

PACIFIC LUTHERAN UNIVERSITY
STUDENT CONDUCT PROCEDURES
2009-2010

I. INTRODUCTION

The student conduct system is part of the university's commitment to holistic student development. It is the university's purpose to assist students in

- (1) developing a personal set of values and ethics;
- (2) managing emotions;
- (3) making decisions and following through on commitments;
- (4) becoming independent;
- (5) recognizing interdependence; and
- (6) accepting the consequences of personal actions and decisions.

There are times when incidents of reported misconduct may warrant a review by members of the university community. Conduct proceedings are neither an end in themselves nor the primary means of developing responsible student conduct. Student development is more likely to take place through education and example than through disciplinary measures. Nonetheless, there will be occasions when the university will assert its disciplinary authority for the safety and well-being of the university community.

In addressing disciplinary concerns, PLU's Student Conduct System supports the concept of community review. This means that situations that violate university policies, rules, regulations, and standards will be handled by students, staff, and faculty members drawn from within the PLU community. In addition, the university may also contact parents or guardians when students are referred to the Student Conduct System and/or notify parents or guardians of imposed sanctions. The Student Conduct System seeks to provide a fair and equitable process for reviewing and responding to such incidents.

The Student Conduct System at PLU is not based on a judicial model, but its procedures have been developed with the goal in mind that a student involved in any disciplinary matter is treated with fairness and in a manner consistent with other students. Review Meetings give all parties the opportunity to identify concerns, explain perceptions, explore behavior, and hear suggestions. The emphasis is placed on student behavior, and the relationship of behavior to commitments and responsibilities inherent in accepting membership into the university community.

Inherent in the Student Conduct System is an element of flexibility that enables the university to address core issues of behavior. Since each student is an individual, and no two incidents are alike, each incident will be handled individually. PLU reserves the right to modify procedures and sanctions in individual cases and with individual students, when in PLU's sole discretion, such modification is in the best interest of the university community. Each person may not receive the same sanction for a similar policy violation, but each sanction given will be within a general framework of consistency and fairness.

II. ADMINISTRATION OF THE STUDENT CONDUCT SYSTEM

The Vice President for Student Life and Dean of Students has delegated the administrative responsibility for the Student Conduct System to the Student Conduct Coordinator, who is responsible for the effective day-to-day management and operation of the system. The Student Conduct Coordinator coordinates training for Review Boards, Hearing Officers, and advisors;

provides information and consultation to students; assigns incidents for review; coordinates and schedules board hearings; maintains student conduct records; serves as a Hearing Officer and as advisor to the University Review Board.

III. INCIDENT REPORTS

A. How Incident Reports May be Generated

Employees of the university have the responsibility to support the policies, rules and regulations of PLU. Students, as members of the community, have the right to address issues that may be incongruent with university policies, rules and regulations. Therefore, when a student's conduct appears to be in violation of university policies, rules or regulations, any student, staff, or faculty member may submit an Incident Report.

Rules and regulations developed by the university to maintain a safe and orderly environment may be found in the following locations: Code of Conduct, the Course Catalog, Living on Campus brochure, Housing Contract, Dining Contract, PLU Student Athlete Handbook, Student Parking Regulations brochure and the PLU Housing Guide. The print publications may be obtained from the Residential Life Office, LuteCard and Concierge Desk, Campus Safety and the Student Services Center. Additional resources are found on the respective websites of these offices. Incident Report forms are available from Student Involvement and Leadership, Residential Life, Campus Safety, or from Resident Directors in the residence halls.

B. Process for Submission of Incident Reports

1. A written description of the observed misconduct should be submitted on an Incident Report form to the Student Conduct Coordinator (University Center, Room 161) within 72-hours of the incident (excluding weekends and holidays or extenuating circumstances). Incident Reports submitted after this timeframe will be assessed by the Student Conduct Coordinator, who will determine in his/her sole discretion whether the Incident Report can and should be reviewed and proceedings begun.
2. The Student Conduct Coordinator reviews the Incident Report, investigates ambiguities when they exist, and determines the type of Review Meeting most appropriate to the situation. This determination is usually based upon, but not limited to, the nature of the incident, the student's prior student conduct history, and any existing sanctions against the student.
3. The Student Conduct Coordinator schedules the Incident Report for review by the appropriate Review Board or Hearing Officer.
4. The Student Conduct Coordinator informs the person(s) involved that her/his name appears on an Incident Report. This is usually accomplished by sending a copy of the Incident Report through campus or US Mail, but may be accomplished by email or other means.

C. Student Acceptance of Responsibility

Students referred to the Student Conduct System have the opportunity to accept responsibility for certain policy violation(s) without further review if the following conditions are satisfied:

1. The student has not previously been found responsible for violating the policy indicated.

2. The Resident Director and/or Student Conduct Coordinator concur that self-determination of responsibility is appropriate.

Conduct violations that would be eligible for Student Acceptance of Responsibility include, but are not limited to, Alcohol, Noise, Visitation, Fire Safety, Behavior of Guests, Pets and Building Security.

When appropriate, students will receive notice of the option to accept responsibility instead of notification of a review meeting. The student must respond to the Student Conduct Coordinator in writing within the timeframe set out in the notice, typically 72-hours, to select which of the following two options s/he wishes to pursue:

1. Accept responsibility and the sanction(s) indicated in the correspondence; or
2. Request a review meeting with a Conduct Body.

If the student chooses Option 1, s/he must complete the sanction by the due date indicated on the initial correspondence. If the student chooses Option 2, the Student Conduct Coordinator will assign the incident for review with an appropriate Conduct Body.

IV. STUDENT RIGHTS AND RESPONSIBILITIES

The student conduct process is intended to provide that a student is treated in a manner which is fundamentally fair in accordance with the procedures developed by the university. Students are entitled to the following:

A. Notification of review meeting. Written notice of the date, time and place for the meeting and a written copy of the Incident Report being reviewed will be given to the student. This notice may be sent through campus mail, certified US mail, to the student's PLU email account or available to be picked up by the student at least 48 hours, excluding weekends and holidays, prior to the scheduled meeting. The student(s) may agree to shorter notice. (See *Section XII – Special Provisions* for exceptions to this Notice provision)

Students whose names appear on an Incident Report are required to attend the Review Meeting scheduled, unless prior arrangements have been made with the Student Conduct Coordinator at least 24-hours before the meeting. The Student Conduct Coordinator determines the appropriateness of the request and whether to reschedule the meeting. Conflicts with class schedules are considered when scheduling Review Meetings; however, there may be circumstances that require students to miss a class in order to attend a meeting. Students who fail to attend a review meeting without approval may be found responsible for Disrupting University Business and sanctioned (in addition to any other conduct violations for which the student may be found responsible).

PLU reserves the right to impose interim sanctions prior to the review meeting if in PLU's sole discretion they are warranted for the safety and well-being of the university community. (See *Section XII - Special Provisions*)

B. Disclosure of review documents. If written information other than the Incident Report is considered for a hearing, each student will have the opportunity to review each document before the meeting if that is reasonably possible under

the circumstances, as determined by the Student Conduct Coordinator in his or her sole discretion, and if not, then at the time of the meeting. A student may request a copy of each document from the Student Conduct Coordinator.

C. **An orderly meeting** to review and discuss the Incident Report submitted. In special circumstances as determined by the Student Conduct Coordinator in his/her sole discretion, meetings may be conducted via phone conference or other electronic means.

D. **Witnesses** with firsthand information about the incident may speak on her/his behalf. (See *Section VII(C)* for additional information on witnesses.)

E. **To speak on his or her own behalf.** Students may present his or her own testimony as to what happened regarding the incident in question. In circumstances where safety may be a concern, as determined by the Student Conduct Coordinator in his/her sole discretion, any student, regardless of his/her role in the Review Meeting, may be required to attend via phone conference or other electronic means.

F. **Support person.** A student involved either as an alleged perpetrator or alleged victim in an incident that includes Sexual Misconduct or Physical Assault may have a support person present during the hearing process. Students may select one support person per conduct process and this support person must be a member of the PLU community, may not be a family member, and may not be a lawyer. A support person who accompanies a student is present for emotional support only and may not speak on the student's behalf. A student involved in another type of incident may have a support person (same characteristics as noted above) only upon the approval of the Student Conduct Coordinator. Such a student should submit a typewritten petition to the Student Conduct Coordinator within 48-hours of the scheduled hearing. If the student's petition is approved, all students involved in the hearing will be afforded the same opportunity to have a support person present.

G. **Fair and impartial decision makers.** (See *Section VII. I.* for additional information on disqualification of board members or Hearing Officers.)

H. **A written decision.** This document will include sanction information, if applicable.

I. **An opportunity for self-initiated appeal.** (See *Section XI* for more information on the Appeal process.)

V. CODE OF ETHICS FOR REVIEW BOARDS AND HEARING OFFICIALS

A. Review Board members' and Hearing Officers' behavior shall be free from impropriety.

B. Review Board members and Hearing Officers shall honor standards of confidentiality and shall not comment upon or discuss the merits of a pending incident except in a direct relation to a Review Meeting.

- C. Review Board members and Hearing Officers shall not prejudge any incident.
- D. Review Board members and Hearing Officers shall not be influenced by partisanship, public opinion or consideration of personal popularity or notoriety.
- E. Review Board members and Hearing Officers shall regularly attend and actively participate in any reviews, orientations, trainings, and scheduled meetings offered.
- F. Review Board members and Hearing Officers shall reflect the importance and seriousness of a review by conducting it with dignity and a proper sense of decorum.
- G. Review Board members and Hearing Officers shall resolve disagreements privately and support the majority decision.
- H. Review Board members shall defer to the Chair as the spokesperson for the full board.

VI. REVIEW BOARDS: JURISDICTION AND COMPOSITION

The term "Conduct Body" includes either Review Boards or Hearing Officers. There are three types of Conduct Bodies, one of which will be assigned to review each Incident Report (unless the student has the option to and does select Student Acceptance of Responsibility). The Conduct Bodies are:

A. Community Review Boards (CRB's)

1. **Jurisdiction:** CRB's may review incidents involving alleged first or second time violations of conduct policies as deemed appropriate by the Student Conduct Coordinator.
2. **Composition:** Each CRB is comprised of two hall vice-presidents, one of whom will be designated as Chair for each hearing, one Resident Assistant/Resident Assistant with Additional Duties/Community Assistant, one Student Senator, one student appointed by the ASPLU (Associated Students of Pacific Lutheran University) President, and one non-voting advisor representing the Division of Student Life.
3. **Quorum:** Three members, minimum one hall vice-president, and the advisor constitute a quorum.
4. **Procedures:** (Reference *Section VII - Procedures*) Proceedings of the CRB will be audio recorded for reference in case of appeal.
5. **Sanction Authority:** (Reference *Section IX - Sanctions*) CRB's may impose all sanctions except Suspension or Expulsion. CRB's may refer any case to another Conduct Body.
6. **Appeals:** (Reference *Section XI - Appeals*)

B. University Review Board (URB)

1. **Jurisdiction:** The University Review Board may review incidents involving alleged violations of the following policies: Illegal Drugs; Physical Assault; Equal Educational Opportunity; Firearms, Weapons and Explosives, Sexual Misconduct and other violations as determined by the Student Conduct Coordinator.
2. **Composition:** The University Review Board membership will be: Two faculty from the membership of the Faculty Campus Life Committee, the elected faculty member of the University Diversity Committee, three students (to include ASPLU vice president, the Residence Hall Association Vice President, and an ASPLU Off Campus Senator), and one Student Life representative (must be a designated Hearing Officer) appointed by the Vice-President for Student Life. The Student Conduct Coordinator and one Resident Assistant with Additional Duties will serve as advisory members.
3. **Quorum:** Two faculty, one Student Life representative, two voting students, and the Student Conduct Coordinator (advisory).
4. **Procedures:** (Reference *Section VII - Procedures*) Proceedings of the URB will be audio recorded to provide reference in case of appeal.
5. **Sanction Authority:** (Reference *Section IX - Sanctions*) The URB may impose all sanctions except for suspension or expulsion. The URB may recommend suspension or expulsion for a student and refer the case to the Vice President for Student Life and Dean of Students.
6. **Appeals:** (Reference *Section XI - Appeals*)

C. Hearing Officers

Staff or faculty members may serve as Hearing Officers to review any incident that a CRB or URB might otherwise review. The Vice President for Student Life and Dean of Students appoints the Hearing Officers within the first two weeks of the academic year. Additional Hearing Officers may be appointed during the year.

Hearing Officers may review incidents as individuals or in teams.

Students may request a meeting with a Hearing Officer instead of a CRB or URB. The Student Conduct Coordinator shall make the assignment to a Hearing Officer based on the nature of the situation, the student's previous conduct history, and/or upon recommendation by a Resident Director or other staff person.

Hearing Officers may impose all sanctions except for suspension or expulsion, including referral to another Conduct Body.

Hearing Officers may recommend suspension or expulsion for a student and refer the case to the Vice President for Student Life and Dean of Students. The Vice President for

Student Life and Dean of Students, acting as a Hearing Officer, may impose suspension or expulsion.

D. In addition to the three Conduct Bodies listed above, an *Academic Dishonesty Hearing Panel (ADHP)* hears cases involving alleged violations of the Academic Integrity policy. Please see the Academic Integrity policy in the Student Code of Conduct for procedures related to this Review Board.

VII. REVIEW PROCEDURES

The purpose of a Review Meeting is to determine whether a student has failed to follow the standards governing student conduct at Pacific Lutheran University. As educators and as peers, the Conduct Body's responsibilities include: (a) reviewing Incident Reports and determining whether, or to what extent, students were involved in the reported misconduct; (b) assisting students toward responsible conduct; and (c) determining appropriate sanctions when necessary.

Review Meetings are neither formal court trials nor formal administrative hearings. Rather, they are structured educational discussions that focus on the student's conduct in association with the university community. Review Meetings provide an opportunity to identify concerns, to explore and discuss the area of misconduct, to challenge the student's commitment to membership in PLU's educational community, and to make recommendations for change. The following is an overview of Review Meeting guidelines and procedures:

A. Notice of Meeting

The Student Conduct Coordinator notifies Conduct Body members and students named on an Incident Report of the date, time, and place for the Review Meeting (see *Section IV(A)* for detailed information on notification procedures and attendance requirements).

B. Order of Review Proceedings

1. The Conduct Body reviews the written material prior to the meeting and determines appropriate questions.
2. The Conduct Body gathers information in the following ways:
 - a. The Conduct Body hears from all persons involved in an incident to determine the facts.
 - b. The Conduct Body may ask questions to determine what occurred, why it occurred, how others may perceive it, and whether the behavior fits within the university standards.
 - c. The Conduct Body reviews all written information submitted with regard to the incident.
3. All Review Meetings are audio recorded.

C. Witnesses

1. Witnesses may be requested by the Conduct Body and/or students who are named in the Incident Report. The Conduct Body reserves the right to determine the relevancy of witnesses and excuse them if the information shared is deemed to be unproductive or irrelevant. Conduct Body members may limit witness testimony to the facts of the situation.
2. Witnesses may attend Review Meetings only to hear procedures and to present information. They are excused as soon as their testimony is completed.

3. Conduct Bodies may invite as witnesses, persons who submitted Incident Reports or other persons who may have firsthand information about the incident.

4. As a general rule, students alleged to have violated the Student Code of Conduct may be present during the Review Meeting when the board or Hearing Officer is receiving information from witnesses. Certain exceptions to this general rule may occur, however, when in the discretion of the Student Conduct Coordinator, circumstances warrant. Examples, without limitation, are as follows:

- Alleged victims or witnesses may be permitted to attend the review meeting via electronic means, or may be separated from the alleged perpetrator by a screen or other appropriate means.
- Students alleged to have violated the Student Code of Conduct who are alleged to present a threat to the community may be required to attend via alternative means.
- Students who create excessive disruption may be required to attend by alternative means.
- When more than one student alleged to have violated the Student Code of Conduct is involved in the same incident, the Conduct Body may consider each student's involvement separately and exclude the other students from the meeting.

Under any such circumstance, each student shall be given the opportunity to hear or review and respond to all information considered at the Review Meeting concerning her/his misconduct.

5. While discussing an incident with one student, the Conduct Body may receive information that may affect another student. In this event, the Conduct Body shall inform the other student and provide the other student with the opportunity to respond before the Conduct Body deliberates. If the information received is of a type that could result in sanctions under the Conduct Procedures, the Conduct Body or any member of it may in their discretion complete an Incident Report based on the new information, thus beginning the process for the student who is not the subject to the original meeting.

6. During the Review Meeting, the Conduct Body may receive information which may result in further violations to be considered for a student(s) involved in the incident. Further, additional Incident Reports may result from information received during the Review Meeting.

7. After all witnesses have spoken the student alleged to have violated the Student Code of Conduct may make a summary statement. The Conduct Body may limit the summary as to time and content and may terminate it if the Conduct Body believes the summary is not relevant.

8. Any member of a Conduct Body may question the student or the witnesses. All questions must be pertinent to the report and the purposes of the meeting.

D. Lawyers/legal counsel are not permitted at Review Meetings or to be involved with any portion of the university process. The university expects that community members possess the skills and resources to manage conduct issues.

E. Alleged victims of Sexual Misconduct and/or Physical Assault will be offered the opportunity to be present at all Review Meeting proceedings. If the alleged victim and/or the alleged violators in such incidents choose not to be present at all proceedings, then both shall be given the opportunity to hear and/or read all information presented during the process. If a student chooses to participate but not attend, arrangements must be made at least 24 hours prior to the hearing time. Alleged victims of other incidents (i.e. harassment, vandalism, etc.) may be involved in review proceedings at the discretion of the Conduct Body.

G. Deliberation and Decision Making

1. The Conduct Body deliberates privately. The advisor may be called upon to advise on procedural matters.
2. Deliberations generally take the following form:
 - a. Review of information obtained during Review Meeting.
 - b. Decision reached by majority vote.
 - c. Students who are found responsible for a violation are sanctioned according to the nature of the misconduct and review of their conduct history.

H. Notification of Decision

If the Conduct Body reaches a decision in deliberations immediately after the meeting, the Conduct Body recalls the student(s) and announces the decision accompanied by a brief rationale. A decision becomes official when confirmed in writing to the students.

Those students who do not attend a Review Meeting only receive notification of the decision through the mail.

If the Conduct Body cannot reach a decision during the meeting, it will generally render a decision within 72-hours, excluding weekends and holidays, of the conclusion of the meeting. In the event that additional time for review, further investigation and/or deliberation is necessary, the student will be notified in writing or via email of the revised timeline.

I. Disqualification of Board Members

1. After reviewing the documents related to an incident, any Conduct Body member who has knowledge of the situation must share this knowledge with the other members. The members shall discuss the matter and decide by majority vote whether that member should be involved in the meeting. When a member knowledgeable of the situation is not excluded from the meeting, that member must provide the student(s) with all information shared with the Conduct Body.
2. Hearing Officers who have prior knowledge of an assigned case must report that knowledge to the Student Conduct Coordinator. If that officer hears the case, s/he must inform the student(s) of the prior knowledge.

3. A student appearing before a CRB or URB may, before the meeting begins, request the disqualification of any member he/she believes to be biased. The burden of substantiating the charge of bias rests with the student. The final determination is made by a majority vote of the board.
4. If disqualification results in the loss of a quorum, the CRB or URB shall postpone the meeting until a quorum can be reconstituted, unless the student agrees to proceed with the Review Meeting.

J. Reconstituting a Quorum

When, because of board member disqualification, less than a quorum remains, the Review Meeting may continue if the student is willing to proceed. If agreement to continue is not reached, the Review Meeting shall be postponed and the Student Conduct Coordinator shall reschedule the meeting.

VIII. DECISIONS

A Conduct Body may come to one of the following decisions:

RESPONSIBLE: The student violated university policy.

NOT RESPONSIBLE: The student did not violate university policy.

INCONCLUSIVE: There is not sufficient information to conclude the student was involved in the reported misconduct, nor is there enough information to dismiss the student from involvement. If additional information becomes available while the student is enrolled at PLU, then the case may be referred for reconsideration to a Conduct Body. The Student Conduct Coordinator determines whether the original Conduct Body is reconvened, or if the case is referred to a new Conduct Body.

Conduct Body decisions generally are made through a review of Incident Reports, and individual statements (written and oral). A student's previous conduct history also may be reviewed, where in PLU's discretion it is deemed relevant.

IX. SANCTIONS

When a student is found Responsible, the Conduct Body will determine what sanction(s), if any, is necessary to:

- Assist the student in understanding and accepting the consequences of personal actions and decisions, and
- Give the student an opportunity to give back to the community

Sanctions depend upon the particular circumstances of each incident and may be imposed singly or in combination, as appropriate to the circumstances. In determining a sanction, the Conduct Body may consider a student's conduct history at PLU, as well as other information available to it which PLU deems, in its sole discretion, relevant.

Repeated violations of policy may result in a cumulative effect for sanctioning. Thus, continued violations of policy may result in more severe sanctions and may eventually result in the removal of the student from the university.

Good Standing. To be in “Good Standing” with the university means that a student is not expelled, suspended, on deferred suspension, or on Disciplinary Probation. A student is also not in Good Standing if he/she fails to complete sanctions by the stated due date.

Failure to Complete Sanctions. Students who fail to complete sanctions in the timeline given are not in Good Standing with the university and will be placed on Student Life Hold. Additionally, students who fail to complete sanctions are subject to the imposition of more severe sanctions. Student Life Hold prohibits students from registering for classes, acquiring transcripts, student accounts and grade reviews. When possible, students will be notified if this action is taken.

Parent/Guardian Notification. The university reserves the right to inform parents or guardians when students are referred to the Student Conduct System and/or notify parents or guardians of imposed sanctions.

Deferral of Sanctions. If the Conduct Body believes the student will benefit from an alternative course of action, (i.e., referral to the Counseling Center or Health Center) some sanctions may be imposed and then deferred.

If the student fails to follow through with alternative options proposed, or is involved in a new infraction during the deferral period and is found to have engaged in misconduct, the deferral may be removed in PLU’s sole discretion, and the initial sanction reinstated. In addition, the sanction for the new misconduct may be more severe than the original sanction.

Overview of Sanctions. The following is a list of possible sanctions. This list is not exhaustive and other sanctions may be imposed if determined by PLU in its sole discretion, to be necessary and appropriate. Failure to thoroughly and timely comply with any sanction may lead to additional sanctions.

1. **Warning:** A notice in writing to the student that s/he has been found responsible for a policy violation. Students who receive a warning are subject to more severe sanctions if future violations of the policy indicated occur.
2. **Letter of Mutual Understanding:** This is a means by which a student can confirm understanding of a policy and acknowledge awareness of consequences for future violations. Students must complete a Letter of Mutual Understanding as directed by the Student Conduct Coordinator.
3. **Educational Workshops:** Students may be sanctioned to attend an educational session relevant to the violation. This may include an option of attending a decision-making workshop in lieu of participating in the community review process. Students are responsible for follow-up assignments given at educational presentations. These sanctions may not be deferred and/or appealed. Participation in educational workshops will be at the student’s expense.

4. **Service Project:** A Conduct Body may require students to initiate and complete a supervised, quality project on campus or in the community. Results of the project are placed in the student's file. If a paper, survey or poster is required, the Student Conduct Coordinator may keep this information for educational programs and/or training. This sanction may not be deferred.

5. **Fines/Restitution/Fees:** Fines may be imposed when appropriate. Proceeds from all fines will be contributed to a campus health and wellness education fund.

PLU reserves the right to charge students whose behavior involves damage or destruction of university property. Restitution may also be charged when an individual's behavior requires university staff or external agencies to perform tasks above and beyond normal work responsibilities. When such restitution is possible, it is expected and required, not as a substitute for, but in addition to, a sanction. PLU will not be responsible for assisting any student in obtaining restitution from any other student or from the university. Fees for classes, assessments or events assigned as a sanction will be at the student's expense.

6. **Removal of Privileges:** Certain restrictions may be placed on a student's activities for a specified period. Specific restrictions may include, but are not limited to the residence hall (i.e., removal of "loud" stereos or instruments, loss of kitchen privileges, loss of eligibility to participate in hall social activities and exclusion from seeking or holding appointive or elective positions within the residence halls), student employment, and co-curricular involvement. This sanction must be stated for a specified period of time and may be deferred.

7. **Disciplinary Probation:** This indicates that the student's continued enrollment at PLU is conditional for a specified period of time. It requires the student to demonstrate that s/he can act in a manner consistent with the university standards to which s/he agreed when accepted by the university. Students on Disciplinary Probation are not in Good Standing with the university. Disciplinary probation may include restrictions or obligations on the student. If restrictions or obligations are to be included, this information will be included in written communication to the student. Examples of restrictions include, but are not limited to, restricting participation in university activities such as athletics, study away, performing groups, and elective or appointive student offices. Examples of obligations include, but are not limited to, informing faculty or other advisors about the probation, and requiring attendance at specified meetings, counseling at student expense directed at addressing the misconduct. Should the student fail to fulfill specified conditions, the student shall be referred for further action. This sanction may not be deferred.

8. **Suspension:** Suspension is the separation of the student from the university for a period of time, with conditions imposed for the student's reinstatement to PLU. Suspended students are not in Good Standing with the university and will not return to Good Standing until they have met the conditions of their suspension (see below). The conditions may be imposed by the Conduct Body or the Vice President for Student Life and Dean of Students, and may consist of any requirement it or s/he deem appropriate under the existing circumstances. The Vice President of Student Life and Dean of Students, at his/her sole discretion, will determine whether the conditions have been met prior to return to Good Standing.

Restrictions associated with suspension include:

- The student may not attend classes, use university facilities, attend university events or visit the campus except when engaged in official business approved in writing by designated Student Life staff.
- Students suspended from the university are required to pay all university fees owed for that semester. Refunds for tuition and/or room and board will not be issued.
- Parents or guardians of students who have been suspended will be notified as allowed by the Family Educational Rights and Privacy Act (FERPA).
- A notice of suspension will be placed on the student's official transcript until s/he is reinstated to Good Standing. If a student is not reinstated to Good Standing, or chooses not to seek reinstatement, the notice of the suspension will remain on her/his transcript for three years after the minimum period of time for the suspension has passed.

Only the Vice President for Student Life and Dean of Students or the university President may impose suspension. The Conduct Body may recommend to the Vice President for Student Life and Dean of Students that a student be suspended.

Suspension can be deferred. Only the Vice President for Student Life and Dean of Students or the university President may defer suspension. Failure to fully abide by all conditions of deferral within the timeframes indicated will result in removal of deferred status and immediate implementation of the suspension. Students on Deferred Suspension are not in Good Standing with the university.

9. Reinstatement from Suspension: When the minimum period of time for suspension has ended and the student has complied with the conditions of his/her reinstatement and completed sanctions accompanying the suspension (if any), s/he must submit a letter to the Vice President for Student Life and Dean of Students requesting reinstatement. This letter must include details of how the student has used her/his time while suspended, reflect upon what s/he has learned and provide evidence that s/he has satisfied the conditions of the suspension. The student may return to Good Standing and/or enroll in classes only after a written affirmative decision has been made by the Vice President for Student Life and Dean of Students. The Vice President of Student Life and Dean of Students, at his/her sole discretion, will determine whether the conditions have been met prior to return to Good Standing.

10. Expulsion: Expulsion is the permanent and total withdrawal of the privilege of attending PLU or participating in the PLU community. Expulsion may be recommended as a result of very serious violations or for repeated offenses.

- Expelled students may not visit the university premises under any circumstances.
- Students expelled from the university are required to pay all university fees owed for that semester. Refunds for tuition and/or room and meals will not be issued.

- Parents of students who have been expelled will be notified as allowed by the Family Educational Rights and Privacy Act (FERPA).
- A notice of expulsion will be placed on the student's official transcript indefinitely.

Only the Vice President for Student Life and Dean of Students or the university President may impose expulsion. The Conduct Body may recommend to the Vice President for Student Life and Dean of Students that a student be expelled.

11. Deferred Graduation: A Conduct Body may recommend to the Vice President for Student Life and Dean of Students that the graduation date of a student be deferred for a stated period of time. Generally, this is done when a senior commits a violation for which suspension may be justified, but may be done when other circumstances warrant in PLU's sole discretion. The deferred action allows completion of work the last semester and places a senior under jeopardy of suspension while attending classes.

12. Permission to Withdraw: A student facing disciplinary action, or with incomplete student conduct sanctions, may make a written request to the Vice President for Student Life and Dean of Students for permission to withdraw from the university. Only the Vice President for Student Life and Dean of Students may grant such permission. Refunds for tuition and/or room and meals will not be issued to students withdrawing from the university under these conditions.

Incidents involving students who withdraw with or without permission prior to the review meeting, will be reviewed (without the presence of the student) by a Hearing Officer or a panel of Student Life representatives advised by the Student Conduct Coordinator. Notification of decisions and sanctions will be by U.S. mail.

The Vice President for Student Life and Dean of Students may require that students with sanctions complete them prior to withdrawing from the university, or may waive the need for completion. A student granted "permission to withdraw," who wishes to return to the university, must make written application to the Vice President for Student Life and Dean of Students for reinstatement to student status and to good standing. The requirements for this application are the same as those for students seeking reinstatement following suspension. The Student Life Office shall place a notice of withdrawal, with the permission of the Vice President for Student Life and Dean of Students, on the student's official transcript. If not reinstated, this notice shall remain on the transcript for three years after the student withdraws from the university. If reinstated, the notice will be removed from the student's transcript.

Alcoholic Beverages Sanctions

Violations of PLU's Alcoholic Beverages Policy may occur whether or not a student has been drinking. Therefore, sanctions for Alcoholic Beverages Policy violations are educational in nature and will challenge and support both students who abstain, and those who choose to drink, to uphold values of safety, legality and neighborliness. The following sanctions will generally apply, however, the university in its sole discretion, may alter or add to the requirements of each sanction.

Students who are present in a room while a policy violation is occurring are responsible per PLU policy. When circumstances are compelling, a Conduct Body may choose not to sanction students who are found responsible for a first alcohol violation. However, the violation remains a part of the student's record.

1. **1st Violation:** Required completion of an alcohol education workshop and payment of \$45.00 workshop fee. Required completion of a 2-3 page structured reflection essay and a follow-up meeting with assigned staff to discuss the essay and to develop a plan of action for future success and policy compliance. A Hearing Officer may assign him/herself to meet with the student as follow-up.

Pending the nature of the incident, the student may be required to complete a substance use assessment and comply fully with any resulting recommendations. This assessment must be administered via a state accredited substance treatment program and will be done at the student's expense.

The Conduct Body may require that parents or guardians of students who have been found responsible for a first alcoholic beverages violation be notified of their son/daughter's behavior. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the alcoholic beverages policy in the future.

Students who are found responsible for a future violation, regardless of the nature of their involvement, will be sanctioned as required for a second violation. Additional future violations will be sanctioned at subsequently higher levels.

2. **2nd Violation:** Required payment of a \$75 fine and completion of 5-8 hours of community service as recommended by the Conduct Body and a one-to-one meeting with assigned PLU staff member to develop plan of action for future success and policy compliance. A Hearing Officer may assign him/herself to meet with the student as follow-up.

Parents or guardians of students who have been found responsible for violating the alcohol policy two times will be notified of their student's behavior pattern. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the alcoholic beverages policy in the future.

Pending the nature of the incident, the student may be required to complete a substance use assessment and comply fully with any resulting recommendations. This assessment must be administered via a state accredited substance treatment program and will be done at the student's expense. If an assessment is required, the Conduct Body may choose to waive the \$75 fine.

Pending the nature of the incident, the student may be placed on Disciplinary Probation and may therefore be ineligible to retain their campus housing, participate in study-away programs, hold elected or appointed student offices and/or participate in athletic or performance groups. Academic advisors of students who are on disciplinary probation may be notified.

3. **3rd Violation:** Students who are found responsible for violating PLU's alcohol policy a third time will be placed on Disciplinary Probation. Probationary status may make a student ineligible to retain their campus housing, and participate in study-away programs, hold elected or appointed student offices and/or participate in athletic or performance groups. Academic advisors of students who are on disciplinary probation may be notified.

Required payment of a \$100.00 fine and completion of 12-18 hours of community service as recommended by the Conduct Body and completion of a follow-up activity, recommended by the Conduct Body. Follow-up projects must include a follow-up meeting with assigned PLU staff and may include a follow-up educational project that benefits the PLU community.

Parents or guardians of students who have been found responsible for violating the alcohol policy three times will be notified of their student's behavior pattern. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the alcoholic beverages policy in the future.

Pending the student's prior sanction record, s/he will be required to complete a substance use assessment and comply fully with any resulting recommendations. This assessment must be administered via a state accredited substance treatment program and will be done at the student's expense. If an assessment is required, then the Conduct Body may waive the \$100 fine.

4. **4th Violation:** A student who violates PLU's alcohol policy a fourth time demonstrates either a blatant disregard for PLU's policies and/or behaviors that raise concern for her/his personal well-being. Therefore, the Conduct Body will recommend suspension from the university for a minimum of one semester for any student who violates PLU's alcohol policy a fourth time. The suspension may be deferred. If deferral is recommended, the Conduct Body may impose additional sanctions as appropriate.

Parents or guardians of students who have been found responsible for violating the alcohol policy four times will be notified of their student's behavior pattern. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the alcoholic beverages policy in the future.

5. **Alcohol Emergencies: PLU expects students to seek help for friends who need medial attention regardless of the circumstances.** The university is concerned about the safety and well-being of students who require emergency medical attention and/or are transported to the hospital due to alcohol misuse. Such students will meet with a PLU administrator and may be offered a written alternative course of action to the Student Conduct process, (i.e., referral to the Counseling Center or Health Center). If the student fails to follow through recommendations made by the PLU administrator, or is involved in an additional incident, the matter will be formally referred to Student Conduct. All documentation related to emergency medical attention and/or hospital transportation will be included in the student's conduct file.

Illegal Drugs and Narcotics Sanctions. The following sanctions will generally apply, however, the university in its sole discretion, may alter or add to the requirements of each sanction.

1. **1st Violation:** Required completion of a drug education workshop and payment of \$45.00 workshop fee. Required completion of a 2-3 page structured reflection essay and a follow-up meeting with assigned staff to discuss the essay and to develop a plan of action for future success and policy compliance. A Hearing Officer may assign him/herself to meet with the student as follow-up.

Pending the nature of the incident, the student may be required to complete a substance use assessment and comply fully with any resulting recommendations. This assessment must be administered via a state accredited substance treatment program and will be done at the student's expense.

Parents or guardians of students who have been found responsible for violating the illegal drugs and narcotics policy will be notified of their student's behavior. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the illegal drugs and narcotics policy in the future.

2. **2nd Violation:** The student will be required to complete a substance use assessment and comply fully with any resulting recommendations. This assessment must be administered via a state accredited substance treatment program and will be done at the student's expense. Following the assessment, the student will meet one-to-one with an assigned PLU staff member to develop a plan of action for future success and policy compliance. A Hearing Officer may assign him/herself to meet with the student as follow-up.

Required disciplinary probation: students who are found responsible for violating PLU's illegal drugs and narcotics policy a second time will be placed on Disciplinary Probation. Probationary status may make a student ineligible to retain their campus housing, participate in study-away programs, hold elected or appointed student offices and/or participate in athletic or performance groups. Academic advisors of students who are on disciplinary probation may be notified.

Parents or guardians of students who have been found responsible for violating the illegal drugs and narcotics policy a second time will again be notified of their student's behavior pattern. Such notification will take place as allowed by the Family Educational Rights and Privacy Act (FERPA) and will include possible sanctions that will be imposed if the student violates the illegal drugs and narcotics policy in the future.

3. **3rd Violation:** A student who violates PLU's illegal drugs and narcotics policy a third time demonstrates either a blatant disregard for PLU's policies and/or behaviors that raise concern for her/his personal well-being and/or the university community. Therefore, the Conduct Body will recommend suspension from the university for a minimum of one semester for any student who violates PLU's illegal drugs and narcotics policy a fourth time. The suspension may be deferred. If deferral is recommended, the Conduct Body may impose additional sanctions as appropriate.

X. CONDUCT RECORDS

All Student Conduct hearings are closed to the public and the proceedings are to remain confidential to protect the privacy of the individuals involved. Review Meetings may be recorded (audio or video) by the Conduct Body for its use and that of the Appeal Officer. Students are not permitted to make such recordings. Review Meeting recordings may not be copied or released and are destroyed after the appeal period for the incident has ended.

The Student Involvement and Leadership Office maintains individual student conduct records for three years after the student graduates or for seven years after the student leaves Pacific Lutheran University. Records of students who have been suspended or expelled from the university may be kept for an indefinite period of time.

XI. APPEALS

Students in the conduct system have the opportunity for self-initiated appeal. The appeal process may only be initiated by a student who has been found in violation of a policy, rule, regulation or standard. Students may appeal a decision once.

A. *An appeal is not a re-hearing*

New information concerning the incident itself is not considered. If the student presents new information that was unobtainable at the time of the original review, the Student Conduct Coordinator shall ask the Conduct Body to reconsider the incident. Decisions regarding appeals are made based upon the record of the original case and the information contained in the written appeal (see *subsection C.2*, below)

B. *Grounds for Appeal*

Grounds for appeal are limited to two categories:

1. Lack of a fair review.
2. Severity of sanction.

The appeal process may only be initiated by a student who has been found in violation of a policy, rule, regulation or standard.

C. *Appeals Process*

1. The student completes an Appeal Form and submits it to the Student Conduct Coordinator by the deadline indicated on her/his written decision, typically 72-hours.

2. The Appeal Form shall include:

- a. The appeal date.
- b. The grounds for the appeal (**Lack of Fair Review** and/or **Severity of Sanction**).
- c. A detailed rationale supporting the grounds for appeal.
- d. The signature(s) of the person(s) filing the appeal.

3. The Student Conduct Coordinator reviews the written Appeal Form to assure that it contains appropriate grounds and sufficient detail to allow the appellate body to make a decision. If the appeal is improperly drafted or is insufficiently detailed, the Student Conduct Coordinator informs the petitioner and s/he must submit an amended Appeal Form within 24-hours of the Student Conduct Coordinator's notice.

4. In considering an appeal, the appellate body must make a decision solely upon review of the written material and the record of the case.
5. The appellate body may refer an appealed case for reconsideration in light of certain factors to the Conduct Body that rendered the decision being appealed.
6. The original sanction imposed by a Conduct Body may be deferred while a student is involved in the appeal process.

D. Possible Appeal Outcomes

1. If the appellate body finds adequate basis for appeal in the **Lack of Fair Review** category, the decision and the sanction may be altered.
2. If the appellate body finds adequate basis for appeal in the **Severity of Sanction** category, the decision will not be altered, but the sanction may be altered.
3. If the appellate body does not find adequate bases for appeal on the basis of **Lack of Fair Review** or **Severity of Sanction**, the original sanction that may have been deferred while the student was involved in the appeal process will be imposed. A new deadline may be established for the original sanction as deemed appropriate by the appellate body.

E. Levels of Appeal

Generally, the Student Conduct Coordinator assigns an appeal based on which Conduct Body (or Hearing Officer) conducted the original Review Meeting. The usual routes an appeal may take are outlined below. However, the Student Conduct Coordinator may assign appeals at his/her sole discretion.

1. Community Review Board (CRB) decisions may be appealed to the Student Conduct Coordinator or her/his designee.
2. Hearing Officer decisions may be appealed to the Student Conduct Coordinator or Assistant Dean.
3. URB decisions are appealed to the Vice President for Student Life and Dean of Students.

Appeals involving sanctions of suspension or expulsion are directed to the university President.

XII. SPECIAL PROVISIONS

A. End of term

Incidents reported during the last 15 working days of each semester, as well as January and Summer terms, conduct bodies may consider Incident Reports within 24-hours of the meeting notice. Incident reports not reviewed in meetings before the end of the term will be reviewed (without the presence of the student(s) named on the report) by a Hearing Officer or a panel of Student Life representatives advised by the Student Conduct Coordinator. Notification of decisions and sanctions will be sent by mail and/or email.

B. Summer/January Term

The standard provision for Conduct Body reviews are followed as much as reasonably possible with the available personnel. The Student Conduct Coordinator may ask board members and Hearing Officers appointed or elected for the prior academic term to continue. The Vice President for Student Life and Dean of Students shall appoint any additional student members required and the university Provost shall appoint any faculty members required.

C. Special procedures

At her/his discretion, the Vice President for Student Life and Dean of Students may immediately review emergencies or unusual circumstances in which student conduct interferes seriously with the rights of others, with the normal ongoing work and activities of the university, or poses possible danger to the health, safety, and welfare of that individual or other people or property. In such special situations, the Vice President for Student Life and Dean of Students may issue a temporary decision and temporary sanction to stabilize the situation, and prevent further disruption or harm. This may involve steps up to and including, the immediate removal of students from the campus and community, without limitation.

As soon as is practicable thereafter, the allegations against the student will be heard by the URB or a team of Hearing Officers at a special meeting called by the Vice President for Student Life and Dean of Students. At such a Review Meeting, the student will be accorded the rights set out in Section IV of these procedures, except that the timelines set out in Section IV(A) and for the entire Student Conduct process may vary.