

**Case Western Reserve University  
Student Code of Conduct 2023-2024  
Effective August 1, 2023**

**Preamble**

The mission of Case Western Reserve University is to improve and enrich people’s lives through research that capitalizes on the power of collaboration, and education that dramatically engages students. This goal is realized through scholarship and creative endeavors that draw on all forms of inquiry; learning that is active, creative and continuous; and promotion of an inclusive culture of global citizenship.

The University Student Code of Conduct serves to support the overall mission and core values of Case Western Reserve University. This includes civility and the free exchange of ideas, civic and international engagement, appreciation for the distinct perspectives and talents of each individual, academic freedom and responsibility, positive treatment, and ethical behavior.

The scope of the University Code of Conduct is behavioral expectations of all undergraduate, graduate and professional students. This code is not applicable to sexual misconduct or academic integrity violations; both of which are covered under different policies. This code may be used in conjunction with other policies including but not limited to academic program policies, program-specific professionalism policies, student organization policies, athletic and recreation policies. No policy will automatically pre-empt any other policy and more than one policy may be applied to the same incident in a parallel manner. Any internal behavioral conduct policies for student organizations must be consistent with the University Student Code of Conduct.

Students are expected to be members of the University community who respect others and are committed to personal and academic excellence. The goals of the University conduct process are (1) to promote a campus environment that supports the overall educational mission of the University; (2) to protect the University community from disruption and harm; (3) to encourage appropriate standards of individual behavior and citizenship; (4) to foster ethical standards; (5) to provide fair and consistent due process for students and organizations alleged to have violated the Code of Conduct.

**Article I: Definitions**

1. The term **University** refers to Case Western Reserve University.
2. The term **student** includes, but is not limited to, all persons taking courses at the University, either full-time or part-time, pursuing non-degree, undergraduate, graduate or professional studies. Persons who withdraw after allegedly violating the Student Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have applied and/or have been notified of their acceptance for admission are considered students.
3. The term **faculty member** means any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University or individual academic program to be a member of the faculty.

4. The term **University official** includes any person employed by the University, on a full-time, part-time or temporary basis, performing assigned administrative or professional responsibilities.
5. The term **member of the University community** includes any person who is a student, faculty member, University official, person employed by the University, guest or visitor. If not clear, a person's status in a particular situation shall be determined by the Vice President of Student Affairs or designee.
6. The term **University premises** includes all land, buildings, facilities and other property in the possession of or owned, used, or controlled by the University.
7. The terms **student organization** or **student group** means any number of persons who have complied with the formal requirements for University recognition or that would otherwise be considered a student organization or student group. This could include but is not limited to recognized student organizations, Greek life chapters, athletic teams and performance groups.
8. The term **hearing board** or **hearing panel** means person or persons authorized by the Vice President of Student Affairs to determine whether a student or student organization has violated the Student Code of Conduct and to impose sanctions when violation of the Code of Conduct has occurred.
9. The term **hearing officer** means a University official authorized by the Vice President of Student Affairs to unilaterally determine whether a student or student organization has violated the Student Code of Conduct and to impose sanctions when violation of the Code of Conduct has occurred.
10. The term **appeal board** or **appeal panel** means any persons authorized by the Vice President of Student Affairs to consider an appeal from the hearing board or hearing officer's determination whether a student or student organization has violated the Code of Conduct or from the sanctions imposed.
11. The term **appeal officer** means a University official authorized by the Vice President of Student Affairs to unilaterally consider an appeal from the hearing officer's determination whether a student or student organization has violated the Code of Conduct or from the sanctions imposed.
12. The term **respondent** means any student or student organization accused of violating the Student Code of Conduct.
13. The term **investigator** means any University official gathering information for a hearing officer or hearing board to determine whether a violation of the Code of Conduct occurred.
14. The term **witness** means any person providing relevant information related to a conduct incident as determined by the Director of Student Conduct & Community Standards or a designee.
15. The term **business day** means any day the University is conducting normal operations and most offices are open.
16. The term **shall** is used in the imperative sense.
17. The term **may** is used in the permissive sense.
18. The **Vice President of Student Affairs** is the person designated by the University to be responsible for the administration of the Student Code of Conduct.
19. The **Director of Student Conduct & Community Standards** is the person designated by the Associate Vice President of Student Affairs/Dean of Students for daily operation of the student conduct process.

20. The term **policy** means any regulations, in written or electronic form, of the University including, but not limited to the Student Code of Conduct, undergraduate, graduate and professional school academic integrity policies, , and undergraduate/graduate/professional school handbooks and catalogs.

## **Article II: Student Code of Conduct Authority**

1. The Vice President of Student Affairs or designee shall determine the composition of hearing boards and appeal boards and determine which hearing board, hearing officer or appeal board shall be authorized to hear each matter.
2. The Vice President of Student Affairs or designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of hearings that are consistent with provisions of the student code.
3. Decisions made by hearing boards or hearing officers shall be final, pending the normal appeal process.

## **Article III: Proscribed Conduct**

### **A. Jurisdiction of the University Student Code of Conduct**

The University Student Code of Conduct shall apply to conduct that occurs on University premises, at University-sponsored activities and to off-campus conduct that adversely affects the University community, the mission of the University and/or the pursuit of University goals. Each student shall be responsible for their conduct from the time of application for admission through the actual awarding of a degree, including periods immediately before classes begin or immediately after classes end, as well as during the academic year and during periods between terms of actual enrollment. This includes conduct that occurred while a student was enrolled but discovered after a degree was awarded. The Student Code of Conduct shall apply to a student even if the student withdraws from the University while a disciplinary matter is pending. The Vice President of Student Affairs or designee shall decide when the Student Code of Conduct may be applied to incidents of misconduct occurring off campus, on a case-by-case basis.

### **B. Conduct – Policies**

1. Acts of dishonesty, including but not limited to:
  - a. Furnishing false information to any University official, faculty member or office.
  - b. Forgery, alteration or misuse of any University or government issued document, record or instrument of identification.
  - c. Misrepresentation; including but not limited to misrepresentation of any University material, program or individual.
2. Disruption, tampering, misuse, or obstruction of teaching, research, administration, and other University activities including student organization elections, public service functions, or of other authorized non-University activities and services.
3. Inappropriate treatment of others, including but not limited to:

- a. Causing physical harm to others
  - b. Verbal Abuse
  - c. Behavior that is threatening
  - d. Behavior that is intimidating
  - e. Harassment
  - f. Behavior that is coercive
  - g. Behavior that endangers the health or safety of any person
4. Theft, Damage, Vandalism, or Littering including but not limited to:
    - a. Theft, defined as attempted or actual theft of property of the University or property of a member of the University community or other personal or public property, on or off campus.
    - b. Damage, defined as attempted or actual damage to property of the University or property of a member of the University community or other personal or public property, on or off campus.
    - c. Vandalism, defined as attempted or actual disfiguring or defacing of University or property of a member of the University community or other personal or public property, on or off campus.
    - d. Littering, defined as leaving garbage or other unwanted items on University property or other public spaces.
  5. Hazing is defined as an act which endangers the health or safety of a student, or causes or creates a substantial risk of causing mental or physical harm, including coercing another to consume alcohol or a drug of abuse as defined in section 3719.011 of the Revised Code, or an act which destroys or removes public or private property, for the purpose of initiation, admission, affiliation, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing are not neutral acts; they are a violation of this policy. Also refer to Ohio Senate Bill 126.
  6. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties, including but not limited to:
    - a. Failure to identify oneself to these persons when requested to do so.
    - b. Noncompliance with a No Contact Directive, Persona Non Grata, or other University directive.
  7. Unauthorized access:
    - a. Unauthorized possession, duplication, or use of keys, student identification cards or other means of access, to any University premises.
    - b. Unauthorized entry or attempted entry to or use of University premises.
    - c. Contributing to or participating in the unauthorized entry of an individual into a student room or building facility.
  8. Violation of any University policy, rule or regulation.
  9. Violation of any federal, state, or local law.

10. Drugs, narcotics or other controlled substances except as expressly permitted by federal, state and local laws or University policies (medical marijuana is not permitted on University property as it is prohibited by law):
  - a. Use of drugs, narcotics or others controlled substances
  - b. Possession of drugs, narcotics or other controlled substances
  - c. Use of any substance with the intention of causing illness or injury
  - d. Manufacturing of drugs, narcotics or other controlled substances
  - e. Distribution of drugs, narcotics or other controlled substances
  - f. Possession or use of drug paraphernalia; items that a reasonable person would believe are used in conjunction with drugs, narcotics or other controlled substances.
  
11. Alcohol policy:
  - a. Use of alcohol by an individual under the legal drinking age
  - b. Possession of alcohol by an individual under the legal drinking age
  - c. Distribution of alcohol to any individual under the legal drinking age
  - d. Public intoxication by any individual
  - e. Use or possession of alcohol in a public space not otherwise designated for alcohol consumption.
  - f. Use of alcohol leading to illness or injury
  - g. Use or possession of bulk quantity or common sources of alcohol including but not limited to kegs, large open containers, or a large number of individual servings likely for use as a common source.
  - h. Participating in drinking games or other high-risk behavior including funneling
  - i. Use or possession of alcohol in any buildings or floors designated as First-Year Experience living spaces except resident rooms where all assigned residents of the room are of legal drinking age.
  - j. Violation of other University alcohol policies.
  - k. Use or possession of alcohol by any individual in substance-free University housing.
  
12. CWRU Tobacco-Free policy – CWRU prohibits the use of tobacco products at all times on campus property. "Tobacco" refers to any product containing tobacco in any form. Tobacco products include, but are not limited to, cigarettes (clove, bidis, kreteks, e-cigarettes); cigars and cigarillos; pipes; all forms of smokeless tobacco; any other smoking devices that use tobacco, such as hookahs; and any other existing or future smoking, tobacco or tobacco-related products. "CWRU Property" refers to all interior space owned, rented or leased by CWRU and all outside property or grounds owned or leased by CWRU, including parking areas and private vehicles while they are on CWRU property and CWRU vehicles.  
<https://case.edu/tobaccofree/policy>
  
13. Guest Responsibility – Students are responsible for the behavior of their guests when on University property or at any event sponsored by or affiliated with the University. Students may be held accountable for violations of any policy by guests. Students who do not make reasonable efforts to inform guests of policies and control guest behavior will be more likely to be responsible for a violation. The University may take action with guests including but not limited to enacting a ban from campus or filing criminal charges. The definition of "guests" includes but is not limited to, any person, including other students, that a student

allows into their room, residence hall or to campus, and/or any person that would be considered the guest of a student by a reasonable person. With approval of all roommates/suitemates, overnight guests may be accommodated in residence facilities for a maximum of three (3) consecutive nights.

14. Weapons Policy - Possession or use of any item considered a weapon, or parts of a weapon, on University premises is strictly prohibited. Having any such item mailed, delivered or otherwise sent to any University premises is also considered a violation. This includes but is not limited to:
  - a. Firearms of any kind
  - b. Knives/Swords/Other sharp weapons
  - c. Explosives/Ammunition
  - d. Dangerous Chemicals
  - e. Kitchen utensils not used for their intended purpose
  - f. Blunt weapons
  - g. Tasers, Mace, Pepper Spray
  - h. Simulated Weapons (e.g. airsoft or BB guns)
  - i. Athletic Equipment not used for intended purpose
  
15. Participating in a demonstration, riot or activity that unreasonably disrupts the normal operations of the University and/or infringes on the rights of other members of the University community; leading or inciting others to significantly disrupt scheduled or normal activities.
  
16. Gambling – Any kind of betting, gaming or competition where money or other items of value are at stake. This may exclude some raffles, philanthropy events or other events approved by the appropriate University office.
  
17. Conduct that is:
  - a. Disorderly
  - b. Lewd
  - c. Indecent
  - d. Breach of peace
  - e. Violation of residence hall quiet hours or courtesy hours. Quiet Hours are in effect: Sunday – Thursday: 11:00pm-10:00am, Friday - Saturday: Midnight -10:00am. Courtesy hours are in effect 24 hours every day.
  - f. Aiding, abetting, or procuring another person to breach the peace.
  - g. Solicitation of materials, services, or commercial activities of any type in residence facilities without written permission or registration from the appropriate office.
  - h. Making an audio, video, photographic or other record of any person while on University premises or at any event sponsored by or affiliated with the University without prior knowledge or effective consent when such a recording may cause harm, injury or distress.
  - i. Creating/distributing pornographic material on University premises or at any event sponsored by or affiliated with the University or that uses University property or resources.

- j. Hall Sports - participating in unapproved physical recreational activities inside a residence hall.
  - k. Violation of any University Service Animal, Assistance Animal, Pet Policy or other policy related to companion or support animals.
  - l. Endangering, cruelty, neglect or harm to a companion, service or assistance animal.
18. Violation of the University fire safety policy including, but not limited to:
- a. Setting a fire/Arson
  - b. Sounding a false alarm
  - c. Falsely reporting fire, bomb threats, serious injury, or any other emergency
  - d. Intentionally or negligently activating a fire alarm when no fire is present
  - e. Tampering with a fire alarm pull station or fire suppression system
  - f. Using a fire extinguisher in a non-emergency situation
  - g. Not evacuating the building during a fire alarm
  - h. Tampering with a smoke/particle detector; sprinkler heads, or other fire safety equipment
  - i. The blocking of any inside or outside exit, fire doors, corridors, hallways or tampering with self-closing mechanisms.
  - j. Use or possession of any CWRU Office of Environmental Health & Safety, Fire Safety Prohibited Items <https://case.edu/ehs/safety-subject/fire-safety/prohibited-items>
19. Technology - Theft or other abuse of computer facilities and resources including but not limited to:
- a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Use of another individual's identification and/or password.
  - d. Use of computing facilities or technology resources that disrupts or interferes with the work of another student, faculty member or University official.
  - e. Use of computing facilities and resources to send obscene, or abusive messages.
  - f. Use of computing facilities and resources that interfere with normal operation of the University computing system.
  - g. Use of computing facilities and resources in violation of copyright laws.
  - h. Any violation of the University's Acceptable Use of Information Technology Policy (AUP) or any other University technology policy.
20. Abuse of conduct system, including but not limited to:
- a. Failure to obey a notice from a conduct board or University official to appear for a meeting or hearing as part of any student conduct system.
  - b. Falsification, distortion, or misrepresentation of information before any student conduct board.
  - c. Disruption or interference with the orderly conduct of any University disciplinary process.
  - d. Participating in a student conduct code meeting, hearing or other disciplinary process in a way that is dishonest.

- e. Attempting to discourage an individual's proper participation in, or use of the student conduct system.
- f. Attempting to influence the impartiality of a member of a hearing board prior to, and/or during the course of, the hearing board process.
- g. Retaliation, harassment or intimidation of any individual related to their participation in any University disciplinary process.
- h. Failure to comply with the sanction(s) imposed under the student code.
- i. Influencing or attempting to influence another person to commit an abuse of the Code of Conduct or processes associated with it.

C. Violation of Federal, State and/or Local Law and University Discipline

1. University disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code of Conduct (that is, if both possible violations result from the same factual situation or incident) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President of Student Affairs or a designee. Determinations made or sanctions imposed under this student code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of University rules were dismissed, reduced, or resolved in favor of the criminal law defendant.
2. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for the individual because of their status as a student. If the alleged offense is also being processed under the Student Code of Conduct, the University may advise off-campus authorities of the existence of the Student Code and of how such matters are typically handled within the University community. The University will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that conditions do not conflict with campus rules or sanctions). Individual students and other members of the University community, acting in their personal capacities, remain free to interact with governmental representatives, as they deem appropriate.

**Article IV: Student Conduct Code Procedures**

A. Determination of Conduct Charges and Resolution

1. Any person may allege that a student or student organization violated the Student Code of Conduct.
2. Upon review of any allegation, the Director of Student Conduct & Community Standards or a designee will determine the appropriate conduct process for resolution and appropriate conduct charges. Possible conduct policy violations (Article III, Section B), mitigating and aggravating factors and prior misconduct will be considered in determining the resolution path.

- a. The Administrative Hearing Process (Article IV, B) will be appropriate when there is no possibility of Disciplinary Probation, University Separation or University Expulsion being imposed as sanctions.
- b. The Formal Hearing Process (Article IV, C) will be appropriate if there is any possibility of Disciplinary Probation, University Separation or University Expulsion being imposed as a sanction or if the incident had a significant impact to the University community or other individuals.
- c. The allegation will be referred to a different resolution process if there are possible policy violations that fall outside the scope of the Student Code of Conduct.
- d. The allegation will be dismissed if the available information does not support that the incident falls within the scope of the Student Code of Conduct or any other policy.

#### B. Administrative Hearing Process

1. The Director of Student Conduct & Community Standards or a designee may conduct an investigation to determine if there is sufficient information to find a possible violation. If there is insufficient information, then the case will be dismissed. If there is sufficient information, then the Director of Student Conduct & Community Standards or a designee will determine if the charges can be resolved without a hearing by mutual consent of the parties involved on a basis acceptable to the Director of Student Conduct & Community Standards. This may include:
  - a. Agreement regarding responsibility for alleged violations and imposed sanctions between the University official and the respondent as long as sanctions do not include Disciplinary Probation, University Separation or University Expulsion.
  - b. Agreement to dismiss the case as lacking sufficient evidence to support any violation of the Student Code of Conduct.
  - c. Agreement that the University Medical Amnesty policy applies (Article IV, D).

In any of these instances, such disposition shall be final and there shall be no subsequent proceedings or appeals.

2. If charges are not dismissed, if charges are not admitted to, if charges cannot be resolved by mutual consent, if sanctions are not agreed to, or if medical amnesty is not granted, the case will be referred to the Office of Student Conduct & Community Standards for resolution through the administrative hearing process.
3. An administrative hearing will be scheduled. The administrative hearing date, time and location will be communicated to the respondent at least five business days prior to the

hearing. A respondent may choose to waive this notice in the interests of expediting resolution of the case.

4. The respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.
5. Administrative Conduct Hearings shall be conducted according to the following guidelines:
  - a. Administrative Conduct Hearings shall be conducted in private.
  - b. A single hearing officer will determine responsibility for the alleged policy violations and possible sanctions.
  - c. The respondent has the right to be assisted by an advisor of their choice, at their own expense. The respondent is responsible for presenting relevant information to the hearing officer. Advisors may advise their advisee but are not permitted to speak or participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.
  - d. The hearing officer, respondent, an advisor of the respondent's choice (if any), and the investigator (if any) shall be allowed to attend the entire portion of the administrative conduct hearing except for the hearing officer's deliberation.
  - e. The respondent and the investigator (if any) will have an opportunity to present information relevant to the allegations.
  - f. The respondent and investigator may request witnesses to present pertinent information to the hearing officer. The Director of Student Conduct & Community Standards or designee will determine relevancy of witnesses. Normally, hearings will not be delayed or rescheduled to accommodate witnesses.
  - g. Approved witnesses shall be allowed to attend a portion of the hearing where they will present relevant information and answer questions.
  - h. The hearing officer and the respondent may ask questions of the respondent, the investigator and witnesses.
  - i. After all appropriate parties have had an opportunity to present information to the hearing officer and ask questions, the hearing officer will deliberate to determine responsibility for alleged violations. Deliberations will be in private. The hearing officer may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
  - j. If responsibility for any violation is determined, the hearing officer will deliberate to determine appropriate sanctions. Sanctions will be determined based on the violations for which the respondent is found responsible, prior misconduct, factors considered aggravating, and factors considered mitigating. The hearing officer may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
  - k. In hearings involving more than one respondent, the Director of Student Conduct & Community Standards or designee may permit the respondents to participate in the hearing separately or together. Respondents may request to have decisions rendered separately or together.
  - l. Pertinent records, exhibits and written statements (including student impact statements) may be accepted as information for consideration by the hearing officer at the discretion of the Director of Student Conduct & Community Standards or a

- designee. All relevant information must be submitted by the complainant and respondent at least two business days before the scheduled hearing.
- m. All procedural questions are subject to the final decision of the Director of Student Conduct & Community Standards or designee.
  - n. The hearing officer's determination of responsibility for each violation shall be made on the basis whether there is a preponderance of the evidence, or whether it is more likely than not, that the respondent violated the Student Code of Conduct.
  - o. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in a criminal or civil court, are not used in the student conduct proceedings.
6. If with proper notice, the respondent and/or investigator do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present.
  7. The hearing officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Director of Student Conduct & Community Standards or designee.

#### C. Formal Hearing Process

1. The Director of Student Conduct & Community Standards or a designee may conduct an investigation to gather information and determine if there is sufficient information to find a possible violation. If there is insufficient information then the case shall be dismissed. If there is sufficient information then the case shall proceed to a formal hearing.
2. A formal conduct hearing will be scheduled. The hearing date, time and location will be communicated to the respondent at least five business days prior to the hearing. A respondent may choose to waive this notice in the interests of expediting resolution of the case.
3. The respondent may review all information relevant to the hearing. Information will be available at least five business days prior to the hearing.
4. Formal Conduct Hearings shall be conducted according to the following guidelines:
  - a. Formal Conduct Hearings shall be conducted in private.
  - b. A hearing board normally consisting of three individuals who will determine responsibility for the alleged policy violations and possible sanctions as well as a non-voting board chair. For Greek Student Organizations, normally five individuals will serve on the hearing board.
  - c. The respondent has the right to be assisted by an advisor of their choice, at their own expense. The respondent is responsible for presenting relevant information to the hearing board. Advisors may advise their advisee but are not permitted to speak or participate in the hearing. Normally, hearings will not be delayed or rescheduled to accommodate advisors.

- d. The hearing board, respondent, an advisor of the respondent's choice (if any) and the investigator (if any) shall be allowed to attend the entire portion of the formal conduct hearing except for the hearing board's deliberations.
  - e. The respondent and the investigator will have an opportunity to present information relevant to the allegations.
  - f. The respondent or investigator may request witnesses to present pertinent information to the hearing board. The Director of Student Conduct & Community Standards or designee will determine relevancy of witnesses. Normally, hearings will not be delayed or rescheduled to accommodate witnesses.
  - g. Approved witnesses shall be allowed to attend a portion of the hearing where they will present relevant information and answer questions.
  - h. The hearing board and respondent may ask questions of the respondent, the investigator and witnesses.
  - i. After all appropriate parties have had an opportunity to present information to the hearing board and ask questions, the hearing board will deliberate to determine responsibility for alleged violations. Deliberations will be in private. The hearing board may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
  - j. If responsibility for any violation is determined, the hearing board will deliberate to determine appropriate sanctions. Sanctions will be determined based on the violations for which the respondent is found responsible, prior misconduct, factors considered aggravating, and factors considered mitigating. The hearing board may confer with the Director of Student Conduct & Community Standards or designee during deliberations.
  - k. In hearings involving more than one respondent, the Director of Student Conduct & Community Standards or designee may permit the students to participate in the hearing separately or together. Respondents may request to have decisions rendered separately or together.
  - l. Pertinent records, exhibits and written statements (including impact statements) may be accepted as information for consideration by the hearing board at the discretion of the Director of Student Conduct & Community Standards or a designee. All relevant information must be submitted at least two business days before the scheduled hearing.
  - m. All procedural questions are subject to the final decision of the Director of Student Conduct & Community Standards or designee.
  - n. The hearing board's determination of responsibility for each violation shall be made on the basis whether there is a preponderance of the evidence, or whether it is more likely than not, that the respondent violated the Student Code of Conduct.
  - o. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in a criminal or civil court, are not used in the student conduct proceedings.
5. There shall be a single verbatim record, such as a digital recording, of all formal hearings before a student conduct board. Deliberations shall not be recorded. The record shall be the property of the University.

6. If with proper notice respondent and/or investigator, do not appear for a conduct hearing, the available information regarding alleged violations shall be presented and considered without such parties present.
7. The Director of Student Conduct & Community Standards or designee may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the respondent, and/or witnesses during the hearing by providing separate facilities, by using a visual screen to separate participants, and/or by permitting participation by telephone, video conferencing, video recording, audio recording, written statement or other means. Decisions regarding participation will be made by the Director of Student Conduct & Community Standards or designee.

#### D. Greek Student Organization Hearing Process

1. When an allegation against an entire chapter occurs, unless precluded by allegation severity, preexisting sanctions, or recent findings of responsibility, the chapter president will meet with a Vice-President of Administration (VPA) from the Panhellenic Council or the Interfraternity Council and a representative from the Greek Life Office to discuss the allegations, resolution options and possible sanctions.
  - a. If the chapter accepts responsibility for all allegations, and possible sanctions do not include Recognition Removal, the chapter will follow the outlined process in the Panhellenic Council and Interfraternity Council bylaws. Based on chapter history, including preexisting sanctions, a Greek Life Joint Judicial Board hearing may take place.
  - b. If the chapter does not contest the violations but does not accept responsibility, and possible sanctions do not include Recognition Removal, an Informal Greek Life Joint Judicial Board hearing will occur (IV, D, 2).
  - c. If the chapter pleads not responsible, a formal Greek Life Joint Judicial Board hearing will occur (IV, D, 3).
  - d. If Recognition Removal is a possible outcome, regardless of whether responsibility is accepted, a Formal University Greek Life Conduct Hearing will occur (IV, C).
2. Informal Greek Life Hearing
  - a. The Panhellenic Council/Interfraternity Council Judicial Board will review the available information and determine responsibility and possible sanctions.
  - b. The chapter may have an advisor but witnesses may not be requested.
3. Formal Greek Life Hearing
  - a. The Panhellenic Council/Interfraternity Council Judicial Board will review the available information and determine responsibility and possible sanctions.
  - b. The chapter may have an advisor and witnesses may be requested.

#### E. Non Greek Student Organization Hearing Process

1. All other recognized student organizations will follow the conduct process outlined in Article IV, A-C.

## F. Medical Amnesty:

Case Western Reserve University seeks to promote a community of care by providing Medical Amnesty for individuals and student organizations who seek medical attention for medical emergencies related to alcohol and other drugs. To ensure that a student obtains the help they need for these potentially life-threatening emergencies, CWRU seeks to reduce barriers to seeking assistance.

Case Western Reserve University's Medical Amnesty Policy:

1. Eliminates Student Conduct consequences for:
  - a. students and/or organizations seeking assistance
  - b. the assisted individual
  - c. others involved
2. Applies when allegations under the Student Code of Conduct or other policies involve
  - a. consumption of alcohol
  - b. use of drugs
  - c. disorderly conduct
3. Does not preclude disciplinary action regarding other Code of Conduct violations, including but not limited to,
  - a. causing or threatening physical harm
  - b. sexual violence
  - c. damage to property
  - d. fake identification
  - e. unlawful provision of alcohol or other drugs
  - f. harassment
  - g. hazing

In order for medical amnesty to be upheld, the assisted student must agree to timely completion of assigned alcohol and/or drug education activities, assessment, and/or treatment (assigned by Case Western Reserve University depending on the level of concern for student health and safety).

- Failure to complete recommended follow-up will normally result in revocation of Medical Amnesty.
- Repeated incidents resulting in medical amnesty may prompt a higher degree of medical concern with additional steps taken.

Likewise, organizations involved in an incident must agree to take recommended steps to address concerns, such as educational follow-up. Multiple incidents resulting in medical amnesty may result in revocation of an organization's recognition.

Medical Amnesty does not negate the University's obligation to notify the CWRU Police Department as required by Ohio State Law. The Medical Amnesty Policy represents the University's commitment to increasing the likelihood that community members will call for medical assistance when faced with an alcohol and/or drug emergency. The Medical Amnesty Policy also promotes education for individuals who receive emergency medical

attention related to their own use of alcohol or other drugs in order to reduce the likelihood of future occurrences.

Portions of the Medical Amnesty Policy have been adapted from Cornell University's Good Samaritan Protocol.

## G. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
  - a. Warning – A written notice to the respondent communicating that a violation of the Code of Conduct has occurred and that a conduct record is on file within the University.
  - b. Deferred Disciplinary Probation – A written notice to the respondent that a violation of the Code of Conduct has occurred, that a conduct record is on file within the University and that any additional violations of the Code of Conduct will likely lead to Disciplinary Probation. Deferred Disciplinary Probation is for a set period of time.
  - c. Disciplinary Probation – A written reprimand to the respondent communicating that a serious violation of the Code of Conduct has occurred and/or multiple violations of the Code of Conduct have occurred; that a conduct record is on file within the University and that any additional violations of the Code of Conduct will likely lead to some level of separation from the University. Disciplinary Probation is for a set period of time and shall not exceed 18 months for a single incident that is a violation of the Student Code of Conduct. Disciplinary Probation may lead to a loss of privileges including, but not limited to, being ineligible to represent the University in intercollegiate activities, hold an elected or appointed office or committee leadership in any campus organization, study abroad and/or pledge a fraternity or sorority for the duration of the probationary period.
  - d. University Housing Separation – Separation of the student from University housing for a defined period of time, after which the student is eligible to petition to return to housing. Conditions for readmission to housing may be specified.
  - e. University Housing Expulsion – Permanent separation of the student from University housing. A ban from visiting, entering or being in the vicinity of any University housing is included as part of this sanction unless otherwise specified.
  - f. University Separation – Separation of the student from the University for a defined period of time, after which the student is eligible to petition to return to the University. Separation from the University shall not exceed 24 months for a single incident that is a violation of the Student Code of Conduct. A separated student may not enroll in classes or be a part of any University related activities. A ban from the University campus and from participation in University related activities and events is included as part of this sanction unless otherwise specified. Upon completion of separation period and approval of petition by the University, readmission to the University may occur.
  - g. University Expulsion – Permanent separation of the student from the University. A ban from the University campus and from participation in University related activities and events is included as part of this sanction unless otherwise specified.
  - h. Persona Non Grata – A ban from entry to specified areas of University premises, including the entire campus if directed, for a specified or permanent period of time.

- i. No Contact Directive – Directive banning contact with another University community member while one or both are members of the University community.
  - j. Loss of Privileges – Denial of specified privileges for a designated period of time or permanently.
  - k. Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
  - l. Educational Sanctions – assignments, essays, service to the University or outside community or other related discretionary or educational assignments.
  - m. Revocation of admission and/or degree – Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
  - n. Withholding Degree – The University may withhold awarding a degree otherwise earned until the completion of the process set forth in the Code of Conduct, including the completion of all sanctions imposed.
  - o. Mental Health Evaluation – The University may require the student to complete a specified mental health evaluation. Being allowed to return to the University or return to other specified activities may be contingent on successful completion of such an evaluation.
2. More than one of the sanctions outlined above may be imposed for any single violation.
  3. Prior misconduct and other factors may be taken into account when determining sanctions.
  4. Other than University expulsion, revocation of a degree or withholding of a degree, sanctions shall not be made part of the student’s permanent academic record. Instead, they shall become part of the student’s disciplinary record.
  5. The following sanctions may be imposed upon student organizations:
    - a. Those sanctions outlined above in Article IV(B)(1);
    - b. Loss of selected organizational rights and privileges for a specified period of time.
    - c. Loss of recognition and all student organization privileges for a specified period of time.
    - d. Discretionary sanctions that some or all members of the organization must complete.

#### H. Interim Measures

In certain circumstances, the Vice President of Student Affairs or designee may impose interim measures prior to a formal conduct hearing. Interim measures may include but are not limited to sanctions outlined in Article IV, Section G.1.

Additionally interim measures may include a temporary suspension of academic work within a semester where a student maintains enrollment but may not participate in academic work or other specified University related activities until such a suspension is lifted.

1. Interim measures may be imposed:

- a. to ensure the safety and well-being of members of the University community and/or preservation of University property;
  - b. to ensure the student's own physical or emotional safety and well-being;
  - c. if the student poses an ongoing threat of disruption or, or interference with, the normal operations of the University.
  - d. for other reasons deemed appropriate by the Vice President of Student Affairs or a designee.
2. Interim measures do not replace the regular conduct process, which shall proceed normally as required. Upon resolution of the regular conduct process, any sanctions imposed at that time may take the place of interim measures.
  3. In addition to the imposition of interim measures as outlined above, the University may also require some kind of specified mental health evaluation. Being allowed to return to the University or return to other specified activities may be contingent on successful completion of such an evaluation.

#### I. Appeals

1. A decision reached by a hearing officer or hearing board may be appealed by the respondent within five business days (days the University is open) from the time the hearing decision is made available. Appeal petitions shall be submitted in writing or electronically to the Office of Student Conduct & Community Standards.
2. The board chair or hearing officer will have an opportunity to review the appeal petition and submit a brief response within three business days (days the University is open) from the time the appeal petition is made available.
3. For cases heard by a formal hearing board, the appeal board shall consist of three members of the University Student Affairs leadership team or their designees.
4. For cases heard by a single administrator, the appeal board shall consist of a single member of the University Student Affairs leadership team or a designee.
5. An appeal shall be limited to a review of the appeal petition, response to the appeal petition, information available in the hearing, the verbatim record of the hearing and supporting documents for one or more of the following grounds:
  - a. Evidence that established procedures were not followed in a manner that would have significantly affected the hearing outcome.
  - b. New information not available at the time of the hearing, which would have significantly affected the hearing outcome.
  - c. The sanctions are substantially disproportionate to the severity of the violation.

6. The role of the appeal board or appeal officer is not to adjudicate the case as a second hearing. The appeal board will limit the scope of the review to the grounds outlined above. If an appeal is granted on appeal grounds 5a or 5b, the case may be returned to the original conduct hearing board for re-opening of the hearing to allow reconsideration of the original decision. If an appeal is granted on appeal ground 5c, the appeal board may render new sanction(s). If an appeal is not granted, the matter shall be considered final and binding upon all involved.
7. Independent of the normal Appeal Process, the University reserves the right to rehear a case if the Vice President of Student Affairs or designee determine that established procedures were not followed in a manner that significantly affected the hearing outcome.

#### **Article V: Interpretation and Revision**

- A. Any question of interpretation or application of the student code shall be referred to the Vice President of Student Affairs or a designee for final determination.
- B. The University Student Code of Conduct shall be reviewed every year under the direction of the Vice President of Student Affairs or a designee.

***Notice of Nondiscrimination:***

Case Western Reserve University prohibits sex- and gender-based discrimination in its education programs and activities, as well as retaliation for asserting the right to be free from such discrimination, in accordance with federal law, including Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681). Sex- and gender-based discrimination includes discrimination based on sex, pregnancy, parental status, gender identity or expression, transgender identity, and sexual orientation. Sex- or gender-based discrimination also includes sexual harassment, sexual assault, sex-based stalking, sexual exploitation, and dating violence or domestic violence.

The Title IX Coordinator in the Office of Equity is responsible for implementing the policy prohibiting sex- and gender-based discrimination.

Anyone impacted by sex- or gender-based discrimination, or who knows of others impacted by sex- or gender-based discrimination, and who would like to report discrimination or seek support for themselves or others, may contact the Title IX Coordinator by telephone, email, text message, or in person during regular business hours, or through the online Office of Equity forms below.

Title IX Coordinator: Rachel E. Lutner

Main Office Phone: 216-368-3066

Text or Call Title IX Coordinator: 216.327.4160

Email: [titleix@case.edu](mailto:titleix@case.edu)

Online forms to report sex- or gender-based discrimination:

[Online form for CWRU community members to report and request support](#)

[Online form for CWRU community members to report anonymously](#)

[Online form for non-CWRU community members to report](#)

[Webpages for more information](#)

Campus Location: Nursing Research Building, Suite 1180

2120 Cornell Road, Cleveland, OH 44106

Mailing Address: 10900 Euclid Ave., Cleveland, OH 44106-7108