

PACIFIC LUTHERAN UNIVERSITY
Student Code of Conduct Procedures
2023-2024

Contents:

| | | |
|----------------|--|----|
| SECTION I - | INTRODUCTION..... | 1 |
| SECTION II - | ADMINISTRATION OF STUDENT RIGHTS AND RESPONSIBILITIES PROCESSES..... | 2 |
| SECTION III - | INCIDENT REPORTS..... | 2 |
| SECTION IV - | STUDENT RIGHTS AND RESPONSIBILITIES PROCESSES..... | 3 |
| SECTION V - | DECISIONS..... | 12 |
| SECTION VI - | SANCTIONS..... | 12 |
| SECTION VII - | CONDUCT RECORDS..... | 21 |
| SECTION VIII - | APPEALS | 22 |
| SECTION IX - | SPECIAL PROVISIONS..... | 24 |

I. INTRODUCTION

The mission of the Office of Student Rights and Responsibilities is to advance student learning and development and a campus culture of respect and responsibility. We promote a community of acceptance and accountability by supporting and empowering students and campus partners to uphold the mission of Pacific Lutheran University.

In conjunction with the University’s commitment to holistic student development, the processes conducted by the Office of Student Rights and Responsibilities works to assist students in

- a. developing a personal set of values and ethics;
- b. managing emotions;
- c. making decisions and following through on commitments;
- d. becoming independent;
- e. recognizing interdependence; and
- f. 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.

The Office of Student Rights and Responsibilities (SRR) seeks to provide fair and equitable processes for reviewing and responding to incidents. In addressing disciplinary concerns, PLU’s Student Conduct processes support the concept of community review and

implements this through “Review Meetings.” This means that situations that violate university policies, rules, regulations, and standards will be reviewed by trained members of the PLU community. SRR also partners with parents and guardians when necessary, in order to assist in student development.

SRR procedures have been developed with the goal that all students involved in any disciplinary matter are treated in an equitable and consistent manner. Inherent in SRR processes 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 STUDENT RIGHTS AND RESPONSIBILITIES PROCESSES

The Office of Student Rights and Responsibilities consists of: the Dean of Students, the Assistant Dean of Students, the University Title IX Coordinator, Associate Directors for Campus Life, and Community Directors as Review Officers. The Dean of Students has delegated the administrative responsibility for student conduct processes to the Assistant Dean of Students, who is responsible for the effective day-to-day management and operation of the processes. The Assistant Dean of Students and Associate Directors for Campus Life coordinate the training for Review Officers; provides information and consultation to students, staff, and faculty; assigns Review Officers for each review process; coordinates and schedules Review Meetings; maintains conduct records; and may serve as a Review Officer or appellate Review Officer when necessary.

III. INCIDENT REPORTS

A. *How Incident Reports are Generated*

Students, as members of the community, have the right to address issues that may be incongruent with university policies, rules, and regulations. Employees of the university have the responsibility to support the policies, rules and regulations of PLU. Therefore, when a student’s conduct appears to be in violation of university policies, rules or regulations, any student, staff, faculty member, or community 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 (without limitation): [Student Code of Conduct](#), [Course Catalog](#), [Residential Life Policies](#), [PLU Master Housing and Meal Agreement](#), [PLU Student Athlete Handbook](#), [ROTC Student Handbook](#), [Clubs and Organizations Handbook](#), [ASPLU Handbook](#), and the [PLU Parking Regulations](#). Each resource can be found on the [PLU website](#).

Please contact the Office of Student Rights and Responsibilities, located in the Wellbeing Services and Resource House, if you have questions about completing an Incident Report or about student conduct processes in general.

B. Process for Submission of Incident Reports

1. A written description of the observed misconduct should be submitted electronically via the online [Incident Report Form](#) to the Office of Student Rights and Responsibilities within 72-hours of the incident, if possible. Incident Reports submitted after this timeframe will be assessed by the Office of Student Rights and Responsibilities, who will determine in its sole discretion whether the Incident Report can and should be reviewed and proceedings begun.
2. The Office of Student Rights and Responsibilities reviews the Incident Report, investigates ambiguities when they exist, and determines the type of process most appropriate to the situation. This determination is usually based upon, but not limited to, the nature of the incident, the student's conduct history, and any current sanctions pending with the student.
3. The Office of Student Rights and Responsibilities will schedule the Incident Report for review by the appropriate Review Officer(s).
4. The Office of Student Rights and Responsibilities informs the student involved that their name appears on an Incident Report. This is accomplished by sending a Review Meeting notification with applicable alleged charges, in addition to a copy of the Incident Report, through PLU email. Students are responsible for checking their PLU emails on a regular basis as it is a formal means of communication from the University.

IV. STUDENT RIGHTS AND RESPONSIBILITIES PROCESSES

The Office of Student Rights and Responsibilities works to create educational processes to support the mission of student development. There are several different processes the SRR office coordinates. These processes are intended to provide that all students (whether making a complaint or responding to it) are treated in a manner which is fundamentally fair in accordance with the procedures developed by the University.

A. Rights For Students

Both the complaining student ("Complainant") and responding student ("Respondent") are entitled to the following:

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 to the student's PLU email account at least 24-hours, excluding weekends and holidays, prior to the scheduled meeting. The student(s) may agree to shorter notice (See Special Provisions section for exceptions to this Notice provision).

Students whose names appear on an Incident Report (Complainants, Respondents, and Witnesses) are required to attend the Review Meeting as deemed necessary by the SRR Office, unless prior arrangements have been made with the Office of Student Rights and Responsibilities at least 24-hours before the meeting. The SRR Office 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 meeting without approval may be found responsible for a Disrupting University Community violation, in addition to any other conduct violations for which the student was charged with, in the student's absence. Sanctions may also be given in the student's absence.

PLU reserves the right to impose Interim Measures (temporary requirements of the student(s) involved that are assigned 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 XI). Risk assessment will be determined by the National Behavioral Intervention Team Association (NaBITA) threat rubric.

Disclosure of Review Documents

Students must submit all written information and supplemental documentation they want considered by the Review Officer(s) prior to the start of the Review Meeting, except written material offered in strict rebuttal of information offered during the Review Meeting. This material may be received and considered, in the sole discretion of the Review Officers, and when consideration is necessary to maintain fairness. 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 SRR Office in its sole discretion, and subject to disclosure restrictions imposed by law, and if not, then at the time of the meeting. A student may request a copy of each document from the SRR Office. Requests will be considered in light of FERPA requirements.

An Orderly Meeting

Students are entitled to an orderly meeting to review and discuss the Incident Report submitted. In special circumstances as determined by the Office of Student Rights and Responsibilities in its sole discretion, meetings may be conducted via video or phone conference.

Witnesses

Witnesses with firsthand and relevant information about the incident may be asked to participate in the Review Meeting. Please see Section VII for additional information on witnesses.

To Speak on Their Own Behalf

Students may present their own account as to what happened regarding the incident in question. In circumstances where safety may be a concern, as determined by the Office of Student Rights and Responsibilities in its sole discretion, any student, regardless of their role in the Review Meeting, may be required to attend via video or phone conference.

Advisor - for incidents of Sexual Misconduct/Title IX

The Complainant and the Respondent in an incident that includes Sexual Misconduct will have the right to an Advisor of their choice, who may be, but need not be, an attorney. Students may only select one Advisor per conduct process; and if the student does not have an Advisor present at the live hearing, the university will provide a member of the PLU community to serve in that capacity free of cost or charge. An Advisor's role is to provide guidance through the Review Meeting process, and conduct cross-examination on the student's behalf, as applicable for a sexual misconduct hearing. Parties are not permitted to conduct cross-examination themselves. The student and the Advisor may confer at reasonable times as determined in the sole discretion of the Review Meeting Officers / Decision Makers.

Support Person - for incidents involving policy violations

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 an attorney. A support person who accompanies a student is present for emotional support only and may not speak on the student's behalf. The student and the support person may confer at reasonable times as determined in the sole discretion of the Review Officer(s). A request should be made via email to the SRR Office at least 24-hours prior to the scheduled Review Meeting. If the request is approved, all students involved in the Review Meeting will be afforded the same opportunity to have a support person present.

Fair and Impartial Review Officers and Decision Makers

Review Officers and Decision Makers are trained to be impartial and objective. Review Officers and Decision Makers are able to dismiss themselves from the case if they have prior knowledge of the student, the incident, or do not feel they can adequately hear the case. For additional information on disqualification of Review Officers and Decision Makers, please see D. Types of Student Rights and Responsibilities Processes, Section 6: Review Meetings – subsection i.

No Retaliation

Both the Complainant and the Respondent and any witnesses as applicable have a right to fair and private review meeting and the ability to have a positive academic learning environment free from retaliation or harassment, regardless of a student's involvement in the incident. If retaliation or perceived retaliation occurs, the student must contact SRR

immediately. Retaliation may be grounds for further conduct violations and/or interim measures or sanctions.

A Written Decision

This document will include a summary of facts, decision(s) of responsibility for alleged violations, and sanction information, if applicable.

An Opportunity for Self-Initiated Appeal

See Section IX for more information on the Appeal Process.

B. *Role of Review Officer and Decision Makers:*

Trained Staff or Faculty members may serve as Review Officers (Student Code of Conduct) and Decision Makers (Title IX) to review any incident as determined by the Office of Student Rights and Responsibilities. The Dean of Students will appoint Review Officers at the start of each academic year, and additional Review Officers may be appointed during the year.

The Title IX Coordinator will appoint Decision Makers at the start of each academic year, and additional Decision Makers may be appointed during the year.

Review Officers may review incidents individually or as a team. A member of the Office of Student Rights and Responsibilities may attend Review Meetings or other SRR processes to assist the Review Officer(s) in an advisory capacity.

Decision Makers are solely used in cases defined as possible Title IX violations. Decision Makers receive specialized training to support their roles in and facilitation of Title IX formal process hearings. Decision Makers review incidents as a team. A member of the Office of Student Rights and Responsibilities, as well as University Counsel, may attend a formal process hearing facilitated by Decision Makers to assist in an advisory capacity.

Review Officers are able to impose all sanctions except for Disciplinary Probation, Suspension or Expulsion. If a violation warrants these sanctions, the Review Officer(s) may make a recommendation to the Dean of Students. The Dean of Students may impose Disciplinary Probation, Suspension, or Expulsion if it is recommended to them.

C. *Code of Ethics For Review Officers and Decision Makers:*

All Review Officers and Decision Makers need to adhere to the ethics stated, below:

1. Review Officers' and Decision Makers' behavior shall be free from impropriety
2. Review Officers and Decision Makers shall honor standards of confidentiality and shall not comment upon or discuss the merits of a pending or past incident except in a direct relation to a Review Meeting
3. Review Officers and Decision Makers shall not prejudge any incident

4. Review Officers and Decision Makers shall not be influenced by partisanship, public opinion or consideration of personal popularity or notoriety
5. Review Officers and Decision Makers shall regularly attend and actively participate in any reviews, orientations, trainings, and scheduled meetings offered
6. Review Officers and Decision Makers shall reflect the importance and seriousness of a review by conducting it with dignity and a proper sense of decorum
7. Review Officers and Decision Makers shall resolve disagreements privately and support the majority decision

D. *Types of Student Rights and Responsibilities Processes*

Student Rights and Responsibilities oversees the student conduct process; there are other processes and types of meetings that the SRR Office coordinates as a way to support students in their development. The different types of processes are described below:

1. Educational Conversations

The Office of Student Rights and Responsibilities coordinates conversations that assist students in advocating for themselves, help students understand the impact of their actions, and work to impact their communities in a positive way. Educational Conversations are not a part of a student's disciplinary record, and instead are used to partner with students for student success.

2. Pre-Conduct Meetings

Pre-Conduct meetings are described as incidents in which a student's behavior has not reached the level of a Student Conduct process, but the behaviors still need to be addressed and redirected. Students will meet with a Review Officer to discuss the incident in cases of Pre-Conduct, and the conversation will not be a part of the student's disciplinary record.

3. Warning

If a student violates a campus policy and it is deemed non-egregious, students may be issued a warning for the violation. This warning is a part of the student's disciplinary record, but will not require a Review Meeting. Students may request a Review Meeting if they would like. Warnings do not result in sanctioning.

4. Academic Dishonesty Hearing Panel

Students who are charged with alleged violations of the Academic Integrity Policy will be assigned an Academic Dishonesty Hearing Panel (ADHP) if the charge is deemed egregious, or if the student has had any prior academic integrity concerns. Please see the Academic Integrity Policy in the Student Code of Conduct for the full policy and the procedures related to ADHPs.

5. Informal Resolution- Title IX incidents ONLY

The Complainant and Respondent involved in a sexual misconduct incident that requires a formal Title IX investigation, have the opportunity to request an informal resolution. An informal resolution may only be attempted if each party enters the process completely voluntarily and provides written consent. The university will provide a specially trained facilitator who, in their best judgment will provide mediation, and or restorative justice. Either party may choose to withdraw from the informal resolution process at any time, and resume with the formal hearing process.

6. Review Meetings - Student Code of Conduct

For incidents of alleged Title IX conduct, the university follows the [Title IX Prohibited Conduct Process](#)

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, the Review Officer's responsibilities within a Review Meeting include:

- Reviewing Incident Reports and determining whether, or to what extent, students were involved in the reported misconduct;
- Assisting students toward responsible conduct; and
- 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 behavior in association with the university community. 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. The following is an overview of Review Meeting guidelines and procedures:

- a. Notice of Meeting: The Office of Student Rights and Responsibilities notifies students named in an Incident Report of the date, time, and place for the Review Meeting.
- b. Timing of Process: The Review process is designed to meet the need for individual investigation and consideration of each Incident Report, so time frames must necessarily be established with flexibility. Most Review Meetings are completed within ten business days, but for more complex cases, the estimated timeline is 60 days. Other time estimates are set out in these procedures for context, but are guidelines only. If the deadlines are missed by an individual or PLU, it will not keep the Review Meeting from continuing. Once the timing is established for a Review Meeting, students must either comply with the established timeline, or request an extension in writing via email to srr@plu.edu and setting forth the reason for needing additional time. Efforts to process Incident Reports will begin promptly and will be complete as soon as it is practical, given considerations around scheduling, investigation, and other considerations as applicable.

- Review Meetings are usually scheduled within five business days, but this time can vary depending on requests for extension of time by the students involved, Review Officer schedules, campus exigencies, etc.
 - Reasonable efforts will be made to provide documents to be used in the Review Meeting at least 24 hours before the Review Meeting begins. Please see below section for more information on the receipt and use of documents during a Review Meeting.
 - Reasonable efforts will be made to send out determination letters within 72 hours after the close of a Review Meeting.
 - The determination letter for each incident will include information on the appeal process and the deadline to submit appeals. That deadline is typically 72 hours, or three business days, after the determination letter has been sent. A decision on the appeal is usually made within 10 days after the appeal has been filed.
 - In cases of alleged violations of the Sexual Misconduct policy, timelines may vary and each student will receive specific timelines for each case. See the Sexual Misconduct policy for information and timelines of the process.
- c. Order of Review Meeting: While each Review Officer has the discretion to conduct a Review Meeting in their own manner, certain procedures will be followed for each meeting.
- i. The Review Officer(s) review the written material, including the Incident Report, prior to the meeting and prepare appropriate questions.
 - ii. At the beginning of the Review Meeting, the Review Officer(s) will explain the process to the student, including information on FERPA and the student's ability to appeal any decision.
 - iii. The Review Officer(s) will hear from all persons involved in an incident to determine the facts.
 - iv. The Review Officer(s) may ask questions to determine what occurred, why it occurred, how others may perceive it, and whether the behavior fits within university standards.
 - v. The Review Officer(s) will review all written information submitted with regard to the incident.
 - vi. Review Officer(s) have the discretion to assign additional charges to a student, should additional information come up that was not known at the time the charge letter was sent to the student.
 - vii. All Review Meetings are audio recorded.
- d. Witnesses: Witnesses may be requested by the Review Officer(s) and/or students who are named in the Incident Report. The Office of Student Rights and Responsibilities will work with the Review Officer(s) to determine the relevancy of witnesses and invite them to the Review Meeting if applicable. Review Officers may limit witness testimony to the facts of the situation.

Any student wishing to provide witnesses must submit a witness statement form via the SRR website, at least 24 hours prior to the scheduled Review Meeting. SRR and the

Review Officer(s) will determine whether the witness should attend the Review Meeting, and will communicate that to the student. If a witness is heard:

- Witnesses will attend Review Meetings in the beginning of the meeting only to hear procedures and to present information. They are excused as soon as their testimony is completed.
- Review Officer(s) may ask clarifying questions to witnesses as deemed appropriate. All questions must be pertinent to the report and the purposes of the meeting.
- Review Officer(s) may invite as witnesses, persons who submit Incident Reports or other persons who may have firsthand information about the incident.
- As a general rule, students alleged to have violated the Student Code of Conduct (responding students) may be present during the Review Meeting when the Review Officer(s) is receiving information from witnesses. Certain exceptions to this general rule may occur, however, when at the discretion of the Office of Student Rights and Responsibilities, circumstances warrant. Examples, without limitation, are as follows:
 - Complainant or witnesses may be permitted to attend the Review Meeting via electronic means, or may be separated from the Respondent 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.
 - During sexual misconduct investigations. Please see the Sexual Misconduct policy for further information.
 - When more than one student alleged to have violated the Student Code of Conduct is involved in the same incident, the Review Officers may consider each student's involvement separately and exclude the other students from the meeting. Under this circumstance, each responding student shall be given the opportunity to review and respond to all information considered at the Review Meeting concerning their misconduct.
- While discussing an incident with one student, the Review Officer(s) may receive information that may affect another student. In this event, the Review Officer shall inform the other student and provide the other student with the opportunity to respond before the Review Officer(s) make a decision. If the information received could result in sanctions under the Student Rights and Responsibilities procedures, the Student

Rights and Responsibilities Office, in their discretion, may complete an Incident Report based on the new information, thus beginning the process for the student who is not the subject of the original meeting.

- During the Review Meeting, the Review Officer(s) may receive information which may result in further violations to be considered for a student involved in the incident. The Review Officer(s) will be honest with the student if this is the case, and will allow the student to speak on that violation during the Review Meeting.
 - After all witnesses have spoken, the responding student may make a summary statement. The Review Officers may limit the summary based on time and content, and may terminate the summary statement if the Review Officer(s) believe the statement is not relevant.
- e. **Lawyers and Legal Counsel:** Lawyers and/or legal counsel are not permitted at Review Meetings, with the exception of Sexual Misconduct and Physical Assault processes. However, the university expects all students to speak for themselves during Review Meetings, should legal counsel be present. During sexual misconduct meetings, cross examination is allowed and expected. In this sole situation, lawyers are allowed to participate in the Formal Process Hearing through cross examination.
- f. **Complainants Alleging Sexual Misconduct and/or Physical Assault:**
- i. Complainants alleging sexual misconduct or physical assault will be offered the opportunity to be present at all Review Meeting proceedings. Respondents are also offered the opportunity to attend all meetings. If the Complainant and/or the Respondent 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 Review Meeting time. Complainants of other incidents, including but not limited to: Concern for Self and Others, Property Damage, and Vandalism, may be involved in Review Meetings at the discretion of the Office of Student Rights and Responsibilities.
 - ii. In any meeting involving PLU's sexual misconduct and/or physical assault policies, the Complainant will receive information about the outcome of the meeting and any sanctions imposed on the Respondent that directly relates to the Complainant (examples include No Contact Orders, Housing changes, etc.). Such disclosures will be made consistent with the Family Education and Privacy Rights Act (FERPA).
- g. **Deliberation and Decision Making:** The Review Officer(s) will deliberate privately. Members of the Office of Student Rights and Responsibilities may be called upon to advise on procedural matters as applicable.
- i. Deliberations generally take the following form:
 1. Review of information obtained during Review Meeting
 2. Review of all supplemental documentation as applicable
 3. Decision reached by discussion and collaboration

- a. If there are more than two Review Officers or Decision Makers, or a conduct board, a decision may be reached by a majority vote.
 - 4. Students who are found responsible for a violation are sanctioned according to the nature of the misconduct, a review of their conduct history, and in consideration of the individual student.
- h. Notification of Decision: Students receive their Determination Letter, which provides the decision of responsibility, along with rationale and sanctioning, through their PLU email.
 - i. In non Sexual Misconduct cases, students that do not attend the Review Meeting will have their Review Officer(s) make a decision of responsibility in the student's absence, based on the available information. Students will receive notification of the decision via email.
 - ii. If the Review Officers do not reach a decision during the meeting, they will generally render a decision within 3 business days at the conclusion of the Review Meeting. In the event that additional time is needed, the student will be notified via email of the revised timeline.
 - iii. In Sexual Misconduct cases that meet Title IX criteria and jurisdiction, the Decision Maker(s) will issue a written determination simultaneously to each party, along with information about how to file an appeal. The notification will also include the allegations constituting sexual misconduct, university response procedural steps, rationale for the result as to each allegation, any disciplinary sanctions, and whether remedies will be provided to the complainant.
- i. Disqualification of Review Officers or Decision Makers: There are several reasons the originally assigned Review Officer(s) or Decision Makers may be disqualified from a Review Meeting.
 - i. After reviewing the documents related to an incident, any Review Officer or Decision Maker who has personal knowledge of the situation must share this knowledge with the Office of Student Rights and Responsibilities. The SRR Office will, in its sole discretion, decide whether that Review Officer should be excluded from the meeting. The SRR Office will determine and assign, at its sole discretion, another Review Officer or Decision Maker as applicable.
 - ii. Review Officers or Decision Makers who have prior knowledge of an assigned case must report that knowledge to the Office of Student Rights and Responsibilities. If that Review Officer or Decision Maker still reviews that case, they must inform the student prior to the start of the Review Meeting of their knowledge.
 - iii. A Respondent or Complainant may, before a Review Meeting, request the disqualification of any Review Officer or Decision Maker who they believe to be biased against themselves. The burden of substantiating the charge of bias rests with the student. The final determination of bias is made by the Office of Student Rights and Responsibilities. Students are asked to contact the Office of

Student Rights and Responsibilities at least 24 hours prior to the scheduled Review Meeting to report concerns about bias with respect to the Review Officers. Failure to do so may impact the Review Officer's or Decision Maker's determination as to whether the meeting should continue.

- iv. If disqualification results in the loss of a Review Officer or Decision Maker, the Review Meeting will be postponed until another Review Officer or Decision Maker may be assigned, unless the student agrees to proceed with the Review Meeting.

VI DECISIONS

Review Officers and Decision Makers for Student Code of Conduct cases weigh information against the standard of "clear and convincing" and may come to one of the following decisions for each alleged violation:

RESPONSIBLE: The student, substantially more probable than not, violated the Student Code of Conduct

NOT RESPONSIBLE: The student, substantially more probable than not, did not violate the Student Code of Conduct

INCONCLUSIVE: There is not sufficient information to reach a decision. If additional information becomes available while the student is enrolled at PLU, then the case may be referred for reconsideration to Review Officers, at the discretion of the Office of Student Rights and Responsibilities. The SRR Office will determine whether the original Review Officer(s) is reconvened, or if the case is referred to a new Review Officer(s).

Review Officer and Decision Makers' decisions generally are made through a review of Incident Reports, individual statements (written and oral), and additional documentation or evidence, if applicable. A student's previous conduct history may also be reviewed, where in PLU's discretion it is deemed relevant.

Both the Complainant(s) and the Respondent(s) will be advised concurrently of the outcome of any Review Meeting where violations of the Sexual Misconduct Policy is alleged. The Complainant(s) will be notified of any sanction imposed that "relates directly" to the Complainant. Examples would include No Contact Orders, Suspensions, etc.

VII. SANCTIONS

When a student is found Responsible, or when deemed applicable, the Review Officers will determine what sanction(s), if any, is necessary to:

- Provide an educational experience for the student,
- Assist the student in understanding and accepting the consequences of personal actions and decisions,
- Give the student an opportunity to give back to the community, and
- Uphold the safety of the PLU learning community.

Sanctions depend upon the particular circumstances of each incident and may be imposed singly or in combination, as appropriate for the circumstances. In determining a

sanction, the Review Officer(s) may consider the 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 the Student Code of Conduct will result in a cumulative effect for sanctioning. Thus, continued violations of policy may result in more severe sanctions, and may culminate in the removal of the student from the university.

- *Good Standing:* A student who is defined as being in "good standing with respect to the Office of Student Rights and Responsibilities" is a student who is not expelled, suspended, on deferred suspension, or on disciplinary probation. A student is not in good standing if they have a Student Conduct Hold on their student accounts.
 - A Student Conduct Hold may be placed on a student's account for reasons that include, but are not limited to: incomplete sanctions, participation in an ongoing sexual misconduct process, or failure to attend and complete the SRR process.
 - Student Conduct Holds prohibit students from registering from classes, acquiring transcripts, accessing student accounts, and grade reviews. When possible, students will be notified via email if this action is taken.

A student is also not in good standing with respect to the Office of Student Rights and Responsibilities if they fail to complete sanctions by the stated due date. If a student is not in good standing with respect to the Office of Student Rights and Responsibilities, they may be restricted from all or any part of campus facilities, activities, programs, leadership positions, or other restrictions as deemed appropriate by the Office of Student Rights and Responsibilities, depending on the nature of the violation.

- *Failure to Complete Sanctions:* Students who fail to complete assigned sanctions in the timeline given are not in good standing with respect to the Office of Student Rights and Responsibilities, and will be placed on a Student Conduct Hold. Additionally, students who fail to complete sanctions are subject to the imposition of more severe sanctions, up to and including removal from the university.
- *Parent/Guardian Notification:* PLU reserves the right to inform parents or guardians when students are referred to the Office of Student Rights and Responsibilities, provide parents/guardians information on the alleged violation, and/or notify parents or guardians of outcomes and/or imposed sanctions.
- *Deferral of Sanctions:* If the Office of Student Rights and Responsibilities believes the student will benefit from an alternative course of action (i.e., referral to a community resource), 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 at the sole discretion of the Office of Student Rights and Responsibilities, and the original 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 the most commonly utilized sanctions. This list is not exhaustive, and other sanctions may be determined by PLU in its sole discretion, to be necessary and appropriate.

1. **Warning**: A written notice to the student that they have been found responsible for a policy violation in the Student Code of Conduct. Students who receive a warning are subject to more severe sanctions, should future violations of the Student Code of Conduct occur.
2. **Educational Workshops and Online Modules**: Students may be sanctioned to attend an educational session relevant to the violation. Students are responsible for any follow-up assignments and fees as a part of the educational workshop. These sanctions may not be deferred.
3. **Reflection Papers**: Students may be assigned a reflection paper that allows the student to reflect on their experiences and future actions. Paper length and other requirements will be determined by the Review Officer.
4. **Community Restitution Through Service**: A Review Officer may require students to initiate and complete a supervised and meaningful 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 Office of Student Rights and Responsibilities may utilize the product for educational programs and/or trainings. This sanction may not be deferred.
5. **Fines/Restitution/Fees**: Fines may be imposed when appropriate. Proceeds from all fines and fees will be contributed to the payment of educational modules and campus health and wellness education.
 - a. PLU reserves the right to charge students whose behavior involves damage or destruction of university property. Restitution may also be required 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 of time. Specific restrictions may include, but are not limited to the residence halls (i.e., removal of amplifying equipment 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 (i.e., exclusion from seeking or holding appointive or elective positions in student government or clubs and organizations, or varsity athletic participation). This sanction may be stated for a specified period of time and may be deferred.

7. Assessment with Required Recommendations: Consistent with the nature of the violation, a student may be assigned an assessment (i.e., substance use, anger, mental health) to be provided by a state accredited/certified provider. All resulting recommendations from the assessment are required for sanction completion. All costs associated with the assessment and resulting recommendations must be paid at the student's expense. Students will be required to release their conduct file prior to meeting with a provider guided by a review meeting sanction.
8. Disciplinary Probation: Disciplinary Probation indicates that a student's continued enrollment at PLU is conditional for a specified period of time. It requires the student to demonstrate that they can act in a manner consistent with the university standards to which they agreed upon when accepted into this university. Students on Disciplinary Probation are not in Good Standing with respect to the Office of Student Rights and Responsibilities. 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 with their determination letter. Examples of restriction include, but are not limited to, restricting participation in university activities such as athletics, living on campus, studying away, performing in recognized PLU groups, social events, and elective or appointive student offices. Examples of obligations include, but are not limited to, informing faculty or other advisors about Disciplinary Probation status, and requiring attendance at specific meetings, counseling sessions, or assessments at the student's expense. The university, in its sole discretion, will decide what restrictions apply in a given case. Should the student fail to fulfill specified conditions, the student shall be referred to the Office of Student Rights and Responsibilities for further disciplinary action. This sanction may not be deferred.
9. Suspension: Suspension is the separation of the student from the university for a specified minimum period of time, with conditions imposed for the student's reinstatement to PLU. Suspended students are not in Good Standing with respect to the Office of Student Rights and Responsibilities, and will not return in Good Standing with respect to the Office of Student Rights and Responsibilities until they have met the conditions of their suspension (see below). The conditions may be imposed by the Review Officers or the Dean of Students, and may consist of any requirement deemed appropriate under the circumstances. The Dean of Students, in their sole discretion, will determine whether the conditions have been met prior to reinstatement.

Restrictions associated with suspension include (but are not limited to):

- 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 meals 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 they are reinstated to Good Standing with respect to the Office of Student Rights and Responsibilities. If a student is not reinstated to Good Standing with respect to the Office of Student Rights and Responsibilities, or chooses not to seek reinstatement, the notice of the suspension will remain on their transcript for three years after the minimum period of time for the suspension has passed.

Only the Dean of Students or the Vice President for Student Life may impose suspension. The Review Officers may recommend to the Dean of Students a sanction of suspension.

Suspension may be deferred when PLU, at its sole discretion, determines that circumstances in a particular case warrant it. Only the Dean of Students or the Vice President for Student Life may defer suspension. Students on Deferred Suspension are not in Good Standing with respect to the Office of Student Rights and Responsibilities. Deferred Suspension 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 in the student's determination letter. Examples of restrictions include, but are not limited to, restricting participation in university activities such as athletics, living on campus, studying away, performing in recognized PLU groups, social events, and elective or appointive student offices, Examples of obligations include, but are not limited to, informing faculty and other advisors about the Deferred Suspension status, and requiring attendance at specified meetings, counseling sessions, or assessments at the student's expense. The university, in its sole discretion, will decide what restrictions apply in a given case. 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.

Reinstatement From Suspension

When the minimum period of time for suspension has ended and the student has complied with the conditions of their reinstatement and completed sanctions accompanying the suspension (if any), the student must submit a letter to the Dean of Students, requesting reinstatement. This letter must include details of how the student has used their time while suspended, reflect upon what they have learned and provide evidence that they have satisfied the conditions of suspension.

The Dean of Students may take any of the following actions (without limitation) in their sole discretion:

- Determine whether any conditions imposed at the time of suspension have been met, and identify next steps;
- Extend the suspension because the conditions for reinstatement have not been met;
- Return the student to Good Standing with respect to the Office of Student Rights and Responsibilities and permit the student to enroll in classes, or
- Permit the student to enroll in classes, but place the student on Disciplinary Probation for a stated period of time.

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 violations.

- 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 Dean of Students or the Vice President for Student Life may impose expulsion. The Review Officers may recommend to the Dean of Students that a student should be expelled. This sanction may not be deferred.

11. Deferred Graduation: A Review Officer may recommend to the 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 student commits a violation for which suspension may be justified, and allows the Review Officers to postpone the student's eligibility for graduation until after a specified period of time has passed.

12. Permission to Withdraw: A student facing disciplinary action, or with Incomplete Sanctions, may make a written request to the Dean of Students for permission to withdraw from the university. Only the 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 circumstances.

Incidents involving students, who withdraw with or without permission prior to the Review Meeting, will be placed on a Student Conduct Hold for PLU. Students will need to follow through with their Review Meeting and/or sanctions before continuing their status as a student at Pacific Lutheran University, should they choose to re-enroll. Notification of the hold will be made by PLU email. Under the sole discretion of the Office of Student Rights and Responsibilities, a student who has withdrawn may have their alleged violations reviewed (with or without the presence of the student) by a Review Officer, and a decision made.

The 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 Dean of Students for reinstatement to student status and to Good Standing with respect to the Office of Student Rights and Responsibilities. The requirements for this application are the same as those for students seeking reinstatement following suspension. The Office of Student Rights and Responsibilities shall place a notice of withdrawal, with the permission of the 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 the PLU's Alcoholic Beverages Policy may occur whether or not a student has been consuming alcohol. Therefore, sanctions for Alcoholic Beverages Policy violations are educational in nature and will challenge and support all students to uphold their personal values of safety, legality, and community. The following sanctions will generally apply, however, the Office of Student Rights and Responsibilities in its sole discretion, may alter or add to the requirements for each sanction.

Students that are present in a room while a policy violation is occurring are responsible per PLU policy. Based on compelling circumstances and taking into consideration each individual, a Review Officer may choose not to sanction students who are found responsible for a first-time alcohol violation. However, the violation will still remain a part of the student's record.

1. *First Alcohol Violation:* Required completion of an online educational module, with an included fee of \$100.00. Required completion of a reflection paper, and a follow-up meeting with Review Officer.

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 Review Officer may require that parents/guardians of students who have been found responsible for a first alcoholic beverages violation 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 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. *Second Alcohol Violation:* Required completion of an Ethics Workshop, with an included \$75.00 workshop fee. Parental/guardian notification will be required, 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.

Pending the nature of the incident, the student may be placed on Disciplinary Probation and may therefore be ineligible to retain 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. *Third Alcohol Violation:* Students who are found responsible for violating PLU's Alcoholic Beverages Policy a third time will be placed on Disciplinary Probation, with all restrictions outlined above. Parental/guardian notification will be required, 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. Required Behavioral Agreement with the Review Officer/Office of Student Rights and Responsibilities, in addition to educational sanctions as deemed appropriate.

Pending the student's prior sanction record, 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.

4. *Fourth Alcohol Violation:* A student who violates PLU's Alcoholic Beverages Policy a fourth time demonstrates either a blatant disregard for PLU's policies and/or behaviors that raise concern for their own personal well-being. Therefore, the Review Officer(s) will recommend suspension from the university for a minimum of one semester. The suspension may be deferred, and if deferred, the Review Officer(s) will recommend additional sanctions as appropriate. Parental/guardian notification will be required, as allowed by the Family Educational Rights and Privacy Act (FERPA).
5. *Alcohol Emergencies:* **PLU expects students to seek help for friends who need medical 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 member of the Office of Student Rights and Responsibilities and may be offered a written alternative course of action to the Student Conduct process (i.e., referral to Counseling or Health Services). If the student fails to follow through with the recommendations made, or is involved in an additional incident, the matter will be formally referred to the Office of Student

Rights and Responsibilities. All documentation related to emergency medical attention and/or hospital transportation will be included in the student's file.

Illegal Drugs 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. *First Drug Violation:* Required completion of an online drug education module, including a \$100.00 module fee. Required completion of a reflection paper and follow-up meeting with the Review Officer.

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 be done at the student's expense.

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

2. *Second Drug Violation:* Required completion of Ethics Workshop, and included \$75.00 fee. Parental/guardian notification, as allowed by the Family Education Rights and Privacy Act (FERPA). Students may also be required to complete a Behavioral Contract, or a substance use assessment by a state accredited substance treatment program and be done at the student's expense.

Pending the nature of the incident, students found responsible for violating PLU's Illegal Drugs Policy a second time may 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.

3. *Third Drug Violation:* A student who violates PLU's Illegal Drugs Policy a third time demonstrates either a blatant disregard for PLU's policies and /or behaviors that raise concern for their personal well-being and/or the university community. Therefore, Review Officers will recommend suspension from the university for a minimum of one semester for any student who violates PLU's Illegal Drugs Policy a third time. The suspension may be deferred. If deferral is recommended, the Review Officers may impose additional sanctions as appropriate.

VIII. CONDUCT RECORDS

- A. *Creation and Maintenance of Conduct Records:* Review Meetings will be audio recorded by the Review Officers for the purpose of a potential appellate officer. Students are not permitted to make such recordings (audio or video) and are not permitted to bring personal cell phones or other devices that could be used for recordings of the Review Meetings. Review Meeting recordings may not be copied or released.

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

- B. *Expungement of Conduct Records:* During their senior year at PLU or after graduation, students who have completed all sanctions in a timely and satisfactory manner may request to have their non-academic Student Conduct file expunged. To be considered for expungement, students must not have received suspension or expulsion as a sanction, and Academic Integrity violations are excluded from this process. The incident must have occurred at least 24 months prior to submitting the request for consideration. Requests are to be submitted through the Office of Student Rights and Responsibilities. Letters of requests for expungement should include:

- The student's personal reflections and how they believe they have learned from the incident they were involved in
- Detailed steps that have been taken to address the behavior
- How the student believes they have contributed to the PLU and surrounding community
- Any other information the student believes is relevant

In considering expungement, the Dean of Students may, in their sole discretion, confer with others in the University who may have relevant information about subsequent issues, as well as contributions to the community in order to make a determination on the request. The current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the severity of any other student's damage, injury, or harm will be considered. The Dean of Students will determine in their sole discretion whether the request is granted or denied. No appeal is permitted.

An expungement request is discretionary and is not automatically granted; a student submitting a request should provide a thorough explanation of the reasons they believe an expungement is warranted.

Students should not assume that expungement under this process will eliminate all university records referring to incidents that are expunged from Student Conduct records. The university complies with a variety of laws that require certain incidents to be reported to various offices on campus and records be maintained, so while the "student conduct" file may be expunged, other records may remain. Examples include, but are not limited to, Campus Safety reports and disciplinary records reported outside the Office of Student Rights and Responsibilities prior to expungement.

Further, if a student is granted an expungement, the student may still need to disclose information regarding their expunged Student Conduct record to a third party, including but not

limited to, a potential employer, a professional governing body (ex. A state/jurisdictional Bar or Medical Board), or another university through an admissions process. Such disclosure is the student's responsibility.

IX: APPEALS

Students in the conduct process 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, except that both Complainants and Respondents may appeal a determination involving the Sexual Misconduct Policy, as permitted by federal law. Students may appeal a decision once.

- A. *An Appeal is Not a Re-Hearing:* New information concerning the incident itself is not considered in an appeal. If the student presents new information that was unobtainable at the time of the original review, the Office of Student Rights and Responsibilities may have the Review Officer(s) reconsider the incident. Decisions regarding appeals are made based upon the record of the original case and the information contained in the written appeal.
- B. *Grounds for Appeal:* Grounds for appeal are limited to four categories:
 - 1. Procedural error that substantially impacted the outcome of the review process,
 - 2. Bias unknown at the beginning of the Review Meeting that substantially impacted the outcome of the review process,
 - 3. New information, previously unavailable, that would substantially impact the outcome of the review process, and/or
 - 4. Severity of sanction.

The appeal process may be initiated by any student who has been formally informed of the review process outcome.

- C. *Appeals Process:*
 - 1. The student completed an Appeal Form and submits it to the Office of Student Rights and Responsibilities by the deadline indicated on their written decision letter, typically within 72 hours.
 - 2. The Appeal Form shall include:
 - a. The appeal date,
 - b. The grounds for appeal,
 - c. A detailed rationale supporting the grounds for appeal, and
 - d. The signatures of the person filing the appeal.
 - 3. The Office of Student Rights and Responsibilities 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 Office of Student Rights and Responsibilities informs the petitioner and they must submit an amended Appeal Form within 24-hours of the Office of Student Rights and Responsibilities' 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 original sanction imposed by a Review Officer may be deferred while a student is involved in the appeal process.

D. *Possible Appeal Outcomes:*

1. The appellate body may refer an appealed case for reconsideration in light of certain factors to the Review Officers that rendered the decision being appealed.
2. The appellate body may alter the decision and/or the sanction(s).
3. The appellate body may uphold the decision and/or the sanction. If the original sanction(s) was deferred while the student was involved in the appeal process, a new deadline may be established for the original sanction(s) as deemed appropriate by the appellate body.

E. *Levels of Appeal:* Generally, the Office of Student Rights and Responsibilities assigns an appeal based on which Review Officer conducted the original Review Meeting. While usual routes of appeal taken are outlined below, the Office of Student Rights and Responsibilities may assign appeals at their sole discretion.

1. Review Officer decisions, in which the Review Officers are Community Directors, may be appealed to the Associate Director for Campus Life, or the Assistant Dean of Students.
2. Review Officer decisions, in which the Review Officers are not Community Directors, may be appealed to the Assistant Dean of Students, or Dean of Students.
3. Appeals involving sanctions of suspension or expulsion are directed to the Vice President for Student Life.
4. Appeals for physical assault or sexual misconduct cases are directed to the Vice President for Student Life.

X. SPECIAL PROVISIONS

A. End of Term: Incidents reported during the last 15 working days of each semester, as well as January and Summer terms, may be expedited and have a Review Meeting set within 24-hours of the incident. Incident Reports not reviewed in Review Meetings before the end of the term will be reviewed without the presence of the student(s) named in the report by a Review Officer as determined by the Office of Student Rights and Responsibilities. Notification of decisions and sanctions will be sent by email. How 'End of Term Incidents' will be handled will be at the discretion of the Office of Student Rights and Responsibilities.

B. Summer/January Term: The standard provision for Review Meetings are followed as much as reasonably possible with the available personnel. The Office of Student Rights and Responsibilities may ask Review Officers for the academic year to continue in the Summer and January terms as applicable. The Dean of Students will appoint any student members required, and the University Provost will appoint any faculty members required.

C. Emergencies or Unusual Circumstances: At their discretion, the 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 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 practical thereafter, the allegations against the student will be heard by Review Officers at a special meeting called by the Dean of Students. At the Review Meeting, the student will be accorded the rights set out in these procedures, except that the timelines set out may vary.

D. Special Considerations in Sexual Misconduct Cases: PLU takes allegations of sexual misconduct very seriously. Allegations that PLU's Sexual Misconduct Policy has been violated trigger some procedures in addition to those set out above, as required by federal law. PLU generally investigates allegations of Sexual Misconduct in one or more of the following ways. All processes are designed to:

- Provide notice to students and employees of sexual misconduct grievance procedures, including where complaints may be filed
- Provide students with supportive materials and resources
- Apply the procedures to complaints alleging harassment carried out by employees, other students, or third parties
- Provide adequate, reliable, impartial, and efficient investigation of complaints, including the opportunity for both parties to present witnesses and other evidence
- Set out designated and reasonably prompt time frames for the major stages of the complaint process
- Provide notice to parties of the outcome of the complaint
- Work with campus partners to take steps to prevent recurrence of this harassment and to correct its discriminatory effects on the complainant and others, if applicable.

The processes used by PLU for Sexual Misconduct complaints include:

The Student Conduct Process: This is utilized if allegations are made that a current student has violated PLU's Sexual Misconduct Policy in its Student Code of Conduct. The process is governed by PLU's Student Conduct Procedures.

The University Dispute Resolution Process: This is utilized if allegations are made that PLU's Human Resources Policy has been violated by a faculty, staff, or third party. The process is governed by PLU's Grievance Procedures.

Informal Process: This is utilized if all parties agree to an informal process, which can include an educational conversation or a mediation. The process is meant to be educational in nature, and no determination of responsibility is made. The Informal Process is NOT available for processing student / employee incidents.

Title IX Formal Process: With sexual misconduct complaints, the Title IX Coordinator may assign a Title IX Investigator to complete an investigation of the complaint. For complete information on the Investigative Procedure, please see the PLU Sexual Misconduct Policy. PLU's Sexual Misconduct Policy, which is designed to educate students about healthy sexual interactions,

prohibits some sexual conduct that may not rise to the level of sexual harassment or violence as defined by Title IX legislation. As a result, it is possible for a student to be found “responsible” and sanctioned for a violation of the Sexual Misconduct Policy through the Student Code of Conduct process, even though a determination was made that the conduct has not violated Title IX.

All questions about PLU’s efforts to stop sexual harassment and sexual violence, in addition to any questions about the PLU sexual misconduct policy and procedures, should be directed to the Title IX Coordinator and/or the Office of Student Rights and Responsibilities.

XI. INTERIM MEASURES

If the Office of Student Rights and Responsibilities determines a threat to self or others, or harm to the community, SRR in conjunction with the Dean of Students has the ability to impose Interim Measures on a student. Interim Measures are meant to provide restrictions while a student waits for their Review Meeting. Interim Measures will work to address any safety concerns, while also minimizing the impact on all parties. Once a student’s determination is made, Interim Measures will no longer be implemented; instead, the Review Officer may make these measures permanent, or remove them from the student.

In order to determine harm to the community or threat to self, SRR will utilize the risk assessment rubric from NaBITA.

Examples of Interim Measures can include, but are not limited to:

- Removal from Campus Housing for interim
- No Contact Orders
- Restriction from Campus or certain areas on campus
- Independent study for class during the interim
- Assistance in arranging alternative work/class schedules as applicable
- Accessing Health and Counseling services
- Interim suspension