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SUBJECT: STUDENT CONDUCT CODE

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I. PURPOSE & PHILOSOPHY

Southern Utah University (SUU) establishes high expectations and community standards for its students through its policies and procedures. Students voluntarily assume the responsibility to meet these standards and expectations when they enroll at the University. The University educates students about these standards and expectations, and when those standards and expectations are not met, seeks to hold students accountable for their choices.

To address incidents of student misconduct, the University institutes proceedings to investigate, verify, and, if necessary, issue corrective sanctions to help students repair harm their actions may have inflicted on themselves, others, the campus, or community. Through these proceedings, students are invited to:

Consider the real or possible impact of their conduct on the community, their world, and future opportunities;

Reflect on their actions within the context of their personal organizational, educational, and professional goals;

Evaluate their actions with respect to institutional values, policies, and procedures;

Contribute to the proceedings with a good-faith effort to provide honest and accurate information.

The University's Student Conduct Code is designed to facilitate an educational process to encourage students to think critically, develop greater awareness, and respect the community and its standards.

II. DEFINITIONS

A. Advisor – An accused student/organization may seek the help of an advisor of his/her choosing and invite that individual to attend the disciplinary proceedings. However, the advisor will not be allowed to participate in the disciplinary proceedings other than to consult with the accused student/organization.

B. Appeal – An appeal is an opportunity for a student/organization to challenge a decision made by a Student Conduct Officer. Decisions can only be appealed if 1) there is a violation of due process, as outlined in the Code, if 2) new



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SUBJECT: STUDENT CONDUCT CODE

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information has been found that was not available at the time of the Conduct Proceeding or Conduct Hearing, or 3) if there is evidence of an inappropriate sanction. Both the Reporting Party and Responding Party request an appeal of the decision to the VPSA or AVP/Dean of Students in writing.

- C. Code –The written regulations of the University as found in, but not limited to, Policy 11.2, the Academic Integrity Policy, Residence Life Handbook, the Student Handbook, the Handbook for Student Organizations, the University General Catalog, the University web page, and the computer use policy. Any discrepancies in the University policy will be governed by the Code.
- D. Conduct Hearing– A meeting between the responding party and a Student Conduct Officer for the purpose of reviewing reported code violations, determining responsibility, and sharing information about the University's conduct policies and procedures.
- E. Conduct Proceedings– General reference used to characterize all facets of the conduct process at the University including but not limited to: investigation, Conduct Hearings, hearings, and appeals.
- F. Conduct Record– Electronic and paper forms and documents containing information about a student's alleged misconduct and any evaluation, review, decision, sanction and/or appeal. Conduct records are considered a component of a student's educational record and subject to the Family Educational Rights and Privacy Act (FERPA). Conduct records are maintained in the Office of the Vice President for Student Affairs (VPSA) and are kept for seven years from the date a student graduates or was last enrolled at the University.
- G. Intermediary – The individual designated by the University who assists a student or student organization during, and in preparation of, a Conduct Proceeding.
- H. Organization – Any number of persons who have complied with University requirements to register a club or organization with the Southern Utah University Student Association or are organizationally aligned with a University office, department, or program. Any officer within the organization may represent the interests of that organization in the University's Conduct Proceedings, any references to the "organization" should be read as "a representative of the organization."
- I. Reporting Party – Any person reporting an alleged violation of the Code.

SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16

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SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 6 of 30

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SUBJECT: STUDENT CONDUCT CODE

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all students



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SUBJECT: STUDENT CONDUCT CODE

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race, age, religion, sexual orientation, nationality, or disability which interferes with or impairs their ability to participate or derive the benefits from the experiences and activities of University life.

- d. Hazing – Any action taken or situation intentionally created to produce mental, emotional-2 (on t (e)11.04 540 6 21.04 0 Td [(c)-10 (r)-1 (e)



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 8 of 30

---

SUBJECT: STUDENT CONDUCT CODE

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- g. False Imprisonment/Detention Intentionally restraining others, or impairing their ability to freely move without justification or their consent.





SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 9 of 30

---

SUBJECT: STUDENT CONDUCT CODE

---

4. Violations Obstructing Orderly Administration of University Operations
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SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 10 of 30

---

SUBJECT: STUDENT CONDUCT CODE

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- i. Failing to Adhere to Agreements



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SUBJECT: STUDENT CONDUCT CODE

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- e. Traffic Violations – Serious traffic violations on University property or while operating University-controlled vehicles, including operating any vehicle while impaired, texting while driving, speeding, reckless endangerment or reckless driving.
- f. Smoking – Pursuant to the Utah Clean Air Act, smoking is prohibited in all campus buildings and within twenty-five (25) feet of any public building.
- g. Obscene Conduct – Any behavior that is obscene, lewd, repulsive, or indecent based on contemporary community standards. W Tc 0 -nts -11



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SUBJECT: STUDENT CONDUCT CODE

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- g. Violating the privacy and confidentiality of any student or University employee with respect to the Conduct Proceedings;
  - h. Influencing or attempting to influence another person or organization to interfere with the orderly operation of the Conduct Proceedings.
  - i. Abusing the Good Samaritan Provision of this Code (Policy 11.2.VI).
9. Shared Responsibility Violations
- a. Conduct of Guests/Visitors – Students/organizations are accountable for the conduct of their guests or visitors and for informing them of the expectations, rules and regulations regarding appropriate conduct at the University or its sponsored events. If guests or visitors violate this Code or other University policies, their student host(s) may be held responsible even in if the host did not participate in the activity or actions that violated policy.
  - b. Failure to Report/Complicity – Students that witness or are aware of violations of this Code, University policies, or of any other dangerous condition or circumstance on campus, and who do not report it to the University Officials, may be held responsible under this Code.
10. Alcohol & Other Drug Abuse (AODA)
- Southern Utah University recognizes that students often need education and assistance because a person significant to them is afflicted with chemical dependency, or because they require support in their own decisions not to use or abuse alcohol and/or other drugs. Since chemical dependency frequently precedes AODA, SUU wishes to provide education and assistance to any student displaying signs of such harmful involvement. Chemical dependency is a serious illness that can be successfully treated if identified early, if appropriate referral to community agencies is made, and if adequate support is afforded those who are in the process of recovery.





SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 14 of 30

---

SUBJECT: STUDENT CONDUCT CODE

---

c.



SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92









SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:  
Office of Responsibility: VPSA  
Page 19 of 30

---

SUBJECT: STUDENT CONDUCT CODE

---

is determined by comparing the weight of the evidence for validity, reliability and relevance, toward concluding what was more likely to have occurred than not. In order for the Student Conduct Administrator of



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SUBJECT: STUDENT CONDUCT CODE

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responsible for the alleged violation, the designated Student Conduct Officer may assign sanctions commensurate with the type and nature of the misconduct and the student's/organization's conduct history. The Student Conduct Officer's determination of responsibility and assigned sanctions will be provided in writing to the student/organization. The student/organization will have three (3) business days to accept or reject the administrative disposition. If the administrative disposition is not rejected within ~~th(3)~~ days, it will be deemed accepted and imposed as final. If the administrative disposition is rejected, the allegation will be referred to the VPSA for appeal.

- c. Additional Investigation – The designated Student Conduct Officer may conclude and inform the student/organization that additional time, information, or effort is needed to investigate the allegations to determine responsibility and will notify the student/organization that a subsequent meeting will occur once the investigation is completed.

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SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92  
Date Amended: 04/29/16  
Reviewed w/ No Changes:



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SUBJECT: STUDENT CONDUCT CODE

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iv. Any member of the UAB who believes that his/her personal or professional relationship with Responding Party may impair his/her ability to render an impartial and fair decision, must disqualify him/herself from the appeal process.

v. Any member of the UAB may decline to serve or recuse themselves from service if they believe there may be an appearance of impropriety by serving on the committee for the scheduled appeal.

vi. A timely objection to a scheduled committee member by

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SOUTHERN UTAH UNIVERSITY  
Policies and Procedures

Policy # 11.2  
Date Approved: 12/12/92







---

SUBJECT: STUDENT CONDUCT CODE

---

presented, and sanctions assessed to the student or organization will be lifted.

- ii. Responsible with Upheld Sanctions – The alleged misconduct has been established by a preponderance of the information presented and the initial decision and sanctions made by the Student Conduct Officer will stand.
- iii. Responsible with Modified Sanctions – The alleged misconduct has been established by a preponderance of the information presented but the sanctions are unwarranted or have been inappropriately applied. The UAB will assign new sanctions.

h. Sanctions for NonAcademic Misconduct

The Student Conduct Administrator, Student Conduct Officer, and the UAB may impose any one or a combination of the following sanctions commensurate with the gravity of the Academic Misconduct and the conduct history of the accused student or organization:

- i. Warning Letter/Letter of CensureThe student/organization is notified in writing that their actions have constituted a violation of Code or University policy and are therefore inappropriate. The letter will be included in the student's/organization's conduct file.
- ii. Education Experiences – The student or organization is required to demonstrate their responsibilities within the University community by performing certain reasonable and relevant educational or related service activities. Failure to complete the educational experience in the time prescribed may result in suspension from the University. Failure of student organizations to complete the educational experience in the time prescribed may result in withdrawal of University recognition and cancellation of registration status with SUUSA. Any fees associated with the educational experiences will be the responsibility of the student/organization.



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SUBJECT: STUDENT CONDUCT CODE

---

- iii. Fine – An imposition of a monetary fine to deter behavior.
- iv. Community Service – Students/organizations may be required to perform community service. The assigned community service must be performed at an approved agency within the surrounding community or within the University. The location of the service must be approved by the designated Student Conduct Officer or the Student Conduct Administrator before commencing the service.
- v. Restitution – Compensation for loss, damage, or injury. This may take the form of appropriate service or be



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SUBJECT: STUDENT CONDUCT CODE

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period of time, after which they are eligible to return. During the period of social suspension, access to the organizations and its meetings are prohibited and a violation may result in further ~~oc~~comes.

- xi. Disciplinary Suspension – Separation of the student/organization from the University for a defined period of time, after which they are eligible to return. During the period of disciplinary suspension, access to campus is prohibited and a violation will be treated as a criminal trespass. Conditions for return or readmission may be specified. In case of students, Disciplinary Suspension may be noted on the transcript.
- xii. Disciplinary Dismissal– Separation of the student/organization from the University with the expectation that the separation will be permanent. Dismissal means access to campus is prohibited and a violation will be treated as a criminal trespass. In the case of students, Disciplinary Dismissal will be noted on the transcript. In the case of student organizations, Disciplinary Dismissal results in the cancellation of the



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SUBJECT: STUDENT CONDUCT CODE

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- xv. Future Housing Privilege Relocation – Students found in violation of University policy may have their privilege to live in University housing revoked for subsequent years. Students who have their future housing privilege revoked will not be permitted to participate in the housing registration and selection process. Further violation of University policy may result in additional conduct proceedings and immediate removal f(ceed8 0.2 to)2 2[(p)-4ntgedn



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SUBJECT: STUDENT CONDUCT CODE

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employment, or attendance at conferences, activities, and events.

i. Delivery of Decisions

The Student Conduct Administrator, Student Conduct Officer, or UAB will prepare a letter that contains the determination of responsibility and, if necessary, any sanctions. A copy of the letter will be emailed, mailed by first class mail, or hand delivered to the student within ten (10) business days of the hearing. The determinations made by these officers are final and are in force at the time of receipt.

j. Notice of Outcome

In some cases, the University is permitted to share the outcome of conduct proceedings with the Reporting Party and the public. If the alleged misconduct is considered a crime of violence under FERPA, the University may share the outcome with others. Crimes of violence include: arson; assault offenses; burglary; criminal homicide; manslaughter; destruction, damage and vandalism of property; kidnapping/abduction; robbery; and forcible sex offenses.

The outcome of Conduct Proceedings may not always include the sanctions issued to the accused student or organization. More often than not, sanctions will only be shared with the Reporting Party when those sanctions directly relate to the Reporting Party. Some forms of misconduct also warrant the University sharing the outcome of its Conduct Proceedings with the public for reasons of safety. If the University determines that the student or organization is an alleged perpetrator of a crime of violence or forcible sex offense, and, with respect to the allegation made, the student has committed a violation of the University's policies then the University may disclose the outcome to anyone, as provided by state and federal law. The University will also disclose determinations of responsibility for hazing.

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SUBJECT: STUDENT CONDUCT CODE

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