages prompt reporting of allegations that a Student, Student Group, or Student Organization violated this *Code*. While a record of report submission is always made, incomplete reporting or failing to report in a timely fashion may significantly limit the University's ability to gather relevant evidence or may delay University action(s).

Individuals reporting an allegation are normally expected to serve as a witness and to present relevant evidence during a University Hearing or Conduct Resolution Meeting. Anonymous reports are accepted; however without verification of the information presented, the University may be significantly limited in our ability to respond. Furthermore, when evidence from an anonymous reporter is used in an investigation, it is difficult to assess the credibility of that evidence. Reporters are strongly encouraged to provide their name and contact information.

B. Due Process

The purpose of these procedures is to ensure fundamental fairness to Students, including that the University fairly evaluates allegations of a *Code* violation. Among other things, this means that the Responding Party will receive notice of the alleged violation(s) against them, an opportunity to offer evidence (including identifying witnesses) in support

of their position, and a chance to review (in advance) any documents or other information the University intends to consider.

Every Student has the due process right, as described in these procedures, to:

- Be presumed not responsible for an allegation until determined otherwise;
- Notice of the allegations (including the specific *Code* violation(s) alleged) and the circumstances surrounding the incident or alleged misconduct;
- Participate in a Conduct Resolution Meeting;
- Participate in a University Hearing when (i) the allegations include a violation of the Policy on Sexual Harassment and OSM and/or (ii) potential discipline includes Suspension, Expulsion, or Removal from On-Campus Housing;
- Identify and present relevant evidence (including witnesses) in support of their position;
- Review, in advance of a University Hearing or the imposition of disciplinary Accountability Action, evidence the University intends to consider;
- Have a Support Person present during interviews, meetings, or Hearings;
- Notice about how to contact SARP to ask questions about the process, schedule a Conduct Resolution Meeting, etc.; and
- Request a reasonable accommodation based upon a registered disability with the Office of Accessibility and Disability Support.
- Appeal a finding of responsibility for a *Code* violation and/or a disciplinary Accountability Action.

The University will act reasonably to ensure evidence is considered (or not considered) in a manner consistent with basic standards of fundamental fairness. Harmless deviations from the prescribed procedures does not necessarily invalidate an outcome unless they caused significant prejudice.

C. Accountability Meetings and Hearings

SARP follows a consistent process based on allegations of a violation of the *Code*. As described in more detail below, this includes, as necessary, a Preliminary Review, Conduct Resolution Meeting, and Hearing. The processes applies to individual Students, Student Groups, and Student Organizations. More specific information about how the process applies to Student Groups and Student Organization is available at Paragraph D (below).

In most circumstances SARP strives to meet with Students and Student Groups in person for Conduct Resolution Meetings and Hearings. There may be some instances when it is not possible to meet in person (i.e. when a Student is studying abroad or at another university, during a break period when a Student may be at a distance from the University campus, or during another extenuating circumstance). In such an instance, SARP will work with the Student to coordinate a virtual meeting or Hearing.

1. *Preliminary Review*

SARP conducts a preliminary review by meeting with involved parties or witnesses, reviewing documents, or gathering other relevant information. The purpose is to evaluate whether there is sufficient information to form a reasonable belief that the conduct violated the *Code*. In most cases, the preliminary review will be conducted within 5 business days of the receipt of the report. SARP may then:

- Take no further action on the basis that there is insufficient evidence to create a reasonable belief that the behavior violated the *Code*; or
- Provide the Responding Party with notice of the allegations and refer the matter for a Accountability Resolution Meeting or Hearing on the basis that there is sufficient evidence to create a reasonable belief that the behavior violated the *Code*.

When a report is received of possible Code violation(s), which also includes possible violation(s) of the **Policy on Sexual Harassment and OSM (06-01.60), SARP will wait to proceed with the disciplinary process of the non-Sexual Harassment or OSM allegations. All allegations of Sexual Harassment and OSM will be handled separately by OIIE as described in the Policy on Sexual Harassment and OSM.

2. Accountability Resolution Meeting

SARP uses Accountability Resolution Meetings to help reduce the need for unnecessary investigation, meetings, hearings, or other proceedings. Such a meeting is intended as a non-adversarial discussion between the Responding Party and a University Official designated by the SARP Director. Prior to or at the Accountability Resolution Meeting, the Responding Party will receive (a) written notice of the alleged policy violation(s) (and the surrounding circumstances) and (b) general information about the relevant evidence available at that time.

At a Accountability Resolution Meeting, the University will consider evidence that is reasonably expected to have probative value, including documents and witness statements (including hearsay). SARP will provide access to this information so that the Responding Party has a reasonable opportunity to review it and respond. During the meeting, the Responding Party may also identify other evidence or witnesses they believe likely to have relevant information. The University will not consider character witnesses or information not related to the facts of the incident in question.

In the event the Student is not entitled to or waives their right to a Hearing, the University Official will consider the evidence, apply a Preponderance of the Evidence standard, and determine whether the Student is responsible for violating the *Code*. Following the meeting, the Student will receive an outcome letter outlining the finding, any Accountability Action(s) imposed, and their right to appeal the decision and/or Accountability Action(s).

3. Hearing

After a Accountability Resolution Meeting, any Student (i) subject to Suspension, Expulsion, or Removal from On-Campus Housing is entitled to a University Hearing. A Student may agree (in writing) to (i) waive their right to a University Hearing, (ii) waive their right to any of the procedural guidelines identified below, and/or (iii) admit responsibility for some or all of the alleged violations of the *Code*. In such cases, the Student may schedule a meeting with a University Official to discuss potential Accountability Actions in advance of the imposition of any accountability action.

The following procedural guidelines apply to University Hearings:

1. The Responding Party will be given notice of the hearing date and the alleged *Code* violation(s) against them at least three business days in advance of the Hearing.
2. The Responding Party will be given reasonable access to the evidence the University intends to consider, which will be retained by SARP.

3. The Responding Party may be present for the Hearing. If more than one Student is accused in the same incident, the University may hold a combined hearing with written agreement of all Responding Parties. If the Responding Party fails to appear, this fact will be stated for the record and the Hearing will proceed.
4. The Responding Party may be accompanied by a Support Person.
5. The Hearing will be audio recorded.
6. While formal rules of evidence do not apply to a Hearing, the Hearing Official will admit relevant information into evidence if a Reasonable Persons would accept it as having probative value.
   a. Relevant evidence may include, though is not necessarily limited to, documents, electronic records (*e.g.*, email, photographs, videos, texts, social media posts, etc.), and witness testimony.
   b. Repetitious or irrelevant evidence may be excluded.
   c. Documentary evidence not made available to the Responding Party in advance of the Hearing will not be admitted or considered.
7. A Hearing Board, made up of individuals designated by SARP, will hear the evidence and make a determination whether a Responding Party is responsible for violating the *Code*. The Hearing Board will be composed of at least three individuals. The Hearing Board may question witnesses (including the parties), review evidence, and participate in deliberations.
8. SARP will designate one member of the Hearing Board to act as the Hearing Officer and preside over the matter. The Hearing Officer exercises control over the proceedings and makes decisions necessary to avoid needless consumption of time and achieve orderly completion of the Hearing. They may order the removal of any person (including the Responding Party) who disrupts a Hearing.
9. If a case is particularly complex or involves multiple parties, the SARP Director may appoint a Special Hearing Panel. Members of such a panel act as additional members of the Hearing Board throughout the Hearing.
10. After a Hearing concludes, the Hearing Officer will submit the Hearing Board's report to the SARP Director. The report should summarize the facts, identify the evidence considered (including witness testimony), and provide a rationale for the Board's conclusion(s) whether a *Code* violation occurred.
11. The Responding Party may view the Hearing Board's written report by appointment with the SARP Director.
12. The Responding Party will receive an outcome letter from the Vice President for Student Affairs or designee. This letter identifies the basis for the determination of responsibility for a *Code* violation and the Accountability Action(s) imposed.

D. Exceptions to the Procedures set forth in the Code

As set forth in Section VI, it is a violation of the *Code* for Students to violate other University policies. In some circumstances, certain University policies include procedures that provide Students with specific due process rights as described in those policies and procedures. In such circumstances, investigation and adjudication of alleged Student violations of those University policies will proceed in accordance with the procedures accompanying those University policies. Please refer to the following policies as exceptions to the procedures set forth in this *Code* for specific details:

- Policy on Sexual Harassment and OSM (06-01.60)
- Student Academic Integrity Policy (03-01.00)

If there is a finding of responsibility for violation of these University polices, SARP will coordinate with the adjudicating bodies under those policies to determine an appropriate Accountability Action given the details of the report received. Students will have the right to appeal the Accountability Action(s) assigned in addition to appealing any finding using the appeal procedures listed in the applicable policy.

E. Accountability Procedures for Student Groups and Student Organizations

A Student Group and/or Student Organization may be accused of violating the *Code*. A Student Group or Student Organization may be held responsible for violations of the *Code* resulting from the actions of its members, if the actions:

1. arose out of activities sanctioned by or related to the Student Group or Student Organization;
2. were encouraged, fostered, or condoned by the Student Group or Student Organization;
3. were known or should have been known by members of the Student Group or Student Organization; or
4. were activities that the Student Group or Student Organization could reasonably have prevented.

When one or more members of a Student Group or Student Organization are accused with a violation of the *Code*, the University may also accuse the Student Group or Student Organization. It is not necessary for all members of a Student Group or Student Organization to approve or participate in misconduct for the University to pursue the disciplinary process. A Student Group or Student Organization and its officers may be held collectively and individually responsible when violations of this *Code* occur.

In determining whether a Student Group or Student Organization is responsible for a *Code* violation, the University may consider, among other factors, whether the misconduct

1. would have occurred if the participants were not members of the Student Group or Organization;
2. was encouraged, fostered, or condoned by the Student Group or Student Organization;
3. or could reasonably have been prevented by the collective action of the Student Group or Student Organization.

When a Student Group or Student Organization is accused of a *Code* violation, SARP will follow its standard procedures, including (as needed) a Preliminary Review, Accountability Resolution Meeting, and/or Hearing. Only one spokesperson may represent and speak for the Student Group or Student Organization at SARP proceedings. Any Accountability Action listed in the *Code* may be imposed on a Student Group or Student Organization and/or individual members. Prior to the imposition of an Accountability Action, any Student subject to Suspension, Expulsion, or Removal from On-Campus Housing based on alleged the misconduct of a Student Group or Student Organization will be offered a Hearing.

The Vice President of Student Affairs (or designee) may direct the officers, leaders, or any identifiable spokesperson for a Student Group or Student Organization to take action designed to prevent or end violations of this *Code* by the larger entity. Failure to make reasonable efforts to comply with such a directive will be considered a violation of this *Code*.

X. Appeal Procedures

A Student, Student Group, or Student Organization may appeal a decision of responsibility for a *Code* violation and/or the associated Accountability Action as follows:

- To the Student Appeals Committee if the misconduct subjects the individual or entity to Suspension, Expulsion, or Removal from On-Campus Housing; or
- To the Student Conduct Appellate Board if the misconduct subjects the individual or entity to any Accountability Action other than Suspension, Expulsion, or Removal from On-Campus Housing.

The only valid basis for an appeal of a finding of *Code* violation or disciplinary Accountability Action is:

- **Procedural Irregularity Affecting the Outcome** – Proper procedures were not followed that affected the outcome;
- **Evident bias** – A conflict of interest or bias of the individual investigating, or conducting an Accountability Resolution Meeting, Hearing, or other proceeding that affected the outcome;
- **New information** – Evidence not reasonably available at the time of the original Accountability Resolution Meeting or Hearing that would have substantially impacted the outcome. Please note that this does not apply to students who choose or fail to attend or participate in Accountability Resolution Meetings and/or Hearings; or
- **Inconsistent or overly severe accountability action** – The accountability action imposed is inequitable or excessive relative to the violation and findings.

The following requirements apply to appeals:

- Appeals must be submitted in writing to SARP by the deadline indicated in the outcome letter. Failure to appeal within the allotted time renders the original decision and/or Accountability Action final and conclusive.
- In cases of an alleged violation of the Policy on Sexual Misconduct, a Reporting Party may submit an appeal. Refer to Policy on Sexual Misconduct for complete appeal guidance.
- Appeals may not be submitted by third parties, including friends, family members, or attorneys.
- Accountability Actions will not be deferred while an appeal is pending absent good cause and approval by the Vice President for Student Affairs (or designee).

When considering an appeal, both the Student Conduct Appellate Board and the Student Appeals Committee may make the following decisions by majority vote with a quorum of their membership present:

- Uphold the finding and Accountability Action(s)
- Uphold the finding, but modify the Accountability Action(s). Modifications can only lessen the severity of the Accountability Action(s).
- Overturn the finding
- Refer the case back to SARP for further investigation and/or a new Hearing

XI. Responsible Tiger Protocol

The Responsible Tiger Protocol provides amnesty for students who engage in alcohol or marijuana use which violate alcohol and/or some drug use policies when one or more participants in the activity is in need of medical assistance due to intoxication. To be eligible for consideration, students must follow the following protocol:

1. Call for help. Students must contact police or other University staff to request help for themselves or another person.
2. Remain on the scene and with the person who needs help.
3. Cooperate with the first responders and with staff following the incident.

Generally, students can receive consideration for a modified disciplinary outcome one time during their student career at Towson University. Students who follow this protocol on behalf of themselves or others, will be eligible for consideration of a modified disciplinary outcome. Specifically, the following outcomes may be applied:

- All students who are responsible for a violation of an applicable alcohol or drug use policy will be asked to complete education, which may include an assessment and/or completion of an educational program through the Towson University Counseling Center.
- The University reserves the right to notify parents/guardians of students who are under 21 years of age for violations of policies involving the possession/use of alcohol and/or drugs.
- If a student completes all education requirements in accordance with the guidelines and dates set forth by SARP, the following may apply:
  - Any monetary fines and any Probation typically issued for this time of violation may be waived.
  - The incident will be noted as "for information only" and it will not be considered a part of the student's disciplinary record.
- If a student fails to complete all education requirements in accordance with the guidelines and dates set forth by SARP, the student may be subject to additional disciplinary action including, but not limited to fines and Probation.

XII. Alternative Resolution Process (ARP)

Some incidents involving interpersonal conflict or harm may be referred to an alternative resolution process in lieu of, prior to, or at the conclusion of the disciplinary process listed above. The goal of alternative resolutions is to provide both Harmed Parties and Harming Parties with an opportunity to express the harm that has been caused and collectively develop agreements outlining how the harm will be repaired. They also provide the Harmed Party with an opportunity to be involved in the accountability process, whereas the disciplinary process most often does not include the Harmed Party outside of fact gathering. In some instances, a participant may have caused harm and experienced harm, thereby making them both a Harmed Party and a Harming Party.

The primary form of ARP used by SARP is a restorative circle, however, other forms of ARP may be utilized at the discretion of the Director of SARP.

It is not necessary that a policy violation be established in order to utilize an ARP, nor does entering into an ARP void the possible use of the disciplinary process. Cases in which the ARP is utilized can be pursued through the disciplinary process if an agreement is not reached or is not followed, and where a potential policy violation may have occurred.

1. **Determining Case Eligibility for ARP**

The Director of the SARP (or designee) will ultimately establish whether a case is appropriate for referral to an ARP. This referral can be made prior to or after a notice of alleged policy violation(s), or can be made at the

conclusion of the disciplinary process. Consideration of a referral will also be made if any party involved in an incident requests to use the ARP.

Generally, the following criteria will be used to determine appropriateness for referral:

1. Harming Parties and Harmed Parties must be willing to participate in the process, and;
2. Harming Parties must be willing to agree that they caused harm to another person or the community, and;
3. Harming Parties must agree that they will abide by any agreements made during the ARP, and;
4. Potential policy violations that may lead to Expulsion from the University are not eligible for an ARP.

B. Alternative Resolution Procedures

After a case has been referred to an ARP, a Hearing Officer in the SARP will meet with all relevant parties for pre-work meetings. During these meetings, participants will be prepared to participate in a restorative circle where, in general, the following questions will be answered:

- What is the harm that has been caused?
- Who was impacted by the harm that has been caused and why?
- What has the Harming Party thought about since the incident?
- What is needed in order to repair the harm?

Various individuals who have a vested interest in resolving the conflict that arose out of the incident may participate in a restorative circle, including direct parties to the situation, witnesses, first responders, community members, and support people. Each circle will have one or two trained facilitators who will guide the conversation.

After pre-work meetings have been conducted with all participants and the incident continues to be appropriate for the ARP, the restorative circle will be scheduled. As there are generally many parties to coordinate, every effort will be made to accommodate the schedules and needs of all parties who wish to be included.

During the restorative circle, an agreement may be reached between parties regarding what actions must happen to repair the harm that was caused. SARP will track the progress of the completion of those actions and will provide participants with updates when agreements have been met or violated.

C. Confidentiality and Record Keeping of the ARP

1. *Confidentiality*

Given that the ARP is separate from the disciplinary process, all information that is shared within pre-work meetings, the restorative circle, or through any agreement that is reached will be confidential and may not be used in a disciplinary process related to the incident, should the case not be resolved through the ARP.

To ensure confidentiality, a case which begins with an ARP and then transitions to the disciplinary process will be assigned a different Hearing Officer. Participants will also be asked to sign a confidentiality agreement which prohibits their ability to discuss the information they learned from other parties during the ARP. If students fail to abide by the confidentiality agreement, they could face allegations of violating policy(s).

2. *Disciplinary Record Notations of the ARP*

For the purposes of ensuring successful completion of an ARP or for tracking purposes, a record of the ARP including participant names, notes from pre-work meetings, and outcomes or agreements from a restorative circle will be maintained in the SARP. When a student has been issued a notice of alleged violation and the case is resolved through an ARP, their disciplinary record will reflect the policy they were alleged to have violated and indicate the resolution of the case through an alternative process. Their record will not disclose the details of the agreement that was reached, nor will it indicate that they were found responsible for having violated any policy(s).

The disciplinary record of students who engage in an ARP prior to the initiation of any notice of alleged violation(s) will not include any mention of the incident, involvement, or the outcome of the ARP.

XIII. Disciplinary Records

The University creates a disciplinary record for every enrolled Student. In most cases, the disciplinary record contains no information (i.e., it only records that the University imposed no discipline upon the Student).

When SARP receives an allegation of a *Code* violation, it adds that information to a Student's disciplinary record. When a Student is found not responsible for an alleged violation of the Code, SARP excludes information related to that allegation from the Student's disciplinary record. If a Student is found responsible for a *Code* violation, SARP retains information associated with the investigation, Conduct Resolution Meeting, Hearing, and/or Appeal for seven (7) years. The University reserves the right to retain disciplinary records for longer periods of time when the Accountability Action imposed is Suspension, Expulsion, or Removal from On-Campus Housing.

When a student who has a disciplinary record has completed all assigned Accountability Actions, including Probation, has no pending disciplinary matters, and is eligible to continue or return as a Student, their record will reflect that the incident and that they are in good disciplinary standing with the University.

A Student may inspect and review their disciplinary records, subject only to reasonable restrictions regarding time, place, and supervision. Students are not generally entitled to copies of their disciplinary record without subpoena; however, exceptions may be made if it is not possible for an individual to review their record in person. A Student may contact SARP to seek correction of erroneous information in their file.

SARP maintains disciplinary records in accordance with the Family Educational Rights and Privacy Act (FERPA) (20 U.S. C. § 1232g; 34 C.F.R. Part 99), which protects the privacy of Student education records. For more information about the University's policy related to the release of Student education records under FERPA, please see https://catalog.towson.edu/undergraduate/appendices/appendix-b-family-educational-rights-privacy-act-ferpa-buckley-amendment/.

With certain exceptions, federal regulations (including FERPA) prohibit disclosing the outcome of disciplinary proceedings to anyone other than to the Responding Party and to appropriate University personnel. Notable exceptions include:

- 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.

- Disclosure to notify parents of Students under the age of 21 who are found responsible for violations of the Code related to the use or possession of alcohol or a controlled substance.

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