

APPENDIX E: CODE OF STUDENT CONDUCT

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 Conduct (“Code”) and imposes discipline upon Students found responsible for violating that Code. The purpose of this Policy (and associated procedures) is to ensure a fair and impartial disciplinary process. The Policy should not only deter dangerous behaviors or those contrary to the University’s mission, but also assist Students to develop critical thinking and decision-making through engagement in the disciplinary process. The University’s procedures associated with determining whether a violation of the Code occurred and identifying appropriate disciplinary action seek to provide Students with fundamental fairness, including notice of the charges and an opportunity to be heard, prior to the imposition of disciplinary action.

The University’s policy is to promptly and thoroughly investigate allegations that a Student violated the Code. Upon receiving such allegations, the Office of Student Conduct & Civility Education (“OSCCE”) 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(s) and takes no further action. If there is sufficient evidence, it proceeds with the disciplinary process described herein.

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

Upon finding that a Student has violated the Code, Towson imposes disciplinary action, including though not necessarily limited to, suspending or expelling the Student. It may also impose other disciplinary 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 impose discipline 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 conduct as outlined by this Code. Because the University establishes high standards for membership in the TU community, its standards of conduct, while falling within the limits of the law, may exceed federal, state, or local requirements.

II. Responsible Executive and Office:

Responsible Executive: Vice President for Student Affairs

Responsible Office: Office of Student Conduct & Civility Education

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 shall be responsible for their conduct 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 or on any University property; (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 disciplinary process independent of those pending charges, regardless of whether they are dismissed, dropped, or otherwise resolved.
 - b. The OSCCE Director may approve Interim Administrative Action prior to the conclusion of a criminal or civil case.
 - c. The OSCCE Director will determine whether to proceed with the disciplinary process or wait for the judicial 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 disciplinary 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.

V. Definitions

A. Censure is 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.

B. Conduct Resolution Meeting is an informal, non-adversarial meeting between the Responding Party and a University administrator designated by the OSCCE Director. The University offers an opportunity to participate in this meeting to all Student(s) charged with a violation of this Code.

C. Denial of Access means prohibiting a Student from coming onto designated University property.

D. OSCCE Director is the person designated by the President as responsible for the administration of the Code.

E. 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 an 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.

F. Event-Related Misconduct means misconduct (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.

G. Event-Related Misconduct Suspension or Expulsion means that, 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 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 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.

H. Expulsion or Expelled constitutes permanent separation of the Student from the University. Any Student who is Expelled shall not be entitled to any tuition or fee refund.

I. Faculty Member or Instructor means any person hired by the University to conduct classroom activities.

J. Fines are a monetary sanction imposed for certain Code violations. The severity of the incident, as well as a prior disciplinary record, may impact the amount of a Fine imposed. Failure to pay Fines may result in late fees or other limitations on a Student's ability to register or attend classes.

K. 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.

L. Hearing Officer is a person identified by OSCCE to make decision regarding responsibility for alleged violations of this Code.

M. Hearing Board means those student, faculty, or staff members authorized by the OSCCE Director 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.

N. Interim Administrative Action is action that is imposed by the University pending a final decision about a violation of this Code.

O. On-Campus Housing includes all residential buildings located on Towson University property

P. Organizational Dissolution is permanent withdrawal of recognition by the University, including denial of the use of University facilities or funds.

Q. 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 charge(s) made by the appropriate hearing body, any sanction(s) imposed, if appropriate, and information regarding the right and deadline to appeal.

R. 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 policies found on the Towson University Policies Affecting Students page. www.towson.edu/Studentaffairs/policies/

S. Towson University's Policy on Sexual Misconduct is the Policy addressing sexual misconduct and can be found at <https://www.towson.edu/Studentconduct/sexualmisconduct/06-01.60-policy-on-sexual-misconduct.pdf>

T. 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.

U. 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.

V. 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 shall not be entitled to any refund of housing costs.

W. 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.

X. Responding Party is any Student, Student Group, or Student Organization accused of violating the Code.

Y. Restitution means a monetary sanction imposed upon a Student, Student Group, or Student Organization whose Prohibited Conduct caused monetary loss or damage to the University. Fines may be imposed in addition to restitution. 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.

Z. 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.

AA. 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 sanction (e.g., Suspension, etc.).

BB. Student Appeals Committee is a University Senate committee comprised of: (i) four 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 OSCCE Director. This committee is responsible for considering appeals of cases resulting in Suspension, Expulsion or Removal from On-Campus Housing.

CC. Student Conduct Appellate Board is a group comprised of: (i) four administrators and (ii) one Student. The board members are appointed by the OSCCE 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.

DD. 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.

EE. Student Organization means a number of Students (or others) who associate with each other and have complied with formal requirements for University recognition.

EF. Support Person Both the Responding Party and Reporting Party, when the charges allege a violation of the Sexual Misconduct Policy, are 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 advisor/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.

GG. 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 shall not be entitled to any tuition or fee refund.

HH. University Community means Students, University Officials, visitors, and guests.

II. 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 sanction(s) could result in Suspension, Expulsion, or Removal From On-Campus Housing (see section below for more information).

JJ. 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:

- 1a. Intentionally furnishing false or untruthful information to a University Official.
- 1b. Forging, altering, possessing, or using instruments of identification or University Official documents with intent to defraud, or to otherwise benefit there from (e.g. a false driver's license, altered parking pass, falsified medical documents, etc.).
- 2a. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or normal University operations, including University-sponsored activities or events.
- 2b. Off-campus conduct that is disorderly and disrupts others in the community.
3. Uncooperative behavior and/or failure to comply with reasonable instructions of University Officials acting in performance of their duties.
- 4a. Possession or use of alcoholic beverages by any person under 21 years of age.
- 4b. Providing or otherwise making available an alcoholic beverage to any person under 21 years of age.
- 4c. 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.
- 4d. Public intoxication.
- 5a. Possession or use of illegal drugs, unauthorized controlled substances, or drug paraphernalia.
- 5b. Sale, distribution (or intent to distribute), and/or manufacture of illegal drugs or controlled substances.
- 5c. Possession, sale, and/or distribution (or intent to distribute) of medication not in accordance with a medical doctor's prescription.
6. Causing physical harm to or unwanted physical contact with any person.
7. Threats of violence or placing a person in fear of imminent physical injury or danger.
8. Endangering conduct that imperils or jeopardizes the health or safety of any person or persons.
9. Discrimination against any person. See Definitions.
10. Harassment of any person. See Definitions.
11. Acts that unreasonably invade the privacy of another person.
12. Any violation of the Policy on Sexual Misconduct (06-01.60).
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, misappropriation of another's property, extortion, blackmail, and embezzlement.

16. Unauthorized entry into, presence at, or use of University property, facilities, systems, or records.

17. Engaging in Event-Related Misconduct. See Definitions.

18. Violation of published Towson University regulations and policies.

19. Violation of state, federal, and/or local laws.

20. Violation of the University Policy on Weapons Prohibited (06-01.11).

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 (03-01.00).

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) for reporting or alleging misconduct (including violations of University policy or the Code) or participating in any related University process or procedure.

26. Violation of any disciplinary sanction imposed by a University Official.

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 disciplinary charges. 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 request a meeting with a University Official to discuss the Interim Administrative Action. At that meeting, they may appeal the decision and present reasons why the Interim Administrative Action is not appropriate or reasonable under the circumstances. The University Official will then confer with the Vice President of Student Affairs before deciding 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.

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.

2. 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. When the disciplinary process concludes, OSCCE will re-consider the continued need for the order of no contact and may decide to lift it, if appropriate. In addition, OSCCE will consider requests to end orders of no contact on a case-by-case basis.

VIII. Sanctions

The following sanctions may be imposed upon Students and all Student organizations for violations of the Code:

1. **Censure;**
2. **Probation;**
3. **Social Probation;**
4. **Suspension;**
5. **Expulsion;**
6. **Suspension or Expulsion for Event-Related Misconduct;**
7. **Suspension or Dissolution of a Student Group or Student Organization;**
8. **Financial Restitution;**
9. **Removal from On-Campus Housing;**
10. **Fines; and/or**
11. **Other sanctions** (e.g., 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.).

IX. Procedures

A. Reporting

The University encourages prompt reporting of allegations that a Student, Student Group, or Student Organization violated this Code. Reports can be made by any person to OSCCE 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.

Those reporting an allegation are normally expected to serve as a witness and to present relevant evidence during a University Hearing or Conduct Resolution Meeting.

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 charges 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 to:

- Notice of the charges against them (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 Hearing when (i) the charges allege a violation of the Sexual Misconduct Policy 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 Hearing or the imposition of disciplinary sanction, evidence the University intends to consider;
- Have a Support Person present during interviews, meetings, or Hearings;
- Notice about how to contact OSCCE to ask questions about the process, schedule a Conduct Resolution Meeting, etc.; and
- Appeal a finding of responsibility for a Code violation and/or a disciplinary sanction.

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 shall not necessarily invalidate an outcome unless they caused significant prejudice.

C. Disciplinary Meetings and Hearings

OSCCE 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).

1. Preliminary Review:

OSCCE 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. That office 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
- Refer the matter for a Conduct Resolution Meeting or Hearing on the basis that there is sufficient evidence to create a reasonable belief that the behavior violated the Code.

2. Conduct Resolution Meeting:

OSCCE uses Conduct 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 OSCCE Director. Prior to or at the Conduct Resolution Meeting, the Responding Party will receive (a) written notice of the specific charges (and the surrounding circumstances) and (b) general information about the relevant evidence available at that time.

At a Conduct Resolution Meeting, the University shall consider evidence that is reasonably expected to have probative value, including documents and witness statements (including hearsay). OSCCE 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.

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 sanction(s) imposed, and their right to appeal the decision and/or sanction(s).

3. Hearing:

After a Conduct Resolution Meeting, any Student (i) subject to Suspension, Expulsion, or Removal from On-Campus Housing or (ii) accused of violating the Sexual Misconduct Policy, is entitled to a 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 sanctions in advance of the imposition of any disciplinary action.

The following procedural guidelines apply to University Hearings:

- a. The Responding Party will be given notice of the hearing date and the specific charge(s) against them at least three business days in advance of the Hearing.
- b. The Responding Party will be given reasonable access to the evidence the University intends to consider, which shall be retained by OSCCE.
- c. 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 fact will be stated for the record and the Hearing will proceed.
- d. The Responding Party may be accompanied by a Support Person.
- e. The Hearing will be audio recorded.
- f. 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.
 - i. 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.
 - ii. Repetitious or irrelevant evidence may be excluded.
 - iii. Documentary evidence not made available to the Responding Party in advance of the Hearing will not be admitted or considered.
- g. A Hearing Board, made up of individuals designated by OSCCE, 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.
- h. OSCCE 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.
- i. If a case is particularly complex or involves multiple parties, the OSCCE Director may appoint a Special Hearing Panel. Members of such a panel act as additional members of the Hearing Board throughout the Hearing.
- j. After a Hearing concludes, the Hearing Officer will submit the Hearing Board's report to the OSCCE 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.
- k. The Responding Party may view the Hearing Board's written report by appointment with the OSCCE Director.
- l. 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 sanction(s) imposed.

D. Disciplinary Procedures for Student Groups and Student Organizations

A Student Group and/or Student Organization may be charged with violations of 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: (i) arose out of activities sanctioned by or related to the Student Group or Student Organization; (ii) were encouraged, fostered, or condoned by the Student Group or Student Organization; (iii) were known or should have been known by members of the Student Group or Student Organization; or (iv) 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 charged with a violation of the Code, the University may also charge 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 charges. 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 (i) would have occurred if the participants were not members of the Student Group or Organization; (ii) was encouraged, fostered, or condoned by the Student Group or Student Organization; (iii) 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 charged with a Code violation, OSCCE will follow its standard procedures, including (as needed) a Preliminary Review, Conduct Resolution Meeting, and/or Hearing. One spokesperson shall represent and speak for the Student Group or Student Organization at OSCCE proceedings. Any sanction listed in the Code may be imposed on a Student Group or Student Organization and/or individual members. Prior to the imposition of a sanction, any Student subject to Suspension, Expulsion, or Removal from On-Campus Housing based on the misconduct of a Student Group or Student Organization will be offered an individual 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 shall 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 sanction 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 sanction 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 sanction is:

- A material violation of due process rights;
- Evident bias in the decision of the individual conducting an investigation, Conduct Resolution Meeting, Hearing, or other proceeding;
- New information which was not available at the time of the original Hearing; and/or
- Imposition of an inconsistent or overly severe sanction.

The following requirements apply to appeals:

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

XI. 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 OSCCE 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, OSCCE excludes information related to that allegation from the Student's disciplinary record. If a Student is found responsible for a Code violation, OSCCE retains information associated with the investigation, Conduct Resolution Meeting, Hearing, and/or Appeal for seven years. The University reserves the right to retain disciplinary records for longer periods of time when the sanction imposed is Suspension, Expulsion, or Removal from On-Campus Housing.

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. A Student may contact OSCCE to seek correction of erroneous information in their file.

OSCCE 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 <http://www.towson.edu/registrar/grades/ferpa.html>.

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.

Updated July 26, 2018