



**Student Code
of Conduct**
2017-2018

COLORADO STATE UNIVERSITY-PUEBLO
STUDENT PLEDGE

I will be ACCOUNTABLE for my actions

I will support and promote CIVIC RESPONSIBILITY

I will be an advocate for FREEDOM OF EXPRESSION

*I will demonstrate INCLUSIVENESS and an appreciation for
diversity*

I will be INNOVATIVE

I will act with INTEGRITY and mutual respect

I will be SUPPORTIVE of the opportunities made available to me

*I will pursue EXCELLENCE in learning and all academic
endeavors*

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Colorado State University-Pueblo

Student Code of Conduct

I. PURPOSE

Colorado State University – Pueblo strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; are accepting of differences and gain an appreciation for living in a diverse environment; understand the impact of their behavior both upon the University and the larger community; and freely accept the responsibility for and the consequences of their conduct.

To that end, while recognizing that freedom of expression and academic inquiry are inherent to the educational environment, the University expects all members of its community to embody respect, a sense of community, integrity, and a commitment to responsibility.

Upon admission to the University, students share in the obligation to protect the educational and developmental mission of the University through a commitment of respect to the University and themselves and one another. Additionally, students will retain their individual rights while accepting the responsibility to respect the rights of others and the standard set forth by the University within this Code.

The learning outcomes of the *Student Code of Conduct* are that the student, through their experience in the student conduct process, will be able to:

- Recognize the policy that they allegedly violated
- Explain the impact that their behavior has on them and the University community
- Identify ways they and the community can be positively impacted through social and restorative justice

It should be noted, this *Code* exists as an educational opportunity for students to gain personal and academic development during their time at CSU-Pueblo. This *Code* is not meant to serve as a punitive measure, rather, it is to serve as a means to protect the rights of the community and the individual students. If, at any time a student is unable to share their responsibility in upholding this *Code*, they may be asked to part ways with the University.

II. DEFINITIONS

- **University** means Colorado State University – Pueblo including all campuses, Extended Studies, etc.
- **The Code** means this document, the *Student Code of Conduct*.
- **Students** include all persons enrolled in courses at the University, either full- or part-time, pursuing undergraduate, graduate, continuing education or professional studies, as well as persons who are not officially enrolled for a particular term but who have a continuing relationship with the University.
- **Faculty** members include any person hired by the University to conduct classroom or teaching activities, or who are otherwise considered by the University to be members of its faculty.
- **University officials** include any person employed by the University to perform assigned administrative or professional responsibilities.
- **Student Organizations** for the purposes of this document, include student groups requiring limited membership such as athletics and club sports as well as student government and

Registered Student Organizations recognized by the Office of Student Engagement and Leadership. This term also includes fraternities and sororities that are recognized by the University, even if such organizations are independently chartered.

- **Members of the University community** include students, faculty, staff, administration, and student organizations, inclusive of Extended Studies.
- **University premises** include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets, vacant land, driveways, roadways, and sidewalks), including the Phoenix Tower location, Fort Carson, (inclusive of Colorado Springs and Extended Studies).
- **Conduct Officer** means any person given the authority to hold a conduct meeting as designated by the Director of Student Conduct and Case Management or Dean of Student Affairs.

III. POLICY

A. Student Rights & Responsibilities

Throughout their involvement in the student conduct process, all students have the following rights and responsibilities as outlined below. Students have the responsibility to notify the Director of Student Conduct and Case Management and/or the Dean of Student Affairs if they believe any of these rights has not been provided by following the guidelines provided in this document under section D: *Appeals*.

1. **The Right to Fair Treatment.** All students have the right to expect a fair and impartial process in which it is the responsibility of the University to show that a violation has occurred before any sanctions are imposed, with the exception of interim actions. This includes the right to object to any conduct officer based upon a demonstrable and significant bias.
2. **The Right to Privacy.** Students have the right to privacy with respect to all disciplinary action and records, subject to exceptions outlined in the Family Educational Rights and Privacy Act (FERPA).
3. **The Right to Written Notice.** Students have the right to proper written notification of allegations of misconduct, any conduct meeting occurring based on their behavior, and the right to written notification of the results of such meetings.
 - a. Written notification of a conduct meeting shall include the date, time and location of the meeting, the person or group conducting the meeting, the alleged violations committed, and a description of the allegations to be considered.
 - b. Written notification of a decision shall include a specific finding of fact, the violations committed (if any), the sanctions imposed (if any), and the process by which an appeal may be filed.
 - c. Written notice to the student will be provided via electronic mail (e-mail) through a student's personal University email account. **Students have the responsibility to check their University email to receive notifications.**
4. **The Right to participate in a Conduct Meeting.** A conduct meeting is defined as a meeting in which there is an investigation of the allegations. Students have the right to be heard and to discuss the allegations brought forth against them. Students have the right to review and to respond to all information and/or documentation used by a conduct officer to reach a decision, and the right to provide information, witnesses, and/or documentation of their own to the conduct officer. These rights should not be construed to allow direct cross-examination of witnesses.

Students who choose not to participate in the conduct process have the right to do so but the process will continue in their absence to determine if a violation occurred.

- a. Students have the responsibility to arrange for the presentation of any witnesses who may have information pertaining directly to the allegation at the time of the conduct meeting. Disciplinary proceedings will not be rescheduled to accommodate witnesses. Character witnesses will not be considered relevant to an investigation.
- 5. The Right to an Advisor.** Students have the right to the presence of an advisor of their choice throughout the disciplinary process to assist them with their conduct proceedings. Advisors may freely consult with the students they advise, provided they do not disrupt the proceedings. Advisors may not examine witnesses nor advocate in this advisory role.
- a. Students have the responsibility to arrange for the presence of their chosen advisor. Disciplinary proceedings will not be rescheduled to accommodate an advisor.
 - b. An advisor can be an attorney, parent/guardian, faculty or staff member (one who is not or cannot be considered a witness to the event), or a trusted friend.
 - c. Advisors cannot be a person considered a witness to the alleged violation.
- 6. The Right to Appeal.** Students have the right to request an appeal of a conduct officer's decision. Students have the responsibility to comply with all sanctions imposed, even during an appeal, until those sanctions have been modified or overturned as a result of an appeal.

B. Jurisdiction

The *Student Code of Conduct* and the student conduct process applies to the conduct of individual students, both undergraduate and graduate, and all student organizations. For the purposes of student conduct, the University considers an individual to be a student when the student has initially enrolled for classes and thereafter as long as the student has a continuing educational interest in the University. The University may take jurisdiction over a student once admitted to the University, if the alleged act committed prior to enrollment is egregious enough that, if found responsible, suspension or expulsion would be warranted.

The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw or have graduated, for any misconduct that occurred prior to the leave, withdrawal or graduation and thereafter as long as the student has a continuing educational interest in the University. If sanctions are assigned and not completed by the deadline imposed, a hold may be placed on the student's account which can affect their ability to enroll, add/drop courses, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

This *Code* applies to all conduct that occurs on University premises and at University-sponsored activities occurring away from campus, as well as to any off-campus conduct that adversely affects the University community and/or the pursuit of the University's educational mission. The decision whether to extend jurisdiction in a specific off-campus incident shall be made at the discretion of the Director of Student Conduct and Case Management.

The Director of Student Conduct and Case Management is not required to take jurisdiction over a student who has allegedly violated the policies or guidelines of an individual academic program or who has allegedly committed a violation of academic policies as outlined in the *Catalog*. Academic programs may have separate codes of conduct and rules and policies that apply to the program that are separate and apart

from the *Student Code of Conduct*. In those situations, when the Director of Student Conduct and Case Management does not take jurisdiction, the student does not have the rights articulated within this *Code* in relation to individual program violations. Pursuant to specific student codes within programs, a student may be dismissed from a program without the involvement of the Director of Student Conduct and Case Management; however, an individual program may not suspend or expel a student from the University.

The *Student Code of Conduct* may be applied to behavior conducted online, via e-mail or other electronic means. Students should also be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations.

C. Standards of Conduct

The underlying philosophy of the disciplinary process is an educational and restorative one; however, the University reserves the right to take corrective action when appropriate. In enforcing reasonable expectations of its students, the University must maintain a careful balance between the needs of each individual and the rights of others to pursue their goals in a safe and welcoming environment.

1. Disorderly Conduct.

- a. Conduct that is disorderly, lewd, indecent, or otherwise breaches the peace on University premises or at University-sponsored or supervised functions that occur off-campus; including, but not limited to fighting or violent threatening behavior, unreasonable or excessive noise, use of obscene language or gestures, or behavior that causes a hazardous or physically offensive condition to exist.
- b. Substantial disruption or interference with any classroom activity. Classroom disruption may include, but not be limited to: non-approved use of electronic devices; cursing or shouting at others in such a way as to be disruptive or other violations of an instructor's expectations for classroom conduct, and any conduct specified in the syllabi.
- c. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and/or other University activities, including functions on or off-campus, or of other authorized activities that occur on University premises.
- d. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- e. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community or disrupts the educational mission of the University. This includes, but is not limited to, leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

2. Prohibited Animals. Animals are prohibited in campus buildings, athletic facilities, and at University events, with the exception of service animals or other animals permitted by University policy or by Colorado State law. Animals must be on a leash when in a public area. Failure to leash an animal can be considered a violation of this *Code*.

3. Animal Endangerment. Threatening or endangering the health and safety of an animal is prohibited unless done for the safety of self or others.

4. Harassment.

- a. Conduct directed at another person that is severe, pervasive, or persistent, and that is intended to or is reasonably likely to create an intimidating, hostile or demeaning environment which interferes with the person's ability to study, work, or participate

in daily activity. This conduct may occur through any means, including but not limited to e-mail, social media, and other technological forms of communication.

- b. Unauthorized use of electronic or other devices to make an audio or video recording of any person or persons without their knowledge, or without their effective consent when such a recording is made in a location where there is a reasonable expectation of privacy.
 - c. Discrimination of any member of the University community or visitor on the basis of race, age, color, religion, national origin, citizenship, gender/sex, pregnancy/parental status, marital status, disability, veteran status, genetic information, sexual orientation, gender identity, gender expression, and other applicable federal, state and local guidelines. Such conduct includes, but is not limited to, any violation of University policy as it relates to protected class.
- 5. Bullying and Cyberbullying.** Repeated and/or severe aggressive behaviors that intentionally intimidate, harm or control another person physically or emotionally.
- 6. Hazing.** Any act which is meant to discomfort, harass, ridicule, or embarrass; endangers the mental or physical health or safety of a person; or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any University team or organization, even if performed with the consent of the victim(s). Members of the team or organization who are aware of hazing and fail to report it to the University are also in violation of this policy.
- 7. Non-Compliance with University Directives.**
- a. Failure to comply with directions of University officials, conduct officers, or public officials acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
 - b. Failure to abide by authorized signs and placards posted on University premises and at University sponsored programs.
 - c. Failure to comply with assigned disciplinary sanctions.
- 8. Retaliation.** Any intentional, adverse action taken by a Responding Party, Complaining Party, or related third party, against a participant or supporter of a participant in a student conduct proceeding or other University grievance proceeding.
- 9. Dishonesty.**
- a. Furnishing false or misleading information to any University official, faculty member, office, or public official through omission of information, forged, altered, or misrepresented documents or records.
 - b. Initiating a report in bad faith against any member of the University community.
 - c. Forgery, alteration, or misuse of any University document, record, key, or instrument of identification and/or access to University facilities; including, but not limited to, transference of items issued by Residence Life and Housing and/or parking.
- 10. Academic Dishonesty.** Any form of cheating that results in students giving or receiving unauthorized assistance in an academic exercise or receiving credit for work which is not their own.
- a. Cheating: intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all forms of work submitted for credit or hours.
 - b. Fabrication: intentional or unauthorized falsification or invention of any information or citation in an academic exercise; or of documentation meant to excuse or justify adjustments related to attendance or completion of work (exams, exercises, etc.).

- c. Facilitating Academic Dishonesty: intentionally or knowingly helping or attempting to help another commit academic dishonesty.
- d. Plagiarism: the deliberate adoption or reproduction of ideas, words, or statements of another person as one's own without acknowledgment.
- e. Unauthorized Collaboration: intentionally sharing information or working together in an academic exercise when such actions are not approved by the course instructor.

11. Housing Violation. Failure to follow Residence Life and Housing policies, rules, and regulations and/or a breach of the housing contract.

12. Misuse of Technology.

- a. Unauthorized access to University technology resources, such as through the use of another person's identification and/or password.
- b. Accessing, modifying, or transferring electronic files belonging to another person, or to the University, without authorization.
- c. Use of University technology resources in violation of copyright laws.
- d. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without that person's prior knowledge, or without that person's effective consent.
- e. Any act in violation of University policies on the use of technology resources.
- f. Violation of any federal, state or local laws through the use of University technology resources, including University provided email.

13. Property Violations.

- a. Attempted or actual theft of University property, or other personal or public property.
- b. Any act causing, likely to cause or intended to cause damage, defacement, or destruction of University property, or other personal or public property without the consent of the lawful owner.

14. Abusive Conduct. Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens the mental or physical well-being of any person.

15. Alcohol Misuse.

- a. Violation of the University's published Alcohol & Other Drug Policy.
- b. Alcoholic beverages may not be used by, possessed by, or distributed to any person under twenty-one years of age.
- c. Public intoxication or appearing in a public place believed to be under the influence of alcohol to the degree that the person is likely to endanger themselves or another person or property.
- d. Possession, use or distribution of an alcoholic beverage in violation of any state or local law.

16. Drug Misuse.

- a. Violation of the University's published Alcohol & Other Drug Policy.
- b. Use or possession of marijuana on University premises, even if permitted by State law, is prohibited.
- c. Abuse, misuse, sale or distribution of prescription medications is prohibited. This includes possession, distribution, sharing or use of another's prescription medication or medication used for something other than the prescribed purpose.
- d. Use, possession, manufacturing, sale, delivery or distribution of any controlled substance, narcotic, paraphernalia, or counterfeit substance as defined under state and local law.

17. Endangerment.

- a. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
- b. Unauthorized use, abuse, or interference with fire safety equipment or other items intended for use in an emergency.
- c. Bomb threats or similar threats involving dangerous devices or substances.
- d. Behavior which constitutes a significant fire hazard.
- e. Possession of any explosive device or material, including but not limited to, firecrackers, cherry bombs, bottle rockets, dynamite or chemical believed to pose a threat.
- f. Any other conduct which endangers the health or safety of any person.

18. Weapons Violations.

- a. Possession of a deadly weapon or firearm on University property or at University sanctioned events or activities without proper licensure or permit.
- b. Possession of a firearm in University housing, including Walking Stick Apartments, even with a concealed carry permit or licensure.
- c. Knives with blades larger than 3.5 inches; ammunition, explosives, bombs, incendiary devices; dangerous chemicals, substances, or materials are prohibited pursuant to Colorado State law.
- d. Use of any such item, even if legally possessed, in a manner that harms, threatens, causes, or would cause, a reasonable person to be fearful is prohibited.

19. Violations of the Policy on Discrimination, Protected Class Harassment, Sexual Misconduct Intimate Partner Violence, Stalking and Retaliation.

Discrimination means conduct that is based upon a Reporting Party's protected characteristic(s) and that:

- excludes a Reporting Party from participation in;
- denies a Reporting Party the benefits of;
- treats a Reporting Party differently from others in; or
- otherwise adversely affects a term or condition of a Reporting Party's employment, education, or living environment, or participation in a University program or activity.

Discrimination also includes failing to provide reasonable accommodation, consistent with state and federal law, to individuals with disabilities.

Protected Class Harassment means subjectively unwelcome conduct based upon an individual's actual or perceived Protected Characteristics where either: enduring the unwelcome conduct is made either explicitly or implicitly a condition of a Reporting Party's continued employment or academic standing; or the conduct is so severe, pervasive, and/or objectively offensive that the conduct unreasonably interferes with the Reporting Party's employment, academic pursuits, or participation in University activities (i.e. the conduct creates an objectively hostile environment). Generally, a single inappropriate joke or offensive epithet does not create a "hostile environment;" however, being subjected to such conduct repeatedly may constitute a "hostile environment." In determining whether the alleged conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. The existence of a "hostile environment" will be determined on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

Sexual Misconduct means unwelcome conduct that constitutes Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, Sexual Exploitation, or Sexual Harassment.

Non-Consensual Sexual Contact means either

- intentional sexual contact or touching, however slight, by a Responding Party of a Reporting Party's Intimate Body Parts (or any materials such as clothing, covering the

immediate area of the Intimate Body Parts) without the Reporting Party's Consent and/or by force; or

- intentional sexual contact or touching, however slight, of a Reporting Party with a Responding Party's Intimate Body Parts (or any materials such as clothing, covering the immediate area of the Intimate Body Parts) without the Reporting Party's Consent and/or by force.

Non-Consensual Sexual Intercourse means either

- oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the contact or penetration, without the Reporting Party's Consent and/or by force;
- or penetration, no matter how slight, of a person's vagina or anus with any body part or object without the Reporting Party's Consent and/or by force.

Consent means clear, knowing, and voluntary words or actions that give permission for specific sexual activity.

- It is the responsibility of the person who wants to engage in sexual activity to ensure that the other person has given Consent to engage in the sexual activity.
- Consent is not voluntary if it is the result of force, threats, intimidation, or coercion. "Coercion" means unreasonable pressure to engage in sexual activity. Coercion differs from seduction by the repetition of the allegedly coercive activity beyond what is reasonable, the degree of pressure applied, and other factors such as isolation. "Intimidation" means to place another person in reasonable fear of bodily harm through the use of threatening words and/or other menacing conduct.
- Lack of protest or resistance, or silence does not constitute Consent.
- The existence of a current or past dating or intimate relationship does not establish, or provide the basis for an assumption of, Consent.
- Consent to engage in sexual activity with one person does not imply Consent to engage in sexual activity with another person.
- Consent to engage in one form of sexual activity does not automatically imply Consent to engage in a different sexually activity.
- Consent must be present throughout the entire sexual activity and can be revoked at any time. Withdrawal of Consent must be made known by clear words or actions. Once Consent is withdrawn, sexual activity must stop.
- An individual must be of the age of consent under law to have the capacity to consent to sexual activity.
- Consent cannot be given by a person who a Responding Party knows, or reasonably should know, is asleep, unconscious, or otherwise incapacitated, whether due to drugs alcohol, medication, or other condition. "Incapacitation" means the inability, temporarily or permanently, to give Consent to sexual activity because the individual is mentally and/or physically helpless, asleep, unconscious, and incapable of understanding the sexual activity that is occurring, or lacking the ability for self-care.

Sexual Exploitation means conduct involving a Responding Party taking, or attempting to take, non-consensual or abusive sexual advantage of a Reporting Party when such conduct would not otherwise be defined as Non-Consensual Sexual Contact, Non-Consensual Sexual Intercourse, or Sexual Harassment including, but not limited to:

- producing, distributing, receiving, or possessing illegal pornography, regardless of whether or not the illegal pornography is physical or digital;
- engaging in sexual voyeurism or knowingly allowing another individual to engage in sexual voyeurism, either in person or through electronic means;
- producing, creating, distributing, intentionally receiving, or possessing pictures/videos of a sexual nature, or otherwise creating a record or recording of a sexual nature without the Consent of all of the parties depicted in the materials or exceeding the boundaries of that Consent;
- benefiting, promoting, or earning money from the prostitution of another individual; or

- intentionally exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals in non-consensual circumstances.

Sexual Harassment can mean either "Quid Pro Quo" Sexual Harassment or Hostile Environment Harassment.

- "Quid Pro Quo" Sexual Harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a Responding Party in a position of power or influence where (1) submission to the unwelcome conduct by Reporting Party is made either an explicit or implicit term or condition of academic standing or of employment; or (2) submission to or rejection of such conduct is used as the basis for academic or employment decisions affecting that Reporting Party. As defined here, "Quid Pro Quo" Sexual Harassment normally arises in the context of an authority relationship. This relationship may be direct, as in the case of a supervisor and subordinate teacher or student, or it may be indirect when the Responding Party has the power to influence others who have authority over the Reporting Party.
- "Hostile Environment" Sexual Harassment means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is so severe, pervasive, and/or objectively offensive that the conduct unreasonably interferes with the Reporting Party's employment, academic pursuits, or participation in University activities (i.e. the conduct creates an objectively hostile environment). Generally, a single inappropriate joke, unwelcome sexual advance, or unwelcome request for sexual favors does not create a "hostile environment;" however, being subjected to such conduct repeatedly may constitute a "hostile environment." In determining whether the alleged conduct warrants corrective action, all relevant circumstances, including the context in which the conduct occurred, will be considered. The existence of a "hostile environment" will be determined on the basis of what is reasonable to persons of ordinary sensitivity and not on the particular sensitivity or reaction of an individual.

Intimate Partner Violence means either Dating Violence or Domestic Violence.

-Dating Violence means an act or threatened act of violence upon a Reporting Party by a Responding Party who has been in a social relationship of a romantic or intimate nature with the Reporting Party. This includes, but is not limited to, threats, sexual or physical abuse, property damage, and violence or threat of violence to one's self, animals, or to the family members of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation or revenge. Whether there was a romantic or intimate relationship will be gauged by the length of the relationship, the type of relationship, and frequency of interaction between the persons involved in the relationship. Dating Violence does not include acts covered under the definition of Domestic Violence.

- **Domestic Violence** means an act or threatened act of violence upon a Reporting Party with whom the Responding Party is or has been involved in an intimate relationship. This includes, but is not limited to, threats, sexual or physical abuse, property damage, and violence or threat of violence to one's self, animals, or to the family members of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation or revenge. For purposes of Domestic Violence, an "intimate relationship" means a relationship between spouses, former spouses, past or present unmarried couples, or persons who are both the parents of the same child regardless of whether the persons have been married or have lived together at any time.

Stalking means engaging in a course of conduct directed at a Reporting Party that would cause a reasonable person to fear for their safety or the safety of others; repeated conduct which reasonably and subjectively causes a Reporting Party to fear for their safety or the safety of another; or repeated conduct which causes a Reporting Party to alter their activities in response to the repeated conduct. Such conduct may include but is not limited to any of the following: following or approaching a Reporting Party, someone with whom

that Reporting Party has or has had a continuing relationship, or a member of that Reporting Party's family or household; contacting a Reporting Party, someone with whom that Reporting Party has or has had a continuing relationship, or a member of that Reporting Party's family or household whether or not conversation ensues; and placing a Reporting Party, someone with whom that Reporting Party has or has had a continuing relationship, or a member of that Reporting Party's family or household under surveillance.

Retaliation means an adverse action taken against a Reporting Party because that person:

- complained of Discrimination, Protected Class Harassment, Sexual Misconduct, Sexual Misconduct, Intimate Partner Violence, Stalking or Retaliation in good faith;
- cooperated in an investigation under this Policy or its Procedures; or
- participated in proceedings or a resolution process brought under this Policy or its Procedures.

20. Violation of Community Standards.

- a. Violation of any University policy, rule, or regulation not otherwise specified in this *Code*.
- b. Violation of any federal, state, or local law or ordinance.
- c. Failure to report any violations of this *Code*, University policy, and/or laws involving a campus community member.
- d. Failure to immediately report any serious health or safety risk on campus to appropriate law enforcement and/or University officials.

IV. PROCEDURE

A. Relationship to Civil Litigation or Criminal Charges

Disciplinary action by the University is not intended to replace or conflict with other lawful means of accountability, including but not limited to, criminal charges and/or civil litigation. Regardless of whether criminal charges are filed for the alleged behavior, the University may pursue disciplinary action under this *Code* as it deems appropriate. Such action will not normally be waived or postponed solely due to concurrent criminal or civil proceedings, nor shall the reduction or dismissal of criminal charges be taken as sufficient reason to defer disciplinary action. In exceptional circumstances, the University may deem it appropriate to delay formal disciplinary action due to the existence of external legal proceedings. Such decisions shall be made at the discretion of the Director of Student Conduct and Case Management.

B. Student Organizations

As an essential part of the University community, Student Organizations are expected to conduct their activities at all times in a manner that reflects the values, mission, and goals of Colorado State University – Pueblo. Student Organizations are subject to this *Code* in the same manner as individual students.

Alleged violations on the part of Student Organizations shall be investigated by the Office of Student Conduct and Case Management in conjunction with the appropriate University offices or departments. Any incidence of misconduct may result in disciplinary action against a Student Organization as a whole, as well as against one or more individual members.

Actions will be considered violations of this *Code* when those actions take place at organization-sponsored or co-sponsored events, whether sponsorship is formally linked to the organization, or believed to be related to the organization; when parties involved have received the consent or encouragement of the organization or the organization's leaders or officers; or when those actions were known or should have been known to the membership or its officers and they did not prevent the violations occurrence. Meetings for Student Organizations follow the same general student conduct procedures as individual students.

C. Academic Complaints/Violations

Students found in violation of the *Academic Integrity Policy* found in the *Catalog* will be reported to the Office of Student Conduct and Case Management by the academic department or faculty member finding the violation. While the student may face consequences within their academic department or course, students are also held subject to a violation of this *Code* and can be charged in addition to any action imposed by a faculty member or academic department. Students found in repeated violation of the academic integrity policy are subject to suspension from CSU-Pueblo at the discretion of the Director of Student Conduct and Case Management.

D. Sexual Misconduct Complaints/Violations

Students found in violation of the *Policy on Discrimination, Protected Class Harassment, Sexual Misconduct Intimate Partner Violence, Stalking and Retaliation* will be held accountable as stated in the policies and procedures provided within that policy. The process for investigations of allegations of violation of the policy are found on the Office of Institutional Equity webpage.

<https://www.csupueblo.edu/institutional-equity/> Any student found in violation of the *Policy on Discrimination, Protected Class Harassment, Sexual Misconduct Intimate Partner Violence, Stalking and Retaliation* is subject to sanctioning by the Director of Student Conduct and Case Management, or designee.

E. Reporting Process

Any person may file a report (*Reporting Party*) with the Office of Student Conduct alleging student misconduct of another student (*Responding Party*). The University may serve as the Reporting Party in any action. Once a report has been received, the University retains the right to proceed with the disciplinary process, even if a Reporting Party later chooses to retract, rescind, or recant any or all of the report and/or chooses not to cooperate.

The Office of Student Conduct may share or refer a report to other offices, agencies, and/or jurisdictions as appropriate (e.g. the Office of Equal Opportunity, Affirmative Action and Title IX, Department of Residence Life & Housing, Pueblo County Sheriff's Office, Pueblo Police Department, etc.).

There is no time limit on reporting violations of the Student Code of Conduct; however, the longer someone waits to report an offense, the harder it becomes for University officials to obtain information and witness statements and to make determinations regarding alleged violations.

Though anonymous reports are permitted, doing so may limit the University's ability to investigate and to respond to a report. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of Student Conduct, the Pueblo County Sheriff's Office at CSU-Pueblo, and/or the Title IX office.

F. The Conduct Process

1. Report Review & Investigation

Once a report has been filed with the Office of Student Conduct, it shall be resolved in one of the following ways at the discretion of the Director of Student Conduct and Case Management:

- If a report is unable to be verified or to be evidenced at the time it is filed, no further action shall be taken. The University may resume action on any report should further relevant information become available to substantiate the original report.
- Further investigation may be conducted by the Director of Student Conduct and Case Management, or designee, if it is determined that the report may be substantive, but enough information is not yet available to effectively hear the report.
- The report shall be referred to a conduct meeting if the report is determined to be substantive and enough information is available to effectively hear the report.

2. Conduct Meetings

- a. *Pre-Meeting*: Students will be notified of an allegation being reported against them through a letter they receive via University e-mail. This letter will detail the time/location of the meeting, and allegations made as stated in section III of this *Code*. The purpose of a Pre-Meeting is to evaluate the information presented to the Office of Student Conduct and Case Management. Students will have the opportunity during this meeting to see all of the evidence of their alleged violation of the *Code*. They will have the opportunity to decide if they would like to (A) resolve the issue immediately through an *Immediate Administrative Meeting*, (B) schedule a *Secondary Conduct Meeting* with the present conduct officer they are meeting with in an effort to gather any witnesses or evidence they feel can impact the outcome of the meeting, or (C) request a *Panel Meeting* so that a panel of their peers can determine whether or not they are in violation of the *Code*.
- b. *Immediate Administrative Meeting*: Students have the option to select to resolve an alleged violation directly after a Pre-Meeting is held to inform them of the allegation against them. This meeting will be held to determine whether any of the standards of conduct outlined in this *Code* may have been violated, and if so, what sanctions are to be imposed to remedy the situation or prevent a reoccurrence.
- c. *Secondary Conduct Meeting*: Students have the option to select a Secondary Conduct Meeting to allow them time to gather any evidence they may want to provide to the conduct officer. Students are required to contact the Office of Student Conduct and Case Management to schedule a Secondary Conduct Meeting with five (5) business days of the Pre-Meeting occurring. Secondary Conduct Meetings will not be permitted an extension due to the inability to obtain evidence; but can be rescheduled based on extenuation circumstances upon the discretion of the Director of Student Conduct and Case Management.
- d. *Panel Meeting*: Students have the option to select a meeting with a panel of three campus partners selected from a trained pool of faculty, staff, and students (when appropriate) appointed by the Director of Student Conduct and Case Management, who may then determine, based on the evidence of the allegation, whether any of the standards of conduct outlined in this *Code* may have been violated, and if so, what sanctions are to be imposed to remedy the situation or prevent a reoccurrence.

Students are not required to participate in a conduct meeting but failure to participate does not waive a student of responsibility. If a violation is found, a student is still subject to the sanctions imposed.

3. **Information.** The Reporting Party(s) and the Responding Party(s) may provide information to the conduct officer(s) for consideration, including witness statements, emails, photographs, etc.
4. **Standard of Proof.** Determinations shall be made on the basis of a preponderance of the evidence, i.e. whether it is more likely than not that the Responding Party(s) committed the alleged violation(s). Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in civil or criminal courts, are not utilized in student conduct meetings.
5. **Witnesses.** Students from either Reporting or Responding Party(s) will be given the opportunity to provide any witnesses that may assist a conduct officer in making a determination in a case. Witnesses with knowledge of relevant, first-hand information to the case will be permitted during Secondary Conduct Meetings only. Character witnesses may be considered in the event a Responding Party is found responsible. Character witnesses will be used solely to determine sanctions and character witness information must be provided in writing to the conduct officer prior to, or during, the Secondary Conduct Meeting. There is no limit to how many witness statements can be submitted, but the impact of witness statements on the conclusion of a case is at the discretion of the conduct officer.

- 6. Conduct Officers.** The following persons and groups are designated by the University to conduct meetings. The exact process by which each of these officers convene, consider evidence, and determine sanctions is determined in consultation with the Director of Student Conduct and Case Management.
- a. The *Director of Student Conduct and Case Management* is authorized to consider all forms of misconduct and impose all forms of sanctioning, up to and including suspension or expulsion from the University.
 - b. The *Director of Residence Life & Housing* may be authorized by the Director of Student Conduct and Case Management to consider certain reports. The Director of Residence Life & Housing may not impose suspension or expulsion from the University.
 - c. *Residence Life Coordinators* may be authorized by the Director of Student Conduct and Case Management to consider certain reports/incidences, particularly those occurring within Residence Life and Housing, but not restricted to that area of campus.
 - d. The Director of Student Conduct and Case Management may designate an *alternate conduct officer* at their discretion, including but not limited to, if a potential conflict of interest exists with themselves or in their absence.
 - e. *Meeting Panels* will consist of a variety of campus partners trained to hear conduct cases. Students will be given the opportunity to identify any potential conflicts if/when a panel is selected to hear their case.
- 7. Decisions.** Decisions made as a result of any meeting shall be provided in writing to the Responding Party(s) and sent via University e-mail. This form is titled the “Conduct Officer Decision” form. The Responding Party(s) will be responsible for checking their e-mail and receiving the outcome. If, for any reason, a student’s University e-mail account is not in working order and the email is returned, the conduct officer may make the decision to either send the response to a personal e-mail account verified by the student, or via US Mail to the address on file in the student’s University account.

At any time the Conduct Officer may institute additional procedures, or modify any stated timelines, in the interest of assuring due process for all parties involved.

G. Appeals

Appeals Officers. The following persons and groups are designated by the University to conduct appeal meetings. The exact process by which each of these officers convene, consider evidence, and determine sanctions is determined in consultation with the Director of Student Conduct and Case Management.

- a. The Dean of Student Affairs, or designee, is the *Chair of the Appeal Committee* and is authorized to advise an Appeal Committee in their consideration of requests for appeal but is a non-voting member of the committee. In the event of a conflict, or absence, the Dean of Student Affairs may appoint another Appeal Committee Chairperson.
- b. The *Appeal Committee* is designated by the Director of Student Conduct and Case Management, or designee, to hear all appeals that have been submitted timely. The Appeal Committee consists of a pool of members from across campus trained specifically to hear appeals including, but not limited to, members of the Associated Students’ Government, faculty members, and/or professional staff members. Three members of this pool will be selected for each case with consideration of those who do not present a conflict with the Responding Party(s) or Reporting Party(s) involved in the allegation at the time of selection.

A Responding Party may request an appeal of a decision made by any conduct officer in any instance not specified as final, such as, in the case of an Appeal Committee. All sanctions determined by the original conduct officer remain in effect during the appeal process. All parties will be informed via University email of (A) the acceptance their appeal (when timely submitted), (B) the members of the appeal committee to determine any conflicts of interest, (C) the appeal committee's anticipated timeline, and (D) the results of the appeal decision.

Any party submitting an appeal request must do so in writing to the Dean of Student Affairs via the *Conduct Appeal* form found on the *Conduct Officer Decision* letter, or on the Office of Student Conduct website (<https://www.csupueblo.edu/student-affairs/doc/appeal-form.pdf>) no later than five (5) business days following the day the student was notified of the decision of the original conduct officer. A student has been notified of the decision of the original conduct officer at the day and time the decision was e-mailed to the student. A business day is considered Monday through Friday between the hours of 8am-5pm, excluding University closure days.

Requests for appeal are limited to the following four grounds:

- A procedural error occurred that significantly impacted the outcome of the initial meeting.
- The information presented in the initial meeting was insufficient to establish a preponderance or "more likely than not" standard that a violation occurred.
- The sanction(s) imposed in the initial meeting were substantially disproportionate to the severity of the violation(s) committed.
- New and significant information is now available, sufficient enough to alter the decision, which was not known at the time of the initial disciplinary meeting. (Failure to provide information or to participate in a meeting or investigation, even when resulting from concern over pending criminal or civil proceedings, does not make information "unavailable" at the time of the meeting.)

Once the appeal is received by the Dean of Student Affairs, or designee, they will conduct an initial review to determine if the request for appeal is timely.

If the request for appeal is not timely (not within the five day timeframe allotted) the original finding and sanction will stand and the decision is final with no further right to appeal.

If the request for appeal is timely, the Dean of Student Affairs, or designee, will:

- Inform the original conduct officer of the appeal and provide the Conduct Appeal form to the conduct officer. The conduct officer will respond within 72 hours and provide the response to the Dean of Student Affairs who will forward the response to the party.
- Then, refer the case to an Appeal Committee to review *only* the specific grounds requested in the Conduct Appeal form and the response of the original conduct officer. The Dean of Student Affairs will provide the Appeal Committee with the Conduct Officer Decision Letter, the Conduct Appeal Form, and the response to the appeal from the Conduct Officer, along with any record and documentation from the original conduct meeting.

An appeal being granted does not give the opportunity for a case to be reheard. Rather, the appeal is used to determine if (A) one or more of the four grounds for an appeal has been satisfied (B) what, if anything should occur based on their findings The Appeal Committee will provide detailed findings, recommendations and rationale for their decision. The decision will be provided to the Dean of Student Affairs who will forward the decision, along with any instructions, to the party and the conduct officer.

The Appeal Committee will resolve the appeal in one of the following ways:

- Uphold the decision of the original conduct officer; or
- Return the case to the original conduct officer with specific findings or recommendations on how to proceed in light of the findings, including but not limited to, re hearing of the matter, consideration of additional evidence, and/or modification of sanctions; or
- Dismiss the case on the grounds that no reasonable party could have found the Responding Party responsible for the allegation(s) submitted.

Any finding made by an Appeal Committee will be considered final and no longer eligible for appeal.

H. Disciplinary Actions

When a student has been found responsible for violation of the standards set forth in this *Code* they are subject to sanctioning. Although the University may publish recommended sanctioning guidelines to be consulted, the exact sanction(s) shall remain at the discretion of the conduct officer.

1. Sanctions

If found responsible for violating the standards held within this *Code*, a student may be asked to complete certain actions to remedy their behavior or prevent its reoccurrence. In considering the appropriate sanction for a particular incidence of misconduct, any or all of the following factors may be considered:

- The circumstances surrounding the misconduct, including the Responding Party’s intent when committing the offense including any aggravating and mitigating factors involved.
- The actual and potential consequences of the misconduct including the egregious nature of the action.
- The precedent established by the University for similar misconduct.
- The previous disciplinary history of the student, if any. It is the student’s responsibility to review his or her conduct record, and the student will be deemed to have knowledge of his or her record of previous conduct violations and sanctions, whether or not the student chooses to review the record.
- The student’s attitude throughout the process.

Sanctions are not limited to the information contained here, but can include one or more of the following:

Loss of Privileges	A limitation is placed upon selected privileges for a specific period of time. Loss of privileges may include, but may not be limited to, denial of the right to represent the university, a denial of the use of campus facilities or access to areas of campus, or denial from participation in co-curricular activities.
Community Service/Activity	Requirement that services be offered for a specified period to an appropriate non-profit community agency and/or to a university office.
Residence Hall Transfer or Removal	A student is required to transfer residence halls or leave the residence halls for a specified or indefinite period of time.
Restitution	Reimbursement for damage or loss of property or expenses of others as a result of the misconduct.
Coach/University Employer Referral	A student’s coach or University employer will be notified of the incident, if applicable.

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Educational Assignment	A student is required to complete a specified educational assignment related to the violation committed. Such educational assignments may include completion of a workshop or seminar, class, report, paper, project, writing a letter of apology, seeking academic counseling or substance abuse screening, alcohol or drug program and/or consultation, counseling consultation, psychological or psychiatric evaluation. It may also be a requirement to sponsor or assist with a program for others on campus to aid them in learning about a specific topic or issue related to the violation for which the student or organization was found responsible.
Educational Fund Payment	Reasonable fees may be imposed.

2. Student Standing/University Status

- a. A **warning** is given to notify a student that past behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's standing at the University. However, once given a warning, students should expect more serious sanctions to result from any subsequent violations.
- b. **Probation** serves to notify a student that further transgressions must be avoided for a finite and specified period in order for the student to remain a part the University community.
 During a student's probationary period, that student is *not in good disciplinary standing* with the University; as a result, certain co-curricular activities may be prohibited, eligibility for participation in certain activities including study abroad programs, attending conferences, maintaining office in any student organization, or representing the University at official functions, events or intercollegiate competition as a player, manager or student coach may be restricted. Lack of good standing can also be a considering factor in a student's employment with the University. Any further violations while on probation can result in a student's suspension or dismissal from the University.
- c. During a **deferred suspension** the student will be suspended from the University, but the suspension will be deferred, meaning that the student may continue to attend classes. However, the suspension will be automatically enforced if the student fails to complete any assigned sanctions by the deadline and/or for any subsequent violations of the Code. If the student is found responsible for any subsequent violations of the *Code*, the student will be automatically suspended from the University in addition to the other sanctions imposed for the subsequent violation. During a student's deferred suspension period, that student *is not in good disciplinary standing* with the University; as a result, certain co-curricular activities may be prohibited, eligibility for participation in certain activities including study abroad programs, attending conferences, maintaining office in any student organization, or representing the University at official functions, events or intercollegiate competition as a player, manager or student coach may be restricted. Lack of good standing can also be a considering factor in a student's employment with the University.
- d. A student who has been **suspended** from the University may not participate in any University activities, academic or otherwise, for a specific period, and may be restricted from University premises. This sanction will be noted as a Suspension on the student's official academic transcript and the student will be withdrawn from all courses. A suspended student who wishes to re-enroll must apply for re-entry to the University and must also petition the Director of Student Conduct and Case Management, who shall determine whether any and all requirements for readmission have been satisfactorily completed.

- e. **Expulsion** is permanent separation and removal from the University. A student who has been expelled from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be restricted from all University premises and activities. This sanction will be noted as Expelled on the student's official academic transcript and the student will be withdrawn from all courses.

3. Interim Actions

All students have the right to continue their education free from the threat of harassment, abuse, retribution, and/or violence. The University may take whatever immediate measures it deems necessary in order to protect the safety, security, and/or integrity of a Reporting Party, the University, and/or any member(s) of the community.

The Director of Student Conduct and Case Management, or designee, may impose restrictions and/or separate a student from the community pending the completion of a campus meeting on the alleged violation(s) of the Student Code of Conduct when a student represents a threat of serious harm to others, is facing allegations of serious criminal activity, to preserve the integrity of an investigation, to preserve University property and/or to prevent disruption of, or interference with, the normal operations of the University.

Such measures may include, but are not limited to: temporary suspension from the University; involuntary removal from a course, academic or athletic program, or co-curricular activity; denial of access to all or portions of University property; modifications to living arrangements; and/or prohibitions from contacting individual members of the University community.

- a. **No Contact Orders**-A No Contact Order is a directive to refrain from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, electronic, telephone, or third parties. All parties issued an NCO are held responsible for following the directive regardless whether they are the Reporting Party or Responding Party. Violating a No-Contact Order can result in suspension from CSU-Pueblo for either party.
- b. **Interim Suspension**-During an interim suspension, students may be denied access to University premises and/or all University activities or privileges for which the student might otherwise be eligible, as may be deemed appropriate. Whenever an interim suspension is imposed, a disciplinary meeting shall be conducted in a timely manner. Students who have been suspended on an interim basis and whose suspension upon meeting or appeal is found to have been unwarranted, shall be provided full opportunity to re-establish their academic and student standing to the extent possible within the abilities of the University, including the opportunity to take examinations, make up class assignments or otherwise complete course assignments missed due to the Interim Suspension. Students who have been suspended on an interim basis and then found to be in violation of the Code do not have the right to any refund or reimbursement for tuition, fees, room and board or any other expense associated with attending the university. Any reimbursable funds made available to a student found not responsible will be determined on a case by case basis.
- c. **No Trespass**-A student may be issued a directive stating they are not permitted on campus or in particular parts of campus. In the event of a No Trespass, as student will be given specific parameters of their inability to be in a certain area of campus until a specified time, typically, pending the completion of an investigation.
- d. **Temporary Removal**-The University reserves the right to temporarily remove a student from a classroom or on-campus housing in the event that is it deemed necessary to protect the health and safety of the campus or the integrity of an investigation. All measures will be made to prevent the disturbance of a student's academic studies when possible.

- 4. Medical Amnesty**-CSU-Pueblo encourages all students to call for help when any sign of alcohol poisoning or drug overdose is observed. Students who call for help to assist a friend or themselves may be eligible for medical amnesty. Students who are provided medical amnesty may not be subject to disciplinary sanctions; however, educational sanctions may be applied. Receipt of medical amnesty is at the discretion of the Director of Student Conduct and Case Management, or designee.

V. IMPLEMENTATION & APPROVAL

A. Interpretation & Revision

Under the authority of the President, any question of interpretation or application of the Student Code of Conduct shall be referred to the Dean of Student Affairs (or designee) for final determination. The Student Code of Conduct shall be reviewed a minimum of every three years under the direction of the Dean of Student Affairs, in consultation with the General Counsel and subject to the approval of the University President and Board of Governors.

B. Disciplinary Records & Notice

The Office of Student Conduct shall maintain records of all disciplinary action in accordance with University policies and Federal legislation. All conduct records are maintained by the University for seven years from the time of their creation, except those that result in separation from the University (suspension or expulsion) which are kept indefinitely.

- 1. Parental Notification.** The University may notify the parents or guardians of any dependent student under the age of twenty-one who has been found in violation of University alcohol and/or drug policies. The University may also notify the parents or guardians of any dependent student who has been found in violation of University policies related to the health and safety of the campus community.
- 2. Public Notification.** The University does not normally make disciplinary records public, even in cases where such notification is permitted by law. However, the Dean of Student Affairs may notify the community of the University's response to behavior that had a significant impact on the safety and security of the campus. Victim names will not be released.

VI. CONTACT INFORMATION

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