STUDENT CONDUCT HEARING BOARD TRAINING
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INTRODUCTION

Welcome to the Student Conduct Hearing Board (SCHB). The SCHB plays an integral role in the adjudication of formal student nonacademic conduct cases at the University of Kansas. As members of the SCHB, you serve as a representation of the University community ensuring that students are given the opportunity to have their cases heard by a representative body of the University. Thus, your decisions influence the attitudes and behaviors of students/student organizations that choose to go through the formal process. The SCHB is responsible for representing the University as they develop appropriate responses for students that engage in behavior that is inconsistent with the University mission, values, and goals.

As members of the Student Conduct Hearing Board, you will determine when students are responsible or not responsible for allegations of student misconduct, as well as recommend appropriate sanctions. This manual is an essential tool for your participation on the board, and should enable you to successfully manage the important responsibilities that being a board member involves.

Additionally, the staff in the Office of Vice Provost for Student Affairs realizes that you are volunteering your time to participate in the Student Conduct Hearing Board. We appreciate your willingness to serve and we hope that you will be able to have a rewarding experience as members of the SCHB.

Sincerely,

Office of the Vice Provost for Student Affairs
University of Kansas
STUDENT CONDUCT DIRECTORY
1450 Jayhawk Blvd
Strong Hall 133
785-864-4060

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STUDENT AFFAIRS MISSION AND PHILOSOPHY

Mission
Student Affairs at the University of Kansas provides services and programs that are essential to the intellectual, cultural, physical, social and moral development of students. Student Affairs encourages students to realize their potential as individuals and as prepared, enlightened, responsible members of an increasingly complex and diverse global society. As a partner in the educational process at a comprehensive research and teaching university, Student Affairs is vital to the institution’s mission to serve as a center for learning, scholarship and creative endeavor.

Goals
Student Affairs collaborates with the KU community to uphold the KU Code of Student Rights and Responsibilities and achieve the following goals:

- To assist students in examining and developing their beliefs and values.
- To assist students in understanding their rights, responsibilities and opportunities.
- To foster broad student involvement and participation in University life.
- To counsel students confronted with academic and personal challenges, teaching them the strategies required for progress and success.
- To provide opportunities for leadership and service on campus and in the community.

Student Affairs works to foster the growth and development of students/student organizations, while at the same time promoting an inclusive environment that supports students’ rights through the enforcement of the Code of Student Rights and Responsibilities.

KU students are both individuals and members of a community of learning. As individuals, they enjoy basic rights; as members of a community, they also accept certain responsibilities. KU is a place where the free exchange of ideas is valued and where every person is valued.

The Code of Student Rights and Responsibilities applies to all students enrolled full time or part time, at the Lawrence campus, Capitol Complex and Edwards Campus, pursuing undergraduate, graduate, or professional studies, as well as non-degree students. It also encompasses behavior that occurs during break periods; and to all individuals who may not be enrolled for a particular term but who have a relationship with the University. Persons who are not enrolled for a particular term, but who have a continuing relationship with the University are considered “students”. This includes individuals who have applied for admission to the University, those attending orientation sessions or have been notified of their acceptance for admission. Any registered student organization may be charged with violations of the Code.

It is through the conduct process that KU establishes standards for our students and through these expectations creates a community of scholars by maintaining the highest standards of academic excellence and freedom, institutional integrity, and constitutional protections. Such an environment is essential in fostering intellectual growth and achievement. Each member of the university shares the responsibility of maintaining conditions conducive to the achievement of the university’s purpose. The KU Code of Rights and Responsibilities is designed to provide basic standards to ensure a means to fulfill this purpose.
PHILOSOPHY OF STUDENT CONDUCT HEARING BOARDS

Among the ways Student Affairs works to achieve its mission and goals is by providing students referred through the conduct process all the rights to a fair and objective hearing before a representation of the University community. The success of the Student Conduct Hearing Board (SCHB) is contingent upon the conviction of its members to maintain a nurturing, academic environment while affording individual students maximum personal freedom with the intuitional guidelines.

Additionally, the advantage for SCHB’s lies in the opportunity for faculty, staff, and students to influence the attitudes and subsequent behaviors of students/student organizations through a formal conduct mechanism. As you will see during your time as a member, and even when reading this training manual, the SCHB is designed to not only hear alleged incidents of student/student organization misconduct, but also to be a rewarding learning experience for all those involved throughout the process.

STUDENT CONDUCT VS. LEGAL SYSTEM

Since the creation of universities and colleges, the role of disciplinarian has been an essential role on campuses. In the decades and centuries that have followed, it has been necessary for the role to change and modify based on the needs of the institution, students, and legal precedence that has guided the evolution of student conduct. It is essential to recognize the role of Student Affairs as educational, not legal. The overall goal is to provide our students with an educational opportunity to learn from their choices, about the process, and to make good decisions. The following allows for you to differentiate student conduct terminology from terminology used within the legal system:

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STUDENT DEVELOPMENT THEORY

To be truly educational with our students, we must have a basic understanding for student development theory. While we recognize that our students may be at different places in their development, we want to ensure that we assign the most applicable sanctions to our students on a case by case basis. In the sanctioning section, you will be provided with a Sanctioning Matrix, but this should be used as a guide and not an absolute standard for each student. Not all student development theories are applicable to student conduct; therefore, you will find several brief summations of applicable theories at the end of the reference section.
RESPONSIBILITIES

HEARING BOARD MEMBER RESPONSIBILITIES

SCHB members are responsible for assisting in the overall implementation of procedures to ensure all participants receive the equality and fair process rights granted to them throughout the hearing process.

1. Arrive on time for the scheduled briefing meeting before the hearing and be prepared to be fully present during the hearing.
2. Bring this SCHB manual.
3. Review all case information thoroughly, but do not do any investigating on your own.
4. Prepare open-ended questions.
5. Approach each case with the perspective that the charged student/student organization has done nothing wrong, unless or until you are persuaded otherwise by the information presented during the hearing.
6. Listen carefully to each person, withholding any judgment until all available information has been presented and considered.
7. Allow those responding to questions to develop a thorough discussion before moving on to the next area of questions.
8. Engage in a meaningful discussion regarding the facts of the case during deliberation, even if your view is not shared by the majority. Full participation is critical in sound decision making.
9. All information is to be treated as confidential information. While charged student(s)/student organizations may make public comments about the conduct process and decision outside of the hearing, hearing board members MAY NOT make any comment about the hearing to anyone (as a matter of Federal law). Although organizational cases are not protected by the same law, it is still expected that you will keep all information pertaining to decisions confidential.
10. Treat all complainants, witnesses, charged students/student organizations, and fellow board members respectfully and consistently.
11. Be creative and thorough in your discussion related to sanctioning.

HEARING BOARD CHAIR RESPONSIBILITIES

The Hearing Board Chair is responsible for the overall implementation of formal hearing procedures and ensures that participants receive the equality and fair process rights granted to them.

Hearing Board Chair Main Responsibilities:

1. Be responsible for the administration of the hearing.
2. Be responsible for leading the group in deliberation.
3. Be responsible for making the recommendations of findings to the Vice Provost for Student Affairs (VPSA) or his/her appointed designee.

More Specifically, the Chair is Responsible For:

- Working with the hearing board members before a hearing to develop areas of questioning.
- Ensuring that guidelines for operational procedures are followed (initiating introductions, explaining the purpose of the board, etc.)
- Monitoring appropriateness and relevance of questions asked by the board members and all participants while allowing the board members to get the information that they need to make a decision.
- Monitoring the behavior of the advisor for the charged student/student organization or complainant. If he or she is persistently ignoring warnings, the chair may ask him/her to leave the room.
- Delivering the board’s decision to the VPSA or his/her designee, including:
  - An explanation of the decision reached and why the decision was made.
  - An explanation of the sanction(s) and what that means for the student/student organization (i.e. if they were to come through the conduct process subsequent times)

**Ethical Standards for Student Conduct Hearing Officers**

Ethical standards have been established to protect the privacy of the student(s)/student organization(s) involved in a hearing and to maintain the educational environment of this process. These standards also indicate what the campus community has a right to expect of its hearing officers. It is the responsibility of each hearing officer to observe the following ethical standards:

1. Information regarding any student’s/student organization’s disciplinary status is not to be discussed with anyone outside of the hearing besides staff from the Student Affairs Office.
2. The behavior of any student/student organization is not to be disclosed or discussed outside the hearing.
3. Any information given in confidence at a hearing should not be discussed outside the hearing.
4. When speaking with a student/student organization, hearing board members should refrain from making accusations or statements that cannot be supported.
5. A hearing board member should not participate in a hearing where he or she feels unable to be fair and impartial.
6. In hearings involving a sanction(s), the vote of each individual committee member is confidential. The decision of the entire committee, however, is included in the recommendation to the VPSA or his/her designee.
7. All committee members must uphold all decisions of the panel, even if there are dissenting opinions.
8. A hearing officer represents the interests of KU. Hearing board members cannot assert personal beliefs while offering recommendations or delivering a decision.

If asked by a charged student/student organization, before the formal hearing, what the outcome will be, hearing board members should not commit to any course of action. The most appropriate comment to make is, “There is no way to predict the outcome before the hearing is held.” It is appropriate to provide the student/student organization with information on the range of sanctions for violations.
**Student Conduct Hearing Board Statement on Conduct**

Because the Student Conduct Hearing Boards are a valued part of our overall conduct system, we take the conduct and actions of our hearing board members very seriously. As representatives of the University and the Vice Provost for Student Affairs, you are expected to abide by all of the policies and responsibilities set forth in this manual. Examples of these policies include Hearing Board Member Responsibilities and the Ethical Standards for Student Conduct Hearing Officers. Failure to observe any of these policies may eventually result in an action leading to your removal from the hearing board. Examples of such actions follow.

**Low Level Problem:** Showing disrespect for another member of the hearing board, etc.

Action taken in this situation could include a conversation with Office of Student Conduct staff, and understanding that behavior must be modified if you wish to remain on the hearing board.

**Moderate Level Problem:** Editorializing to a student/student organization, etc.

Your status would be considered probationary, and if the behavior did not change, or if another similar situation occurred, you may be asked to no longer serve on the hearing board.

**High Level Problem:** Disclosing confidential information from a hearing, showing extreme disrespect toward the charged student/student organization, missing a mandatory training without providing a legitimate excuse beforehand, etc.

Your status as a hearing board member will likely be terminated as a result of any situation that falls within these examples, or any situation deemed to be of the same level of seriousness.
CONFIDENTIALITY AND COMMITMENT AGREEMENT

The University Conduct System is an educational tool that provides an equitable and inclusive system that promotes awareness of students’/student organizations’ rights and accountability for student behavior. The system strives to address unacceptable behavior in a manner that informs and guides students/student organizations toward a greater sense of personal responsibility and ethical standards.

The following is a voluntary agreement with the Office of the Vice Provost for Student Affairs:

I, _________________________________, am willing to serve as a member of a Student Conduct Hearing Board for the period of at least one academic year (unless otherwise known). I understand and agree to uphold the following responsibilities and policies:

1. I understand that by signing this document, I am committing my time and service to the Office of Student Conduct and any appointed hearing board.

2. I agree to attend the fall semester training and spring semester training/update meetings if necessary. I understand that failure to attend will result in removal of hearing privileges until I can attend the following semester’s training.

3. I agree to keep all case information, conduct proceedings, and hearing outcomes confidential. I understand that discussing conduct matters with anyone outside of the hearing board (excluding appropriate consultations with Office of Student Conduct staff) constitutes a breach of confidentiality for both the complainant and charged student/student organization.

4. I understand that a breach of confidentiality may be sufficient reason for dismissal from my duties as a student conduct hearing board member.

5. I accept that it is my responsibility to keep any printed case materials in my possession outside of the Office of Student Conduct confidential and that it is my responsibility to return these documents to Office of VPSA at the conclusion of the hearing.

______________________________________         ____________
Hearing Board Member Signature                  Date

_______________________________________         ____________
VPSA Representative Signature                   Date
PROCEDURES AND SCRIPTS

STUDENT CONDUCT PROCESS

The process of investigating and adjudicating student conduct cases at KU can differ from case to case depending on student/student organization choices. These choices exist to make the student disciplinary process as fair and just as possible for all students/student organizations, and also to support the University’s educational mission by making the process a learning and developmental experience for all involved. Regardless of these choices, in the absence of compelling circumstances cases should be resolved in no more than sixty (60) calendar days. The following eight steps reflect the student conduct process. This process is the same as the graphic illustration on the next page.

1. A report is received by the Student Conduct Officer alleging a violation.

2. The Conduct Officer is assigned to investigate the report based on the origin of the report and the nature of the alleged violation. The investigation can find that no violation occurred, in which case the report is dismissed, or that a possible violation did occur. In the event sexual harassment is reported, the report is forwarded to IOA and the Title IX Coordinator.

3. If the conduct officer feels that a possible violation occurred based on the information provided, s/he will arrange to meet with the student(s)/student organization to discuss the situation. This meeting may result in:
   a. The student/student organization being found not responsible,
   b. The student/student organization seeking an informal resolution,
   c. The student/student organization seeking a formal resolution.

4. If the student/student organization seeks an informal resolution, the Conduct Officer will assign sanctions. If the student/student organization agrees to these sanctions, they become effective. The student/student organization also has a right to reject these sanctions and request a formal hearing.

5. If the student/student organization rejects the sanctions suggested as part of an informal resolution, seeks a formal resolution, or if the incident may result in suspension or expulsion, a formal hearing is planned. Depending on the rationale for the formal hearing, the Student Conduct Hearing Board determines responsibility and if necessary, recommends sanctions.

6. The student/student organization is notified in writing of the decision and any imposed sanctions. The student/student organization may either accept the decision and sanctions, or may appeal.

7. If the student’s/student organization’s appeal is accepted:
   a. The decision and sanctions may be affirmed,
   b. The sanctions maybe increased or decreased,
   c. A new hearing may be ordered.

Sanctions become effective once a finding of responsibility has been made; informally or formally.
**CONDUCT CASE FLOW CHART**

1. **Alleged Incident**
   - Report is received by VPSA and the Student Conduct Officer. If it involves sexual harassment, investigation is completed by IOA & Title IX Coordinator.

2. If possible violations are present, and the incident is not likely to result in expulsion, the student is notified and asked to meet with a Conduct Officer within 14 calendar days.
   - Student/Student Organization does not meet with Conduct Officer
     - Incident is resolved through an **administrative hearing**
     - Student/organization is notified of the decision absent their participation
     - Student/organization is found **not responsible**
   - Student/Student Organization meets with Conduct Officer
     - Student/organization seeks **informal resolution/hearing**
     - Student/organization accepts sanctions
     - Student/organization rejects sanctions
     - Hearing panel determines responsibility and sanctions, if any, for the student/organization
     - Student/organization is found **not responsible**

3. Possible violations arise to the level where the student/student organization may be expelled (disputing facts in suspension case)
   - A **formal hearing** is scheduled for the Student/Organization
     - Student/organization is found **not responsible**
     - Incidents are resolved through an **administrative hearing**

4. Student/Student Organization does not meet with Conduct Officer
   - Incident is resolved through an **administrative hearing**
   - Student/organization is notified of the decision absent their participation
   - Student/organization is found **not responsible**

5. Student/Student Organization meets with Conduct Officer
   - Student/organization seeks **informal resolution/hearing**
     - Student/organization accepts sanctions
     - Student/organization rejects sanctions
   - Hearing panel determines responsibility and sanctions, if any, for the student/organization
     - Student/organization is found **not responsible**

6. Appeal conducted upon written request of charged student/organization through University Governance
   - Appeal **denied**
     - Affirm Sanctions
   - Appeal **accepted**
     - Impose < or > sanctions
     - New hearing
**Student Rights in the Conduct Code Process**

A student or student organization alleged to have violated University policy is entitled to certain rights to insure a fair and impartial hearing. Students have the right to:

A. Receive advance notice of the alleged violation(s), who to contact for a meeting, and the date by which that contact must occur.

B. Present his/her or its version of the events in question.

C. Be accompanied by an advisor(s) (up to three). Advisors may not speak for student but may participate in the conduct process; to include questioning witnesses or making arguments on the charged student’s/student organization’s behalf.

D. Have witnesses present information on his/her or its behalf.

E. Not participate or answer questions in a hearing.

F. Question any statements or witnesses presented.

G. Challenge the objectivity of the hearing body for cause if he/she or it believes that a hearing officer/board member may be biased or have a conflict of interest.

H. Appeal the outcome of the hearing on the following grounds (as determined by University Senate Rules and Regulations 6.7.3):

   6.7.3.1 Failure to follow Procedures.
   6.7.3.2 Inconsistency with Applicable Provisions.
   6.7.3.3 Factual Determinations Not Supported by the Record.
   6.7.3.4 Arbitrary and Capricious Decisions.

**Additional Roles in a Conduct Hearing**

The Chancellor at KU is ultimately responsible for the discipline of all students/student organizations at the University. The Chancellor delegates the authority for student conduct policies and procedures to the Vice Provost for Student Affairs, who delegates the responsibility to the Student Conduct Officer and appropriate staff. The hearing boards are an integral part of maintaining the authority granted by the university, and understanding the roles of each member during a hearing is important.

**Charged Student/Student Organization**

This is the student/student organization that has allegedly violated the *Code of Student Rights and Responsibilities*. It is the responsibility of this student/student organization to:

- Prepare his or her own/organization defense.
- Bring in relevant information or witnesses.
- Submit any documentation they wish for the panel to consider.
- Question the complainant and witnesses, if present.
• Submit a written appeal, if desired.

There may be more than one charged student/student organization if they were all involved in the same incident.

**Complainant**

This is the person who has brought about the conduct referral to report an alleged violation. Examples include, but are not limited to: resident assistants, faculty members, students, and community members. It is the responsibility of this person to:

• Submit a written referral, outlining the alleged violation.
• Bring any relevant information or witnesses to the hearing.
• Question the charged student/student organization and any witnesses brought to the hearing.

A complainant may not always be at a hearing (e.g. gender based harassment, sexual harassment, sexual misconduct) and in his/her absence the hearing board is to use the information found in the written referral to make a decision.

**Advisor**

Both the charged student(s)/student organization and complainants are allowed to bring three (3) persons into the hearing room as an advisor. This person can be anyone that the student/student organization chooses (examples include parents, friends, faculty members, etc.) so long as that person is not planning to serve as a witness during the hearing. It is the responsibility of the advisor to:

• Allow his/her advisee to state his/her own case. An advisor may NOT speak on behalf of his/her advisee. If the advisor ignores these rules, the hearing board chair will warn him/her, and if the behavior persists, the advisor will be asked to leave the room.
• Pass notes and/or whisper to his/her advisee.
• Communicate quietly/discreetly with his/her advisee.
• Request a brief recess to confer with his/her advisee if necessary.

Not all students/student organizations will have an advisor; however, when an advisor is present, it is the duty of the hearing board chair to clearly explain the role of the advisor and monitor behaviors if necessary.

**CONDUCT APPEALS**

An appeal is defined as a review of the original case. This may involve a review of the decision as recorded on paper, or other procedures as described below. During an appeal, the burden is placed on the appealing student or student organization representative to demonstrate why the finding or sanction should be changed.

Appeals may be based only on the following grounds:

6.7.3.1 **Failure to Follow Procedures.** The decision of a hearing body may be set aside if the hearing body failed to follow required procedures. However, if the failure to follow procedures was harmless, that is, did not prejudice the appellant, the hearing body decision should be affirmed notwithstanding the procedural error. The burden shall be on the appellant to identify the prejudicial effects of any alleged procedural error.
6.7.3.2 Inconsistency with Applicable Provisions. The decision of a hearing body shall be set aside if applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Board of Regents policies or procedures, or state or federal law require a contrary result.

6.7.3.3 Factual Determinations Not Supported by the Record. The decision of a hearing body may be set aside if it is not supported by substantial evidence in the record compiled at the hearing. For purposes of this provision, a decision is supported by substantial evidence if a reasonable person could find that the decision was justified on the basis of the evidence submitted at the hearing, with due regard for any contrary evidence in the record. The appeals panel should bear in mind the superior opportunity of the hearing panel to judge the credibility of witnesses.

6.7.3.4 Arbitrary and Capricious Decisions. In exceptional cases, the decision of a hearing body may be set aside if it is arbitrary, capricious, or an abuse of discretion. A decision is arbitrary and capricious or an abuse of discretion if it is based on improper considerations, entirely fails to consider an important aspect of the problem, or lacks a plausible explanation of the connection between the facts found and the recommendations made.

Appeal requests may be denied in cases not having sufficient grounds in one or more of these areas. All appeals must be submitted to University Governance Office located in Strong Hall, Room 33.

The written request for an appeal, stating the specific grounds upon which the appeal is based, must be received by University Governance the end of the thirtieth (30th) calendar day following the rendering of charges against the students/student organization. Appeals submitted after the thirtieth calendar day will not be accepted.

The Chair of the University Judicial Board, through University Governance, shall appoint an appeal panel which shall hear all appeals from formal hearings and from decisions pursuant to the administration of the Code of Student Rights and Responsibilities. The appeal panel will review the entire hearing file and record of the hearing (if requested). The appeal panel may request a personal appearance of the student or organizational representative to discuss the incident in question. After reviewing the record, and depending upon the demonstrated grounds for appeal, the appeal panel may take any of the following actions:

   a) Affirm the charge;
   b) Impose greater or lesser sanctions; or
   c) Order a new conduct hearing.

The action of the panel considering an appeal will be communicated to the student or organizational representative in writing. This is the final step in the appeal process.
**STUDENT CONDUCT POLICIES**

**RESCHEDULING A HEARING POLICY**
It is the student’s/student organization’s right not to be present for the hearing. The hearing may go forward without the student/student organization and a decision may be made on the basis of the information available at the time of the hearing. If a student fails to resolve his/her case, the Office of the Vice Provost for Student Affairs may place a hold on a student’s enrollment and/or transcripts. If the student’s schedule should change and he or she is unable to attend the hearing, they are asked to contact the Office of the Vice Provost for Student Affairs (864-4060) in advance and reasonable accommodations will be made.

**RECORDS RETENTION POLICY**
Student conduct case records are confidential and will not be released outside the university without the student’s written permission or by order of a court of law. Exceptions are noted below. A copy of conduct case materials will stay in the student’s file for seven years from the date of the incident at which time it will be destroyed. All records involving suspension or expulsion are maintained indefinitely. Student conduct records are maintained in the Student Affairs office.

Notification within the University of conduct action taken against students is made on a “need to know” basis and includes but is not limited to: the Athletic Department in cases involving varsity athletes, the Student Involvement and Leadership Center (SILC) for Fraternity and Sorority Life in cases involving fraternities or sororities, and victims of violent crimes when the perpetrator is a student.

In the case of suspension or expulsion, notification is sent to the Office of the University Registrar. In cases where the student is trespassed from the campus a notification is sent to KU’s Office of Public Safety. Lesser sanctions, such as a formal warning or probation, do not affect a student’s academic standing. A conduct suspended and/or expelled student also has any campus access privileges suspended.

Records on student organizations are not confidential and may be released.

**PARENTAL/GUARDIAN NOTIFICATION POLICY**
Student conduct records are considered confidential under the Family Educational Rights and Privacy Act of 1974 (FERPA). This legislation, better known as the Buckley Amendment, protects student records, which include conduct files. All rights regarding a student file passes from the parent to the student when the student turns 18, or when the student attends an institution of higher education. At the University level, college officials must have a “need to know” compelling the release of a student record. Since the enactment of FERPA, Congress has made several amendments to the law. One of which allows an institution of higher education to notify parents of alcohol and other drug violations, if the student is less than 21 years of age at the time of notification.

KU’s policy specifies that known violations of alcohol and drugs by students enrolled on the Lawrence Campus, who are under the age of 21, will result in notification to parents when:

1. Any first known violation of University Policy or State Law regarding drugs;
2. Any first known violation of University Policy or State law regarding alcohol if a. Student was place in a life-threatening situation;
b. Endangered the health or welfare of another person (OWI, DUI, etc);
3. Following the second known violation of University Policy or State law regarding alcohol;
4. Following a violation of University policy regarding drugs or alcohol that resulted in the cancellation of the student’s Housing contract; or
5. Following the student’s referral to CAPS or DCCCA for an alcohol assessment through the mandatory alcohol assessment policy.

In all other cases, KU will not release information regarding a student’s conduct case or even that a conduct case exists, without a signed release of information from the student unless we are complying with a court order or following VPSA policies regarding notification. When the student’s actions put his/her health and/or academic future in imminent jeopardy, then we believe that by bringing parents/guardians into the loop we will be able to assist the student in getting back on track. Ultimately, the student’s choices determine our response.
HEARING SCRIPT

THE UNIVERSITY OF KANSAS
OFFICE OF THE VICE PROVOST FOR STUDENT AFFAIRS
ADMINISTRATIVE DISCIPLINE HEARINGS
DATE, 2014

1. Prior to calling the hearing to order, check the roster of witnesses/participants in the hearing. Have any students (including student on panel) sign the FERPA waiver sheet provided.

Begin Reading:

2. This is a meeting of a Student Affairs Administrative Discipline Hearing Panel convening at TIME in the LOCATION. This hearing is being recorded in accordance with University governance guidelines. My name is GIVE NAME and I am chairing this hearing.

The purpose of this hearing is to consider the CLEARLY NAME THE CHARGE IN EVERY DAY LANGUAGE

3. Specifically, the charge as outlined in the Code of Student Rights and Responsibilities states

Art. 19. Non-Academic Misconduct

The Code of Student Rights and Responsibilities Article 19, states:

“Students and organizations are expected to conduct themselves as responsible members of the University community. While on University premises or at University sponsored or supervised events, students and organizations are subject to disciplinary action for violations of published policies, rules and regulations of the University and Regents, and for the following offenses:

CLEARLY STATE THE CODE VIOLATION CHARGE

4. Introductions: Those present for the hearing are:

At this time, I will ask the members of the Hearing Panel to introduce themselves.

Would the charged student/organization introduce him/her/themselves (if present)

Would the advisors introduce himself/herself (if present).
Would the Complainant introduce himself/herself (if present)

Would the Complainant’s advisor introduce himself/herself (if present)?

Would the individuals who are here today as possible witnesses introduce themselves?

5. Because this is not a court proceeding, legalistic rituals will not be observed. The hearing procedures are intended to bring to light, as much as possible, the pertinent details surrounding this case. It is the responsibility of the complainant, NAME, to persuade the hearing panel by a preponderance of the information (is it more likely than not) that a violation of the Code occurred and the suspension should be continued.

I would like to remind everyone participating in this Hearing that falsification, distortion, or misrepresentation before the panel is a violation of the Code. Any person who abuses the Student Code System in this way may face disciplinary charges for that violation.

6. The Hearing Panel will adhere to the following procedures as much as possible:

   a. Presentation by the complainant for the University –
   b. Presentation by witnesses for the complainant –
   c. Questions from the Hearing Panel which may include asking context
   d. Questions from the student charged
   e. Presentation by the student organization representative
   f. Presentation by witnesses for the student organization charged –
   g. Questions from the Hearing Panel;
   h. Questions from the complainant;
   i. Closing statement by the complainant;
   j. Closing statement by the student.

The chairperson may, if needed, require that all questions be directed to the chairperson.
7. For the record, let me restate the students’ rights in this hearing. It is your right:
   a. To be assisted by an advisor of your choosing.
   b. To present testimony and information.
   c. To remain silent. Doing so is not considered an admission of guilt.
   d. To present witnesses to the incident and/or character witnesses.
   e. To receive written notification of the results of the hearing.
   f. To appeal the decision of the Hearing Panel.

8. After hearing all of the information, the Hearing Panel will deliberate in private and determine its findings, and prepare written report to the Office of the Vice Provost for Student Affairs in the form of recommended actions and sanctions, if any.

9. The Hearing Panel Members have before them a case file containing the following:
   - STATE EVERYTHING THAT YOU HAVE GIVEN THE PANEL – even the obvious
   - Administrative Hearing Guidelines
   - Code of Student Rights and Responsibilities

   Are there any questions before we begin?

10. Begin the hearing.
   a. Presentation by the complainant -
   b. Presentation by witnesses for the complainant –
   c. Questions from the Hearing Panel which may include asking for past context
   d. Questions from the student/organization charged
   e. Presentation by the student/organization charged
   f. Presentation by witnesses for the student/organization charged
   g. Questions from the Hearing Panel;
   h. Questions from the complainant;
i. Closing statement by the complainant;

j. Closing statement by the student/organization charged.

11. After all presentations have been made:

   If there are no additional statements, the Hearing Panel will deliberate in private. Are all case materials in the hands of the Panel members? The student charged will be notified in writing by the Office of the Vice Provost for Student Affairs of the results of this proceeding. All but the Panel members may be excused.

   TURN OFF TAPE RECORDER.
QUESTIONING AND DELIBERATION

STANDARD OF PROOF

In many hearings, there will be strong, definitive evidence presented to persuade you that the student/student organization did or did not violate a particular section of the Code of Student Rights and Responsibilities. Sometimes, however, there may be ambiguities and contradictions, which require that the Hearing Board decide whom they believe, or whom they think is more credible. Similar to a court of law, the student/student organization is always not responsible until proven otherwise. However, unlike a court of law, the standard of proof is much lower and is known as more likely than not. In other words, if you imagine yourself weighing the evidence on an imaginary scale, you must be more than 50% sure that the student/student organization violated the policy to find them responsible. You do not need to be 100% or even 75% sure, just more than 50% sure (51% or 50.1%).

If sufficient doubt remains after considering all information presented, you should give the charged student(s)/student organization the benefit of the doubt. Naturally, the more serious the incident, the more careful you must be. Follow your best judgment, though it may be that not every piece of information serves as proof. You must, in all cases, ensure that a student/student organization that is not responsible is not unjustly treated through a responsible finding.

REQUIREMENT FOR FINDINGS

To establish that a violation has taken place, the complainant must provide information which:

- Constitutes a violation of the Code of Student Rights and Responsibilities
- Corroborates the alleged behavior charged, and
- Determines the accused student’s/student organization’s responsibility for the behavior reported.

With more likely than not or a preponderance of information presented establishes all three of these requirements, you must find two things: first that a violation of the Code of Student Rights and Responsibilities has occurred, and then that the student/student organization is responsible for the violation.

Hearing officers and board members may NOT consider:

- Whether or not a student/student organization knew that they were violating a policy. Ignorance is not an excuse.
- If a student makes a claim of diminished capacity due to alcohol or other drugs.
- A claim that behavior was motivated by the unsubstantiated behavior of another as a legitimate defense.

These factors, as well as intent, are applicable to the sanctioning process; however, should not be used as criteria on which to base findings of responsibility.
CREDIBILITY

If you find yourself having to make a “credibility” decision, having to decide whom you believe out of all the information that you are hearing, you will be assessing several types of information. Some of the information you hear will have no bearing on the case or incident, and will be irrelevant to the hearing. To help you separate relevant from irrelevant information, the following is a list of the kinds of information that are useful in a hearing:

- **Motivation**: Did the student/student organization have a reason to violate the policy? (i.e. the student had been locked out of his/her room twelve times and didn’t want to get in trouble again for forgetting their keys – could be a reason for climbing through one’s window.)

- **Ability**: Could the student/student organization have committed the violation? If the student has proof that he/she was taking a test at the time that the room party was broken up, it makes it less believable that they were there violating policy.

- **Malice**: This can work both ways. If the complainant has anything against the student/student organization being accused, it must be proven to you. However, this has no bearing on whether or not the incident actually occurred. The harboring of malice must have some effect on the facts of the incident to be relevant. It may be very relevant to you, as you try to decide whom to believe, if you discover that the student/student organization accused particularly dislikes the person he/she is accused of having harassed.

- **Threats, expressions, or earlier similar acts implying or denoting intent**: For example, if a student threatens another student by saying, “I’d be careful about your car if I were you. Nasty things happen in the parking lot.” Later that week the other student’s car is vandalized in the parking lot. That earlier threat is relevant to determining whether this student committed the vandalism.

- **Other behavior that tends to shake your belief in a person’s testimony**:
  - Concealing one’s identity
  - Fabricating or destroying evidence
  - Resisting arrest, running away (Although innocent people who are scared, may also do this)

Ultimately, you have to use your best judgment. Hearsay, statements made by others not present at the incident, or information offered as testimony about unrelated incidents should not be considered in the decision.

The types of supporting facts, as well as the information they give you, will vary as well:

- **Direct Evidence**: Based on personal observation or experience. You either believe the person saw or did what he/she saw/did or you don’t believe it.

- **Circumstantial Evidence**: Information which, although it does not include an eyewitness to the actual event, does include enough information to lead a reasonable person to the conclusion that the student/student organization did what he/she is alleged to have done. For example, if you are in a hallway and you see a water balloon being thrown out of a room, into the hallway
(but you didn’t see who threw it), and you immediately walk to that room there is only one student in that room, it may be reasonable to conclude that the student threw the balloon.

- **Documentary Evidence:** Any supportive writings or documents including statements, reports, etc., that support or deny a fact at issue. Documents whose existence and content are known generally, or are known by any unbiased witness, need not be physically produced during the hearing to be relevant.

- **Secondhand, or “hearsay” evidence:** While it is acceptable for the board to hear second hand information, for example, from a proxy for a witness unable to attend a hearing due to illness or academic conflict, it is not intended that evidence given by unknown or unidentified persons be accepted, nor be considered when weighing the facts of a case. Opinions, unless inferred from fact, or unless they come from an expert, are to be considered minimally useful.

**WEIGHING THE INFORMATION PRESENTED**

All testimony and information presented is not equal in value. Much testimony has some degree of bias or tends to lead the listener toward a single interpretation of a fact or situation. The following are some general guidelines:

- **Weighing one person’s word against another’s:** Barring other forms of evidence, the testimony of the unbiased person is given more weight. For example, more weight should be given to the testimony of an uninvolved bystander, or a police officer, than to the “significant other” of the charged student. If hearing board members find that either party has totally unsupported evidence, then the board should inform the party of that observation and give him/her the opportunity to respond.

- **When the student/student organization claims to have not known he/she was breaking a rule:** This is frequently an attempt to get the listener to accept the student’s/student organization’s failure to assume accountability for his/her role in the alleged violation. Only in exceptionally rare cases should this type of testimony be given any value (i.e. an act that occurred before it was prohibited, or a rule or regulation that was not given reasonable distribution).

- **Multiple witnesses corroborating the same set of facts:** The number of such witnesses may be limited by the Hearing Board Chair, or they may be asked to all come in together if they are going to make the same statements. However, it is only in a very rare situation that the number of witnesses be considered as a factor in determining responsibility. The testimony of a single, unbiased and disinterested witness is worth a number of biased testimonies.

- **When a person admits responsibility:** If a student/student organization takes responsibility for the violations, there is less need for the hearing board to ask questions about the facts unless the board needs clarification on what happened. The hearing board should instead address the student’s/student organization’s perception of the seriousness of the violation.

- **When a person is attempting to identify the student/student organization responsible:** The testimony regarding the identification of a student/student organization is one of the least reliable and most difficult pieces of information to work with. Conflicting witness observations as to who actually committed the violation often occur in a hearing. It is the hearing board’s responsibility to follow the usual criteria for weighing testimony and decide who is the more believable. Identification need not be absolute to be considered by the hearing board.
When the student/student organization introduces character witnesses: The testimony of these witnesses will be of minimal value in determining a student’s/student organization’s responsibility relative to the charges as we consider all students to be of good character. The only exception to this would be if the witness has information which suggests that the student was physically unable to commit the violation.

RELATING TO AUTHORITY WITNESSES

Each hearing board member must try to understand the role of “authority personnel” who submit conduct referrals (such as police officers, RAs, or faculty members). For example, an RA, like a Police Officer in the community, must fulfill a peer helping role on his/her floor as well as enforce campus policies. For this reason, RAs should remain objective observers and reporters of events. Thus, the hearing board cannot expect an RA or Police Officer to argue and rebut on the “prosecution” side. Members of the hearing board are responsible for asking the questions designed to bring out that information from all parties.

You may find errors in the RA’s conduct referral or the police report. Do not focus the entire discussion on this mistake. The point of the hearing is to find out what happened and act on that information.

Remember that RAs and the Police are expected to enforce what some believe are “trivial” or “picky” rules; it is part of their jobs. Some “picky” rules, if not enforced, lead to significant infringements of others’ rights.

Also keep in mind that enforcing rules is unpleasant. RAs and Police take a considerable amount of flak in their enforcement role. They try, as they should, to remain objective and impartial. This is often a challenge. If an RA seems personally involved in a case, do not be too quick to condemn him/her. Ask yourself how you might feel in the same situation.

Though RAs, police, and faculty are not perfect, they should never become the “defendant” in the hearing. Ask critical questions when necessary, but do it kindly. If you believe the RA, Police Officer, or faculty member has erred, never embarrass them in the hearing. Instead, voice your concern to the staff that may then go through the appropriate channels to insure that corrective action is taken.

QUESTIONING

Questioning is the most important aspect of the hearing process. As hearing board members become more skillful at phrasing their questions, more useful information will be obtained from all participants. In-depth questioning helps the board to ascertain the facts of the case and clarify vague issues. However, it is important to be intentional and unbiased in one’s line of questioning to ensure equality and fairness.

Here are some areas to think about while you are preparing to ask questions:

OPEN ENDED-QUESTIONS

Carefully phrase your questions as open ended (who, what, how, etc.) rather than closed ended (did you, were you). Closed-ended questions often result in a yes/no response, which does not offer you much information. Open-ended questions will allow the charged student to answer as long as he or she desires, possibly yielding more information than requested. In-depth questioning helps the hearing board to ascertain the true facts of the case and clarifies vague issues. For example:
Closed-Ended
Q: “Were you angry when you broke the window?”
A: “No.”
Open-Ended
Q: “What were your feelings when you broke the window?”
A: “I guess I was feeling pretty angry...”

MULTIPLE CHOICE QUESTIONS
Another pitfall hearing board members run into is offering multiple choice questions for the charged student to answer. The board member offers the charged student all of the choices she or he deems appropriate. Often this type of question also provides the charged student with the answer the hearing board members wish to hear. This may not be the answer that brings out the most relevant information.

For example:
Q: “What were your feelings when you broke the window? Were you angry, elated, frustrated, or just letting off steam? This was right around mid-term time.”
A: “Oh, I was just letting off steam, exams weren’t going well...”

The charged student will always choose the one that she or he thinks is least incriminating! Ask the question and stop.

SILENCE IS GOLDEN
Do not be alarmed when a question is asked and the person does not respond immediately. It is natural to think about a response before responding. Allow the person ample time to think without undue pressure to respond quickly. If the person needs clarification, let him or her ask for it; don’t assume that she or he does not understand the question. Some people need more time to formulate their answers, especially in an important setting like a Formal Hearing.

ESSENTIAL QUESTIONS
In any hearing, there are five points that must be determined: Who, What, Where, When, and Why.

1. **Who** was involved in the incident? If alcohol was involved, were they of legal drinking age? What was each person's level of involvement?
2. **What** was the violation? Was there alcohol involved, drugs? **What** were you doing when the police/RA approached you? **What** would you do differently if you could do this again? **What** amount of alcohol had you consumed in how much time? How intoxicated were you feeling?
3. **Where** were you when this happened? **Where** were you walking/driving to?
4. **When** did this happen? Was the noise violation at 2:00 in the morning, or 3:00 in the afternoon? **When** did the police/RA approach you?
5. **Why** were you approached by the police? **Why** were you engaging in the behavior?

ADDITIONAL SAMPLE QUESTIONS
Besides fact related questions, here are some sample questions for you to consider during the hearing.
1. What effect did your actions (or behavior) have on others? On the community? On yourself?
2. Explain what you hoped to accomplish through your actions.
3. Who is responsible for your behavior?
4. What other options were there for you in this situation?
5. What was the purpose of your behavior?
6. How would you feel if others were engaged in similar behavior?
7. If you could do something differently that night/day, what would it be?
8. Have you talked with your family about this situation, how did they react?
9. What would be the consequences to the community if everyone engaged in similar behavior?
10. How is your relationship with your roommate? With other students on the floor? With staff members?
11. How does your responsibility for living with community standards apply to your actions in this situation?
12. How might you react if such this situation were to come up again?

THINGS TO REMEMBER

During every hearing remember these tips for being an effective hearing board member:

1. Carefully listen to everything that is said.
2. Watch for non-verbal behaviors which may indicate attitudes, true feelings, or emotions.
3. Be sure you clarify any conflicting information before you enter into deliberation. Continue to ask questions until you have all of the necessary facts regarding the incident. Do not wait until you are in deliberation and then start guessing at reasons why the information presented was conflicting.
4. Carefully examine the time/date sequence of the incident. Follow-up on contradictions when questioning.
5. Avoid jumping from one line of questioning to another; attempt to examine an area completely before moving on. Hearing board members should learn to look to the other hearing board members before changing lines of questioning.
6. Avoid unnecessary writing during the hearing. You should be concentrating on the content while developing lines of questioning. The digital recorder will provide a complete record of the hearing.

7. Note passing or whispering should not occur in the hearing unless absolutely necessary. You would not be showing the respect to the speaker that you would expect if you were speaking.

8. Maintain your concentration throughout the hearing and remain attentive. Good posture and eye contact should be demonstrated anytime the hearing is in session.

9. Never accuse a student/student organization or participate in heated arguments. Maintain your composure even if others do not.

10. Carefully prepare your questions in advance. Avoid questions that are not relevant to the hearing.

**Decision-Making Process**

As a hearing board member, it is a very important part of your responsibility to actively participate in the deliberation for each case. While the hearing board chair sets the tone for the discussion, their opinions should not dominate. Don’t be afraid to express your opinion, even if you are in the minority! Often times, the best way to get to the heart of a case is through a disagreement.

The deliberation process has two steps:

1. You must first determine whether the student/student organization is responsible or not responsible for the violation(s) in question. At this point, only the facts of the present case are considered. Remember when determining responsibility use the more likely than not of evidence standard of proof.

2. If responsible, you must decide on the appropriate sanction(s). At this point, factors such as past history of violations, attitude, intent, and degree of cooperation can be discussed. Consideration is given to what will be the most educational experience for the student/student organization.

Hearing Boards do not need to make a unanimous decision; however, overall the board members must be satisfied with the decision.

**During Deliberation, it is the responsibility of all committee members to:**

- Encourage every other member’s contributions without embarrassing the other members or putting them on the spot.
- Help the group make full use of everyone’s contributions.
- Express your own opinions.
- Listen to everyone else’s opinions.
• Recognize and practice the qualities of effective consensus-seeking groups.

Qualities of Effective Consensus Seeking Groups:

• Use synergistic thinking as opposed to either/or thinking.
• Generate more ideas than individuals generate independently.
• Have a high level of participation.
• Develop a climate in which members can be relaxed, open and direct, and are task oriented.

Attitudes that Support Consensus During Deliberation:

• Cooperation (NOT competition)
• Common ownership of ideas (NOT individually owning ideas)
• Valuing feelings (NOT emphasizing facts at the expense of feelings)
• Valuing conflict as a cooperative effort to bring out all perspectives (NOT suppressing feelings and avoiding conflict.)
• Valuing the contributions of all members (NOT allowing social prejudices to reflect in the group’s dynamics).
• Making an effort to equalize power (NOT relying on authority status.)
SANCTIONING

PHILOSOPHY OF SANCTIONING

The Office of the Vice Provost for Student Affairs takes an educational approach to all conduct cases, not a punitive one. When students are found responsible for the allegations, it is our opportunity to educate the student/student organization on the effects of his/her/their behavior and to affect a change in the student’s behavior for the future. The basics of our philosophy follow:

We protect the educational environment
We are concerned for the quality of the educational environment. We must ensure that the best possible conditions for learning are maintained. It is, therefore, our job to set reasonable limits on student behavior and enforce them consistently. Our goal should always be to deter the behavior in the future. We are always concerned for the welfare of the student who violates university policy.

Discipline should be a learning experience for the charged student, as it is important for the student(s)/student organization to learn that behavior has consequences, so that they may consider these consequences before taking an action. It is hoped that the conduct process will allow the student(s)/student organizations to become more responsible for their actions in the future, thus developing mature judgment and socially acceptable behavioral limitations.

We ensure that the sanction is appropriate
The sanction should always fit the seriousness of the violation. If a student/student organization commits a major violation that puts their own welfare at risk, they should not receive merely a warning except in very unusual circumstances. It also goes to say that, if a minor violation is committed, a sanction such as suspension would be unnecessary. If we do not respond to varying violations appropriately, the quality of conduct across the entire campus will undoubtedly suffer.

We treat students as individuals
Each student is considered as an individual. There must, then, be a range of sanctions appropriate for a given violation. Whether the sanction given for a violation is relatively high or relatively low in this range depends on a variety of factors, including the degree to which the student takes responsibility, a student’s prior history, a student’s intent, and a student’s cooperation.

We keep in mind the “big picture”
Keep in mind that, in judging the seriousness of a violation and arriving at an appropriate sanction, you will not always be dealing with questions of morality. You must ask yourself this practical question to guide you in your decision: If we allow this behavior to occur, and it becomes commonplace, what will be the result? In light of this question, some actions not usually considered immoral are ones which could cause serious problems in the community, and which, therefore, should be viewed seriously.

With these principles in mind, you should try to be as consistent as possible in making decisions. Never go into a hearing knowing the outcome, as there is no “automatic” sanction, however, each hearing board must work to give similar sanctions in similar situations.
FRAMEWORK FOR SANCTIONING

As this process is an important component of the educational experience, all decisions should be considered with the following pieces in mind.

Win-Win
This involves ensuring that everyone in the conduct process feels good about what happens, or at least feels as though they gained something. The staff in the residence hall community feels that the inappropriate behavior that they reported will not continue, and the student involved feels that he/she received an appropriate response for the violation that occurred. When the sanctions are assigned with a win-win attitude, students are more likely to become valuable members of the university community and to recognize their role in the overall community. It is important to remember that there may be cases where the student will not agree with the sanctioning of the board.

Developmental
Sanctions are primarily intended to educate and modify behavior. The sanctions are to be directly related to a developmental stage or to skills that the student/student organization needs to learn. Ask yourself the question, if this student/student organization was to come back through our process in two months, what could we say that we did to encourage a change in the behavior?

Choices
The sanctioning process should not be control oriented, but should offer choices to students/student organizations. Ultimately, your role, as a hearing board, is to help students/student organizations make positive choices for themselves and to challenge them to accept responsibility for negative choices. Ask students/student organizations about alternative sanctions that they would be willing to complete and why they think the sanction would be effective. Even though you may choose to disagree with their thought process it will enable you to better understand why the student objects to a particular sanction(s).

Appropriate Sanctions
The most effective sanctions will be those that address the cause of the inappropriate behavior, are non-punitive in nature, and directly relate to the developmental issues that the student/student organization needs to learn. Sanctions imposed will be situational and dependent on the student’s/student organization’s attitude, commitment to changing behavior, level of self-responsibility, and personal circumstances.

QUESTIONS TO CONSIDER IN RECOMMENDING A SANCTION

Here are some questions to answer when deciding the type of sanction to give:

1. How serious was the offense?
2. Does this individual/organization have any prior violations similar in nature?
3. What significant aggravating or mitigating factors would warrant a lesser/more severe sanctioning?
4. What action from the hearing board would help the student/student organization learn from this experience?
5. What action would help the student/student organization take the process seriously and think about her/his/their behaviors?

6. Would this sanction serve to deter other individuals and organizations from similar behavior?

7. Is the sanction in any way demeaning? Is it harsh or arbitrary?

8. Does the sanction fit the incident/action/behavior?

9. Would the RA staff (police, etc.) feel supported knowing the action the board took?

Here are some questions to consider in order to best decide on an appropriate sanction:

1. What was the Intent of the student/student organization? What was the student’s/student organization’s motivation for behaving inappropriately and in violation of the Code of Student Rights and Responsibilities? Did she/he intentionally violate a policy? Was she/he aware of the possible consequences, or was there some plausible explanation?

2. What were the consequences of the behavior? Was there physical damage or personal harm? What were the effects of the behavior?

3. What were the potential consequences of the behavior? If not caught, would physical damage or personal harm have occurred? What potential harm could the student have suffered?

4. Was alcohol a part of the incident? Did the student demonstrate that he/she is an irresponsible or reckless drinker? Did they put someone’s (including their own) health, safety, or welfare in jeopardy? Does the student show a pattern of abusing alcohol?

5. What is the attitude of the student/student organization? Is she/he willing to accept responsibility for the incident? Does he/she refuse to cooperate? Does he/she show any empathy for others?

6. What is the student’s/student organization’s prior history? Is this similar to past violations?

**Operating Assumptions**

1. All student conduct hearing officers/board members have the autonomy to exercise their judgment and can moderate a sanction upwards or downwards as the case review may dictate.

2. All hearing officers are trained to apply the correct charges given a review of the case narrative.

3. In a review, the hearing officer may drop some charges, but leave others in place after hearing from both the complainant and the charged student (or sometimes just from the charged student; or sometimes just from the complainant).

4. Not Responsible, Restitution, and Formal Warning all come with no duration. Restitution, however, does come with a deadline.

5. The standard duration for all other sanctions is dependent on case context.

When recommending sanctions, it is wise to establish a timeline for which you recommend sanctions to be completed. Although the potential for growth and development diminishes with time, it is important
to take academic, family, and work requirements into account when proposing these deadlines. Deadlines must be attainable.

Expired Sanctions & Students/Student Organizations with Similar Priors
Whenever a student/student organization has a prior incident, the hearing board has an added layer of decision making to process in assigning a sanction. If the behaviors are dissimilar, then a sanction appropriate to the new violation should be taken. If the behaviors are similar, a “one-up” sanction should be chosen ("A Formal Warning didn’t have the desired impact because the pattern of behavior is continuing—the student must need additional boundaries and/or educational intervention.")

CONDUCT SANCTIONS
A series of disciplinary sanctions may be implemented as consequences for violations of university policy. These sanctions may be used in combination with one another and may be invoked for any number of semesters. There are formal sanctions outlined in the Code; however, you have flexibility in those broad headings. List directly from the Code and then add the flexibility.

1. **Warning**: Notice in writing that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

2. **Restitution**: Reimbursement for damage to or misappropriation of University property. This may take the form of appropriate service or other compensation.

3. **Fine**: A money payment to a designated University fund.

4. **Disciplinary Probation**: Disciplinary probation shall have as its purpose the rehabilitation of the student or organization and **may include suspension of specified privileges** for a definite period not to exceed two years. Disciplinary probation may also require the student or organization to participate in specified activities, including one counseling information session, or may prescribe any program which is deemed just and fair under the circumstances of the case. The authority imposing this sanction may assign any qualified person within the University community, other than an undergraduate student, to act as a probation supervisor. The probation supervisor shall report periodically to the appointing authority. If the probation supervisor should report that the student is not fulfilling probation requirements, the case will be reviewed by the appointing authority and remaining members of the original hearing panel, who may recommend additional sanctions.

5. **Campus/Community Service**: Students or organizations may be required to complete a specified number of service hours to an identified campus or community agency. The authority imposing this sanction may assign any qualified person to serve as the service supervisor. If the
service supervisor should report that the student or organization has not fulfilled the service requirements, the case will be reviewed as in Article 19(E)(4).

6. **Student Suspension**: Exclusion from classes and other University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of re-admission shall be stated in the order of the suspension.

7. **Organization Suspension**: Exclusion from University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of reinstatement shall be stated in the order of suspension.

8. **Student Expulsion**: Termination of student status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of expulsion.

9. **Removal of Organization Registration**: Termination of registered organization status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of removal of registration.

**Creative Sanctions**: In some instances, information provided during a hearing will lend itself to special sanctioning consideration. This information often pertains to the “why” of a student conduct violation or evidence of a pattern of behavior. For example, a student who has been found responsible for an alcohol violation may state that he/she was drinking because his/her parents are forcing the student to be a pre-med major when the student is not sure what he/she wants to study. In this case, the panel members can use their discretion to assign an educational sanction to address the cause of the violation (major decision/career stress) by implementing a sanction such as completing a skills inventory/assessment in the Career Services office or meeting with an academic advisor. While the “why” may not have been the actual violation, it is a contributing factor and also deserves attention in the conduct process. By addressing the “why,” subsequent violations are less likely to occur.

10. **Intake/Assessment/Treatment Referrals**: A student may be referred to KU Student Counseling and Psychological Services (CAPS) or another community health provider to complete an intake and assessment involving alcohol, controlled substance, or other identified issues arising from a violation. In the University’s discretion, proof of participation or completion of treatment may be required. When appropriate, CAPS may refer the student to an off-campus provider for such services at the student’s expense.

11. **Reflection Letter of Understanding**: A student/student organization will reflect on what has been learned from the experience. The length and structure of such letter will be specifically assigned to the student/student organization.

12. **Alcohol Education Responses**: A student/student organization will complete an on-line alcohol tutorial, attend CHOICES, or attend an identified off-campus education/intervention resource.
ADMINISTRATIVE SANCTIONS EXPLAINED

WARNING
- The student/student organization has been officially warned and they do not get more than one warning.
- There is no duration and no loss of privileges.
- If they were to come through again for a similar violation, they would most likely be given a more severe sanction, such as probation or suspension.

PROBATION
- This student/student organization can now consider that there is an invisible boundary around them. If they stay within the boundaries of University policy, there will be no problem. If they step outside the policies, the consequences become much more severe.
- There is a specified duration for this sanction, which will be decided by the hearing board. If they come back through the process during the duration, there is no option but to “one-up” their sanction. If the duration is over, that is still an option, but the length of time can be a mitigating factor.
- This may prohibit the student/student organization from being involved in particular groups (i.e. resident assistant, orientation leader, etc.).
- In certain instances, if the student is under 21 for a second alcohol violation or a first time violation of the controlled substance policy, their parent(s)/legal guardian(s) will be notified. For more information see parental notification.

SUSPENSION
- There is a specified duration for this sanction, which will be decided by the hearing board. The student is not allowed to attend classes and suspension typically involves a trespassing of the student from University events and properties.

EXPULSION
- Is the removal for a student for a minimum of two years and may be permanent. If the hearing panel wants to allow a student the opportunity for re-admission, the conditions of re-admission, should be specifically stated with the order of expulsion.

EDUCATIONAL SANCTIONS EXPLAINED

The philosophy of the university disciplinary system is to guide students toward more mature and ethical decision-making. One way in which this is done is by providing students who are involved in the conduct process educational assignments. All students are required to demonstrate his or her responsibility as a member of the university community by performing certain reasonable and relevant educational activities.

Failure of a student/student organization to complete the educational activity by the time prescribed by the hearing board may result in further action by the Office of the Vice Provost for Student Affairs.

The following is a list of the most common educational assignments for students in the conduct process. Each case is examined individually and educational assignments are determined based on the specifics of each case. Thus, there may be situations in which an individualized assignment is given.
UNDER THE INFLUENCE ON-LINE ALCOHOL EDUCATION PROGRAM
Description: This is one of the educational assignments given for a first time minor alcohol violation. To provide a well-rounded educational experience, a writing assignment, community service, or other sanction(s) may be assigned in conjunction with this session. The online, science-based course is designed to teach students about the effects of alcohol on the body and mind, and to assist in making safer and healthier decisions so they can avoid trouble in the future.

In order to fulfill the requirement of this sanction the student must complete the online course, which takes roughly 2.5 hours to complete. This course ends with an exam consisting of questions based on the content reviewed throughout the course. The student must earn a grade of 85% or higher to pass and receive credit for the course.

Fee: Currently $35.00

MARIJUANA 101 ON-LINE DRUG EDUCATION PROGRAM
Description: This is one of the educational assignments given for a first time marijuana violation; typically related to possession of paraphernalia, possession of small quantities of marijuana, or for marijuana use. To provide a well-rounded educational experience, a writing assignment, community service, or other sanction(s) may be assigned in conjunction with this session. The online, science-based course is designed to teach students about the effects of marijuana on the body and mind, and to assist in making safer and healthier decisions so they can avoid trouble in the future.

In order to fulfill the requirement of this sanction the student must complete the online course, which takes roughly 2.5 hours to complete. This course ends with an exam consisting of questions based on the content reviewed throughout the course. The student must earn a grade of 85% or higher to pass and receive credit for the course.

Fee: Currently $35.00

CHOICES ALCOHOL EDUCATION PROGRAM 1
Description: The primary goal of this program is to provide students with specific information that will help them make more positive choices concerning their alcohol consumption. The program is an individualized educational/counseling session lasting approximately 90 minutes. Students have the opportunity to explore their own personal decision-making regarding their use of alcohol and to reflect on the specific situation that brought the student to the seminar. This program is designed for students that violate the alcohol policy a second time or have had serious alcohol violations such as hospitalization, OWI, passing out, and the like.

Fee: Currently $70.00

COMMUNITY RESTITUTION SERVICE
Description: The community service restitution program is an educational assignment designed to provide an educational opportunity for students found in violation of KU policies. In order to provide a well-rounded educational experience, another educational assignment can be assigned in conjunction with this program.

Students can be assigned any number of hours of community service. Students will fulfill their community service hours with an office/agency that is pre-approved by the Office of Student Conduct.
REFLECTION LETTER OF UNDERSTANDING
A reflection paper is not mandatory in all cases. It is up to the hearing board’s discretion as to whether or not a reflection paper is appropriate educational sanction. Reflection papers vary in length. The paper can reflect on educational assignment given or can simply serve as an opportunity for the student to reflect on the violation. Students are typically given two weeks to complete their reflection papers and are instructed to email them to the Office of Student Conduct no later than their due date. Papers should be submitted as word document attachments and saved electronically under the student’s last name and case number. Reflection letters can also be hand delivered by the student.

UNIVERSITY ADVISING CENTER
Several students who have non-academic conduct issues are also struggling in the classroom. This sanction is designed to connect students with academic resources and to have student’s examine their academic progress. There are four main reasons one would use this sanction: student’ G.P.A. is near or below the University threshold for advancement; advancement in degree may be difficult based on G.P.A.; non-academic conduct may affect ability to enter degree program; and, student has an undeclared major or unclear academic path.

UNIVERSITY CAREER CENTER
Students who find themselves going through the non-academic conduct process do so for a number of reasons; including, boredom, not involved on campus, unsure of why they are at KU, and generally unfocused. Referrals to the Career Center as designed to help student’s find their professional passion/focus, align their strengths with professional opportunities, assist in finding employment, and in general, make better use of their time here at KU. Students who are referred should be in good University standing (at or around 2.5 G.P.A.); students below that threshold may be better suited for a referral to the Advising Center.
INTRODUCTION

The Code of Student Rights and Responsibilities was originally adopted by the Student Senate, approved by the Chancellor in 1970, and revised in 1986 and revised biannually thereafter for the University of Kansas, Lawrence campus. The Code, presented here in its entirety, is subject to amendment by the Student Senate with the approval of the Chancellor. Any activity, policy, rule or regulation for the implementation of this code is subject to the approval of the Chancellor and the Board of Regents as provided by law and the University Senate Code. As with any community, the University has established standards of conduct for its members. As members of the University community, students are expected to adhere to all published rules, regulations and policies. Students also are obligated to the laws of the city, county, state and nation. Additionally, students living in University-owned and operated housing units should be acquainted with the appropriate, published procedures and regulations of Student Housing. Registered organizations are expected to adhere to the same standards of conduct as students. Failure to comply with University policies and regulations may subject a student to disciplinary action as described in the Code. The rights and privileges of the individual are also components of a community. These rights are protected with vigilance equal to the enforcement of rules and procedures. The following Code of Student Rights and Responsibilities outlines the rights of students and responsibilities expected within the University of Kansas community.

ART. 1. These rules shall be known as the Code of Student Rights and Responsibilities.

BILL OF RIGHTS

ART. 2. The following enumeration of rights shall not be construed to deny or disparage other rights retained by students in their capacity as members of the student body or as citizens of the community at large:

A. Free inquiry, expression, and assembly are guaranteed to all students. This includes the right of student press to be free of censorship.
B. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the University.


D. The right of students to privacy and to be secure in their persons, living quarters, papers, and effects against unreasonable searches and seizures is guaranteed. This right is extended to electronic communications. See KU Acceptable Use of Electronic Information Resources. http://policy.ku.edu/IT/AcceptableUse.

E. Students will be exempt from disciplinary action that affects their status as students except for academic failure or violation of a published Student Senate, University Senate, University or Regents rule or regulation. Rules and regulations shall be fully and clearly disclosed in advance of the supposed violations.

F. No disciplinary sanctions resulting from a violation of rules and regulations, under Article 2(E), may be imposed upon any student without prior written notice of the nature and cause of the charges, and an opportunity to be heard at a fair hearing. A fair hearing shall include confrontation of witnesses against him or her and the assistance of a person of his or her own assistance or with the prior approval of Student Affairs, up to three persons of the student’s choosing. See Non-Academic Misconduct Procedures http://policy.ku.edu/student-affairs/non-academic-student-conduct.

G. A student, a student organization, or a campus organization charged with violating University regulations is entitled to a hearing. See the Non-Academic Misconduct Procedures: http://policy.ku.edu/student-affairs/non-academic-student-conduct.

H. Students are held to the same level of research and publication integrity as are faculty and other University affiliated researchers. University Senate Rules and Regulations describe a policy remedy and procedures to students who may feel that scholarly misconduct has occurred.

I. Students may not be required to take examinations and tests, other than final examinations, which occur in conflict with mandated religious holidays, provided that the students notify their instructors at the beginning of the semester, as specified in University Senate Rules and Regulations, so an alternative date may be arranged.
Definitions

Art. 3. When used in the Code:

A. The term “University” means the University of Kansas, Lawrence campus and all its educational operations (including the Edwards Campus and those outside of Kansas) except for the operations of the KU Medical Center.

B. The term “student” includes all persons enrolled the University as defined above. This also includes individuals who confirm their intent to enroll in programs, those attending orientation sessions, and those that were enrolled at the date of an alleged incident. Persons who withdraw after allegedly violating the student code or who are not officially enrolled for a particular term but who have a continuing relationship with the university are considered “students.”

C. The term “instructor” means any person hired by the institution to conduct classroom activities. In certain situations, a person may be both student and instructor. Determination of his or her status in a particular situation shall be by the attendant facts.

D. The term “student press” means either an organization whose primary purpose is to publish and distribute any publication on campus or a regular publication of an organization.

E. The term “organization” refers to any organization registered with the University. Registration procedures: http://silc.ku.edu/registration.

F. The term weapon is defined in the University’s Weapons policy. http://policy.ku.edu/provost/ weapons-on-campus.

G. The term “shall” is used in the imperative sense.

H. The term “may” is used in the permissive sense.

Classroom Expression

Art. 4. Discussion and expression of all views relevant to the subject matter are permitted in the classroom, subject only to the responsibility of the instructor to maintain an efficacious learning environment.

A. Students are responsible for learning the content of any course for which they are enrolled.

B. Requirements of participation in classroom discussion and submission of written exercises are consistent with this section.

Art. 5. Academic evaluation of student performance shall not be prejudicial, capricious, arbitrary, or be based, in whole or in part, upon a student’s race, religion, sex, color, disability, national origin, ancestry, sexual orientation, political views or affiliation, marital or parental status, age, or veteran status.
Art. 6. Information about a student's views, beliefs, and political associations acquired in the course of instruction, advising, and counseling, by the University, is confidential and is not to be disclosed to others unless by written consent of the student.

Campus Expression

Art. 7. Discussion and expression of all views are permitted within the University, subject only to requirements for the maintenance of order. Support of any cause by orderly and peaceful means that does not disrupt the operation of the institution is permitted. This Article shall be construed in conjuncture with Articles 14 and 19(C) (1).

Art. 8. Students, groups, and organizations may invite and hear any persons of their own choosing, subject only to the requirements for use of University facilities.

Organizations

Art. 9. Organizations may be established within the University for any legal purpose including, but not limited to religious, political, educational, economic, social, or recreational purposes. Complete organization information is available here: http://silc.ku.edu/registration

A. For an organization to be eligible for student activity funds, the organization shall register annually as an organization with the Student Involvement & Leadership Center and file a list of officers and their addresses, and a declaration that the organization shall abide by the rules and regulations of the University, University Senate, Student Senate and the Board of Regents.

B. Membership in all University-related organizations shall follow the guidelines established in the Board of Regents Membership Statement and shall be open to any student. The right of organizations to establish standards for membership is acknowledged, provided that all students are afforded equal opportunity to meet those standards. Nothing in this section shall be interpreted as imposing a requirement that would violate the principle of selection on the basis of individual merit.

C. A student may not be denied the rights of access to and participation in any University-sponsored or University-approved activity because of race, religion, sex, color, disability, national origin, ancestry, sexual orientation, political affiliation, marital or parental status, and to the extent specified by law, age, or veteran status.

D. University facilities shall be available to registered student and campus organizations for regular business meetings, social functions, recreational activities, and for programs open to the public. Reasonable conditions, as outlined in approved University policy, may be imposed to regulate the timeliness of requests, to determine the appropriateness of the space assigned, time of use, and to insure proper maintenance of the facilities. Subject to the same limitations, University facilities may be made available for assignment to individuals or groups composed of members of the University community, even though not formally registered. Preference may be given to programs designed for audiences consisting primarily of members of the University community.
**Art. 10.** The Student Senate delegates to each organization or living group the authority and responsibility to establish its own rules concerning social conduct. Such rules shall be consistent with this code, rules of the Board of Regents, and state and federal law.

A. Rules of social conduct shall not be adopted that conflict with a contract entered into as a condition of residency in facilities operated by the Department of Student Housing. The signing of such a contract shall not operate as a waiver of constitutional rights. Such contracts contemplated by this section shall be reviewed annually by a body that shall have student representation at least equal to administrative representation. The living group whose contract is under review must be represented.

B. An organization or living group may discipline any member for violation of rules of social conduct, provided that any disciplinary action taken shall not affect a member's rights and privileges as a student of this University.

**Art. 11.** The Student Senate has the authority to allocate University funds designated as the Student Senate Activity Fee subject to the approval of the Chancellor or the Chancellor's designee. Only registered student organizations, campus organizations, or University sponsored or contracted activities may receive an allocation from the Student Senate Activity Fee. Approval of requests for such funds shall be conditioned upon submission of budgets to, and approval by, the Student Senate. Where such funds are allocated, financial accountability shall be required.

**Publications**

**Art. 12.** A student, group, or organization may hand out written material on campus without prior approval.

**Art. 13.** The student press must be free of censorship. Its editors, managers and contributors must be protected from arbitrary sanctions, including, but not limited to, those under Article 19(E).

**Freedom of Protest**

**Art. 14.** The right of orderly and peaceful protest within the University community must be preserved. The University retains the right to assure the safety of individuals, the protection of property, and the continuity of the educational process including the maintenance of entrance to and egress from all University buildings and offices, conduct of regular class meetings and other University functions.

A. Orderly picketing and other forms of peaceful protest are protected activities on University premises in the absence of interference with free passage through areas where members of the University community have a right to be or the orderly conduct of University business.

B. Peaceful picketing and other orderly demonstrations are permitted in public areas of University buildings, including corridors, outside auditoriums and other places set aside for public meetings.

C. Every student enrolled in the University has the right to be interviewed on campus by any organization, employer, government agency, or educational entity that desires to recruit at the
campus. Any student or group of students has the right to protest against the appearance on campus of any organization, employer, government agency, or educational entity provided that the protest does not interfere with any other student's right or opportunity to have such an interview. For the purposes of Article 14, the term “organization” is not defined as stated in the definitions section.

Violation of Law and University Discipline

Art. 15.

If a violation of federal, state or local law or ordinance occurs on campus and is also a violation of a published university regulation, the university may initiate its own proceedings against an offender who may be subjected to criminal prosecution. Proceedings under the Code may be carried out prior to, simultaneously with or following civil or criminal proceedings without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution.

Privacy

Art. 16. Students have the same rights of privacy as any other person and surrender none of these rights by becoming members of the academic community. These rights of privacy extend to those living in University housing. Nothing in the institutional relationship or University housing contract shall expressly or by implication give the institution or University officials authority to consent to a search of a student's room by police or other governmental officials. When the institution seeks access to a student's living quarters in any facility operated by the Department of Student Housing to determine compliance with provisions of applicable multiple dwelling unit laws or for improvement or repairs, the occupant shall be notified of such action not less than twenty-four hours in advance. There may be entry without notice in emergencies where imminent danger to life, safety, health, or property is reasonably feared.

Art. 17. Jurisdiction

The University may institute disciplinary proceedings when the alleged violation(s) occurs on University premises or at University sponsored or supervised events, or as otherwise required by federal, state, or local law.

Art. 18. The University of Kansas provides for the protection of the educational records and privacy rights of students as required by law, Regents' regulations and University policies, rules and regulations. See the Student Records Policy: http://policy.ku.edu/registrar/student-record-policy

A. A student shall be accorded the opportunity to inspect and review his or her educational records.

B. A student may challenge the content or request that the University amend his or her educational records.

C. The University must respond to a request to inspect and/or amend an educational record within a reasonable period of time.
D. If the University refuses to amend an educational record, a student will be afforded a hearing before a disinterested person or panel.

E. Except as provided by law, no one outside the University shall have access to the educational records of a student, nor shall the institution disclose personally identifiable information contained in these records without the written consent of the student.

F. The University may disclose directory information related to a student, as defined in the Student Records Policy.

G. The University may disclose personally identifiable information without the consent of the student to personnel within the institution determined to have legitimate educational interests and to others as defined in the Student Records Policy.

H. The University may disclose personally identifiable information without the consent of the student to other persons as provided by law, to comply with a judicial subpoena or a requirement of law or government regulation or to appropriate persons in a health or safety emergency.

I. Except to the extent allowed by law or when acting on behalf of the University, those parties to whom personally identifiable information is given are not permitted to disclose that information to others without the written consent of the student.

J. The University must maintain a record of each disclosure of personally identifiable information about the student, under subsection H.

K. Excluded from the category of educational records, and to which the law does not guarantee the right of student access, are medical and psychological records that are maintained only in connection with provision of treatment to the student and that are not available to persons other than those providing treatment, except that such records may be personally reviewed by a physician or other appropriate professional of the student’s choice and with the student’s written consent.

Conduct of Students and Organizations

Art. 19. Non-Academic Misconduct
Students and organizations are expected to conduct themselves as responsible members of the University community. While on University premises or at University sponsored or supervised events, or as required by city, state, or federal law, students and organizations are subject to disciplinary action for violations of published policies, rules and regulations of the University and Regents, and for the following offenses:

A. Offenses Against Persons

An offense against a person is committed when a student:

1. Threatens the physical health, welfare, or safety of another person, places another person in serious bodily harm, or uses physical force in a manner that endangers the health, welfare or safety of another person; or repeatedly follows or attempts to make
unwanted contact, including but not limited to physical or electronic contact, with another person.

2. Engages in sexual misconduct that includes sexual harassment and sexual violence as defined by http://policy.ku.edu/IOA/sexual-harassment

3. Engages in retaliation as defined as any behavior, direct or indirect, taken to or attempt to harass, intimidate, or improperly influence any individual associated with the student conduct process. For more see http://policy.ku.edu/IOA/discrimination-complaint-resolution#retaliation

4. Engages in discrimination as defined by http://policy.ku.edu/IOA/discrimination-complaint-resolution

5. Engages in intimidation defined as implied threats or acts that cause a reasonable person fear of harm of another.

6. Engages in bullying and cyberbullying defined as repeated and/or severe aggressive behaviors that intimidate or harm or control another person physically or emotionally, and are not protected by freedom of expression.

7. Engages in stalking defined as a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear.

8. Engages in Intimate Partner/Relationship Violence: violence or abuse by a person in an intimate relationship with another. The term “intimate partner violence” is defined to mean any physical, sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. It would include stalking, dating violence, sexual violence, or domestic violence.

9. Engages in hazing of another person for the purpose of initiation or admission into, affiliation with, or continuation of membership in any organization operating under the sanction of the University. Hazing includes, but is not limited to, any action, activity or situation which recklessly, negligently or intentionally endangers the mental or physical health, welfare or safety of a person, creates excessive fatigue, sleep deprivation, mental or physical discomfort, exposes a person to extreme embarrassment or ridicule, involves personal servitude, destroys or removes public or private property, or implicitly or explicitly interferes with the academic requirements or responsibilities of a student. It is presumed that hazing is a forced activity regardless of the apparent willingness of an individual to participate in the activity. Apathy or acquiescence in the presence of hazing is not neutral; both are violations of this rule.

10. Demonstrates or indicates to another individual his or her possession or immediate control over a firearm, explosive, or weapon; or proclaims to another individual his or her possession or control over a firearm, explosive, or weapon as a method of intimidation, coercion, threat, distress, or extortion.

11. Uses electronic or other devices to make an audio or video record of any person while on university premises where there is a reasonable expectation of privacy without the
person's prior knowledge or express consent, when such a recording is likely to cause injury, distress, or damage to reputation. Such University premises include, but are not limited to showers, locker rooms or restrooms.

12. Falsely reports a bomb, fire, or other emergency.

B. Offenses Against Property

An offense against property is committed when a student:

1. Knowingly and without proper consent or authorization has in his or her possession the property of another person or the University.

2. Knowingly and without proper consent or authorization removes, uses, misappropriates, or sells the property of another person or the University.

3. Willfully or maliciously damages or destroys property owned or in the possession of another person or the University.

4. Obtains the property of another person by misrepresentation or fraudulent means.

5. Misuses, damages or alters any fire fighting or other safety equipment.

6. Enters the facilities or uses the property of another person or the University without proper consent or authorization.

7. Knowingly, and without proper payment, utilizes the services of the University which require payment.

8. Commits a theft of electronic information, or gains or attempts to gain unauthorized access to computer and other electronic resources.

C. Offenses Against the Orderly Process of the University

An offense against the orderly process of the University is committed when:

1. A student intentionally causes or attempts to cause disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities, or other authorized, permitted, or constitutionally protected activities on University premises, including employment, recruitment, and public service functions.

2. A student or applicant knowingly furnishes false or misleading information to the University.

3. A student, applicant or former student forges, alters, misrepresents or misuses documents, records or instruments of identification.

4. A student interferes with, attempts to or improperly influences the established student discipline procedures of the University.
5. A student has possession or immediate control over a firearm, explosive, or weapon, in violation of the University’s weapons policy. Full list of weapons is defined in http://policy.ku.edu/provost/weapons-on-campus.

D. Offenses by a Student Organization or Campus Organization.

Organizations through their officers, and/or individual members may be held responsible for conduct in accordance with guidelines established for individual students under Article 22. Organizations, their officers, and/or individual members may be held responsible for their conduct determined to be a recognized group activity regardless of location (on or off University premises), University supervision or sponsorship, officer knowledge, or official membership approval. Organizations, their officers, and/or individual members may be sanctioned in a manner suitable to the circumstances, similar to those outlined for individual students, under Article 19(E), (F), and (G).

E. Sanctions Defined

Listed in order of increasing severity are the sanctions that may be applied to offenses defined in A, B, C, and D. When appropriate, more than one sanction may be imposed.

1. Warning: Notice in writing that continuation or repetition of conduct found wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

2. Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

3. Fine: A money payment to a designated University fund.

4. Disciplinary Probation: Disciplinary probation shall have as its purpose the rehabilitation of the student or organization and may include suspension of specified privileges for a definite period not to exceed two years. Disciplinary probation may also require the student or organization to participate in specified activities, including one counseling information session, or may prescribe any program which is deemed just and fair under the circumstances of the case. The authority imposing this sanction may assign any qualified person within the University community, other than an undergraduate student, to act as a probation supervisor. The probation supervisor shall report periodically to the appointing authority. If the probation supervisor should report that the student is not fulfilling probation requirements, the case will be reviewed by the appointing authority and remaining members of the original hearing panel, who may recommend additional sanctions.

5. Campus/Community Service: Students or organizations may be required to complete a specified number of service hours to an identified campus or community agency. The authority imposing this sanction may assign any qualified person to serve as the service
supervisor. If the service supervisor should report that the student or organization has not fulfilled the service requirements, the case will be reviewed as in Article 19(E)(4).

6. Student Suspension: Exclusion from classes and other University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of re-admission shall be stated in the order of the suspension.

7. Organization Suspension: Exclusion from University privileges and activities as set out in the order after a hearing, for a definite period not to exceed two years. The conditions of reinstatement shall be stated in the order of suspension.

8. Student Expulsion: Termination of student status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of expulsion.

9. Removal of Organization Registration: Termination of registered organization status for a minimum of two years. The conditions of re-admission, if any, shall be stated in the order of removal of registration.

F. Limitations

1. A student or organization alleged to have violated provisions of Article 22 is entitled to a hearing in accordance with procedures established by the Office of the Vice Provost for Student Affairs. Any appeal from such a hearing shall be directed to the University Judicial Board.

2. No sanctions or other disciplinary measures may be imposed against a student or organization by the University concerning non-academic conduct other than that (a) prescribed in this code, (b) prescribed in leases or contract terms willfully entered into by a student to obtain accommodations operated by the Department of Student Housing, or (c) prescribed in rules of non-academic conduct adopted by other University organizations pursuant to express authorization granted by the Student Senate.

3. No complaint may be filed with the Office of the Vice Provost for Student Affairs against a student or organization if more than six months has elapsed since the occurrence of the conduct in violation of University rules concerning non-academic misconduct, with the exception of Article 19(C)(2), which shall have no statute of limitations.

4. After a complaint of a violation of University rules concerning non-academic misconduct is received by an Office of the Vice Provost for Student Affairs official, written notice of the allegations must be sent to the student or organization within thirty (30) calendar days (including orientation and final examination weeks).

5. Students or applicants who gain admission to the University through false information may have their enrollment cancelled by the University Registrar in consultation with the academic dean and the Director of Admissions or their designees.

G. Interim Suspension

A student may be immediately excluded from classes and other University privileges or activities when the student’s continued presence on the campus constitutes a danger,
or threat of danger, to property, the student, or others. The student will receive a written notice stating the reasons for the interim suspension and the time and place of a hearing to be held within five (5) days at which the student has an opportunity to show why his or her continued presence on campus does not constitute a danger, or threat of danger, to others, the student, or property.

**Authority**

**Art. 20.** The Office of the Vice Provost for Student Affairs has the authority to administer this Code of Student Rights and Responsibilities.

**Art. 21.** Subject to the approval of the Chancellor, authority for the development of rules concerning student non-academic conduct resides in the Student Senate pursuant to Article V, Section 4, of the University of Kansas Senate Code. Nothing in this Code shall be construed to be inconsistent with the intent or purpose of the University of Kansas Senate Code.
REFERENCES / SUPPLEMENTAL INFORMATION

UNIVERSITY ALCOHOL & DRUG POLICY

PREVENTION OF ILLEGAL DRUG & ALCOHOL USE

On campus and in the workplace and conditions of employment

The University of Kansas prohibits the unlawful possession, use, manufacture, or distribution of alcohol or drugs by students or by employees on its property or as part of its activities. The University is committed to a program to prevent the illegal or irresponsible use of drugs and alcohol by students and employees. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances or alcohol in violation of the law on University property or at University events shall be subject to disciplinary action in accordance with policies of the State of Kansas, the Board of Regents, and the University of Kansas.

For employees, the University will take appropriate personnel action for such infractions, up to and including termination. See the Policy and Procedures on Substance Abuse. Students who violate this policy will be subject to sanctions which include completion of an approved drug or alcohol rehabilitation program, disciplinary warning, probation, suspension and expulsion from the University.

As a condition of employment, all employees of the University of Kansas shall abide by the terms of this policy statement and will notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The University will, in turn, notify as appropriate, the applicable federal agency of the conviction within ten days of receipt of notification of conviction. The University will initiate personnel action, up to and including termination, within thirty days of receiving notice of such conviction. Employees may also be required to satisfactorily participate, at their own expense, in a drug abuse assistance or rehabilitation program before being allowed to return to work. For purposes of this policy, "conviction" means a finding of guilt (including a plea of no lo contedere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

General Alcohol Policy

University of Kansas Policy

The consumption of alcoholic liquor on the campus of the University of Kansas is prohibited by State statute except under special circumstances provided by law. Any alcoholic liquor service must conform to the policies of the Kansas Board of Regents and the University of Kansas and must be approved by the Chancellor.

“Regulations Governing the Use of Alcoholic Liquor at University Events” is available from the Office of the Provost and Executive Vice Chancellor, 250 Strong Hall, or online https://documents.ku.edu/policies/provost/AlcoholicLiquoratUniversityEvents.htm
STUDENT NON-ACADEMIC CONDUCT PROCEDURES

I. Background

Under the University of Kansas’ Senate Rules and Regulations Article VI, Section 6.4.9, the Vice Provost for Student Affairs has the authority to define and describe the procedures for disputes involving alleged violations of the Code of Student Rights and Responsibilities by students (non-academic student conduct).

The University of Kansas’ non-academic student conduct process is not intended to be adversarial in nature and is substantially less formal than a court of law. The majority of cases can and should be handled informally. The purpose of the student conduct procedures is to resolve conflict situations that involve violations of the Code of Student Rights and Responsibilities or other University policy and educate and prepare students for responsible citizenship.

II. Authority

The Vice Provost for Student Affairs will designate individuals or units to administer the University student conduct system, as appropriate. The responsibilities of these individuals or entities are briefly defined as follows:

1. The Vice Provost for Student Affairs or his/her designee will be responsible for the coordination of the activities of the entire University student conduct system. The Vice Provost for Student Affairs or his/her designee will process and resolve student non-academic conduct matters. The Vice Provost for Student Affairs and his/her designee shall be responsible for monitoring student compliance with all non-academic conduct conditions and sanctions imposed through the conduct process and shall maintain all official non-academic student conduct records.

2. Hearing Officers will be appointed by the Vice Provost for Student Affairs or his/her designee. The responsibilities of Hearing Officers include preparing notices of violation, collecting information, conducting administrative hearings, making decisions related to conduct outcomes, and performing other functions as required in the student conduct process.

   a. Graduate level staff working in the Department of Student Housing are authorized to hear violations specific to the KU Student Housing Handbook and low-level violations of the Code of Student Rights and Responsibilities for students living within student housing.

   b. Professional level staff within the Department of Student Housing are authorized to hear violations of University Policy for students living within student housing which may rise to the level of University probation and/or Student Housing contract cancellation.
c. Staff working in the Office of the Vice Provost for Student Affairs are authorized to hear violations of University Policy for all students; including violations that may lead to suspension or expulsion from the University.

3. Formal Hearing Panels are scheduled when suspension or expulsion from the University may be a likely sanction. The Panels will consist of three members; one student, and two faculty or staff members. Typically the harmed party/complainant and accused student/respondent are present for the Panel hearing. In the event that either party does not appear at the hearing, the Panel may reach a decision by taking into consideration the totality of the information available at the time of the hearing.

III. Definitions

“Non-Academic Conduct” involves conduct covered under published policies, rules and regulations of the University and Kansas Board of Regents. This definition excludes conduct otherwise covered by the University’s definition of academic misconduct, U.S.R.R. 2.6.1.

“Accused student/Respondent” is a person who is alleged to have violated University Policy.

“Witness” is a person who has relevant information to share.

“Harmed party/Complainant” is an individual who claims to have been harmed by a student through a violation of the Code or University Policy. The University reserves the right to serve as a complainant.

“Incident Report” is the written report submitted describing the behavior and/or alleged violations of the University Policy.

“University Policy” are the written rules and regulations of the University as found in, but not limited to, the Code of Student Rights and Responsibilities; KU Student Housing Handbook; and, the University policy library. These include, but are not limited to, policies related to computer use, solicitation, sexual harassment and other anti-discrimination policies, athletic events, use of facilities, travel, and participation in student organizations.

“Hearing Officer” means a University official authorized by the Vice Provost for Student Affairs or designee to determine whether a student has violated University Policy, and to impose sanctions when a policy violation has been committed.

“Hearing” is the educational meeting between the Hearing Officer/Panel and student to determine the student’s behavior in the complaint, whether the student’s involvement is a violation of University Policy, and if a violation exists, determine appropriate sanctions. See Section VI C. for the types of hearings that exist.
IV. Making a Complaint

1. Any person attending University programs, using University facilities, working at or for the University, or participating in University-sponsored events or activities may file a complaint against a student. The complaint should be filed with the Vice Provost for Student Affairs.

2. Timeline for Complaints: Complaints of student non-academic conduct should be made as soon as possible, and in accordance with USRR Article VI, Section 3.1.3, within six months of the incident or event that is the subject of the complaint. In exceptional circumstances, the hearing officer/body may grant an extension to this time limit.

3. Dual Reporting: Non-academic conduct may be both a violation of University policy and law, and as such, the University encourages complainants to make reports to both local law enforcement agencies and the University. Because the standard of proof required in criminal law is different from the standard of proof required in University policy, the result of criminal investigations is not dispositive of whether a violation of University policy has occurred. In addition, the criminal investigation will not take the place of a University investigation, although such criminal investigation may supplement a University investigation. The University will not wait for the conclusion of a criminal investigation to begin conducting its own independent investigation, or to take interim measures to protect the University or any member of the University community, or when necessary, to initiate hearing procedures as outlined below.

4. Information requested: When filing a complaint, you should provide as much detail as possible regarding the nature of the complaint and any witnesses. The more information that you can provide, the better equipped the University will be to address the complaint. The University suggests you provide the following information to the extent possible:
   - Name and contact information (address, telephone, email) for the complainant;
   - Name of person(s) directly responsible for the alleged violations of policy;
   - Date(s), time(s), and place(s) of the alleged violation(s);
   - Detailed description of the specific conduct that is the basis of the alleged violation(s);
   - Copies of any documents or other tangible items pertaining to the alleged violation(s);
   - Names and contact information for any witnesses to the alleged violation(s); and
   - Any other relevant information.

5. Retaliation is Prohibited: University policy prohibits retaliation against a complainant or individual cooperating in the investigation of an alleged violation of University Policy. Retaliation includes any harassment, intimidation, threats or adverse action against any complainant or individual as a result of participation in a complaint. Retaliatory behavior is not limited to behavior by the accused student, and covers behavior by his or her associates, as well as third parties. Retaliation should be reported to the Hearing Officer, and is considered an independent allegation that may lead to additional interim measures or disciplinary action.
V. Complaint Handling and Resolution Process

A. Charges

1. Intake and Review: All concerns and complaints about a student’s or students’ conduct shall be referred to the Office of the Vice Provost for Student Affairs. The Hearing Officer will review the allegations and select the appropriate charges to be considered, if any. In instances where the complaints involve behavior that may fall under the University’s Nondiscrimination Policy, the complaint will be referred to the Office of Institutional Opportunity and Access (IOA) for investigation.
   a. When appropriate, the Hearing Officer will meet with the complainant in order to provide the complainant a general understanding of these procedures and to identify forms of support or interim measures available to the complainant.
   b. If the complainant does not wish to pursue resolution and/or requests that his or her complaint remain anonymous, the University may still need to investigate and take reasonable action in light of the complainant’s request.

   The complainant’s request will be balanced against the University’s need to provide a learning and working environment for all members of the University community that is reasonably safe and non-discriminatory. Factors that will influence the University action include: the seriousness of the allegation; whether there are additional complaints involving the same alleged student; and the University’s ability to bring the complaint forward absent the involvement of the complainant.

2. Interim Measures: To ensure the health, welfare, and safety of the complainant, respondent, third-parties or the University community, or to uphold the integrity of the process, the University may take interim action at any time and is not required to wait to take such action until after the Intake and Review or a hearing. Depending on the specific nature of the allegation, interim action may include but is not limited to the following:
   • Imposition of a No-contact order (a directive that the complainant and accused student refrain from having contact with one another, their families, and/or their personal possessions, directly or through proxies, whether in person or via electronic means, pending the investigation and, if applicable, the hearing);
   • Provision of counseling services;
   • Provision of medical services;
   • Provision of academic support services, like tutoring;
   • Provision of alterations to the student’s class schedule to ensure the complainant and alleged student do not attend the same classes;
   • Moving the complainant or alleged student to a different student housing facility;
   • Removing a student from residential facilities (See Residential Suspension); and
• Provision of an escort to ensure the student can move safely between classes and University activities.

3. Standard of Proof: A violation of University policy will be found and the accused student will be found responsible if the Hearing Officer, or Formal Hearing Panel by a majority vote, finds it more likely than not that the accused student violated University Policy based on all of the information presented during the investigation and hearing process.

B. Hearing Notification

1. Charge Letter: The Hearing Officer will issue a written letter which shall inform the accused student/respondent of the approximate date, time, place and type of incident, the complaining individual or entity, and the section(s) of University Policy that have allegedly been violated.
   a. Timeline: Hearings should not be scheduled less than one (1) working day or more than ten (10) working days after the student has been notified of the charges. An accused student may waive the one-day hearing requirement with approval from the Hearing Officer. The ten (10) working day timeline may be extended at the discretion of the Hearing Officer, taking into consideration finals, scheduled breaks, and other extenuating circumstances.
   b. Notice: Charge letters are sent to student’s University email accounts and are considered received when sent. For situations involving formal hearing, notice will also be sent via U.S. mail to student’s current local address listed on the University database. It is the student’s responsibility to keep his or her contact information current.

2. Notice of Restrictions: To protect the interests of involved students or the University, the charge letter may contain specific requirements or restrictions, pending the resolution of the matter through the hearing process. These requirements may include any of the interim measures listed in Section VI, A #3.

3. Interim Suspension:
   a. University Suspension: When there is a cause to believe a student/student organization endangers the health, safety, or welfare of the University community or its property, the Vice Provost for Student Affairs or his/her designee may order the student/student organization be temporarily suspended from University property and activities. A hearing for incidents involving interim suspension from the University shall occur within five (5) working days.
   b. Residential Suspension: A housing contract may be immediately suspended and the resident required to vacate the premises when circumstances indicate that the resident’s continued presence in the living unit may constitute danger, or threat of danger to property, the resident, or others in the housing system. For example, housing contacts of residents who are arrested for alleged criminal acts or against whom criminal charges are pending may be suspended. A hearing shall be held within five (5) working days, or on the earliest working day thereafter identified by the student, during which the
resident may demonstrate why his or her continued presence in the housing unit does not constitute a danger, or threat of danger to others, the resident, or property.

c. Interim suspension hearings may serve as an opportunity to evaluate the student/student organization’s interim status as well as serve to decide alleged violations of University policy if enough information is available at the time of the hearing. If such information is not available, the Interim suspension hearing will serve as a ‘show cause’ hearing to evaluate the interim status of the student/student organization, and the regular hearing process will be followed to determine violations of University policy. The decision regarding whether there is sufficient information to adjudicate alleged University policy violations lies solely with the University.

C. Options for Resolution of Conduct Charges

1. Alternative Conflict Resolution (ACR): If all person(s) personally and directly affected by the conflict agree to resolve the complaint through an alternative conflict resolution process (i.e. mediation, restorative justice), and the Hearing Officer believes that the alternative conflict resolution process is an appropriate form of resolution, then the Hearing Officer will make arrangements for the alternative conflict resolution to occur.
   a. Alternative conflict resolution is not appropriate for all complaints; namely, sexual harassment and some complaints of violence.
   b. ACR is a voluntary process that may or may not result in an agreement. When an agreement is reached by the parties involved, the case is resolved and parties are responsible for completing any agreed upon sanctions.
   c. If an alternative conflict resolution agreement is not reached or upheld, the complaint will be referred to either an Administrative Hearing or Formal Panel Hearing.

2. Administrative Hearings
   a. In instances where the accused student is a resident of Student Housing, and the behavior is a violation of the KU Student Housing Handbook and the student is being charged with violation of no other University Policy (e.g. trash, pets, amplified instruments, candles, etc.), an accused student shall meet with a Hearing Officer in an informal administrative hearing.
      1. If a violation of the KU Student Housing Handbook is found, the Hearing Officer may assign a formal conduct sanction of University Warning, and any other educational sanction or restriction found in either the Code or the Student Housing Handbook.
      2. If the accused student/respondent fails to participate in the process by failing to attend a meeting or providing information, the Hearing Officer may render a decision based on the available information.
      3. An accused student who fails to participate or disagrees with the finding of the administrative hearing does not waive the right to appeal.
b. In situations where the behavior is a violation of University Policy and the administrative sanction is less than University suspension, or when suspension is a likely sanction and there is no disputation of facts by the accused student/student organization, an accused student/student organization shall meet with a Hearing Officer in an informal administrative hearing.

1. If a University Policy violation is found, the Hearing Officer may assign any formal conduct sanction, educational sanction, or restriction, with the exception of expulsion.

2. If the accused student/respondent fails to participate in the process by failing to attend a meeting or providing information, the Hearing Officer may render a decision based on the available information.

3. An accused student/student organization who fails to participate or disagrees with the finding of the administrative hearing does not waive the right to appeal.

3. Formal Panel Hearing: When expulsion from the University may be a likely sanction, or when suspension is a likely sanction and there is a disputation of facts by the accused student/student organization, the accused student/student organization shall meet before a formal hearing panel.

a. A student may waive his or her right to a Formal Panel Hearing and resolve an incident through an informal administrative hearing. Waiving the right to a Formal Panel hearing does not waive the right to appeal.

b. Notice of Formal Resolution will be sent by the Vice Provost for Student Affairs and his or her designee to the accused student/student organization and complainant at least 10 working days prior to any hearing, except in cases involving an interim suspension. The notice of hearing shall include the following information:
   1. Date, time, place of hearing;
   2. Specific violations of the Code and/or University Policy that the student is charged with;
   3. Name of complainant or University department submitting complaint;
   4. Notice of the conduct forming the basis for the complaint, which may include the time, place, person(s) involved, circumstances of alleged prohibited conduct, and name(s) of possible witness(es);
   5. A statement of the applicable type of conduct hearing;
   6. Any applicable requirements or restrictions to protect the interests of affected students or the University; and
   7. Other information the Vice Provost for Student Affairs and his or her designee may wish to include.

c. Pre-hearing Submission: The complainant and the accused student shall submit to the Vice Provost for Student Affairs or designee any information s/he wishes to present at the hearing, the name of his/her advisor(s) and if s/he is an attorney, and a possible list of witnesses six (6) working days prior to the hearing. Absent good cause, as determined by the Vice Provost for Student Affairs or designee, the parties may not submit information for the hearing.
after this deadline. Upon the receipt of information from both parties, the Vice Provost for Student Affairs or designee will review the information submitted to eliminate any redundant or prejudicial information. The Vice Provost for Student Affairs or designee, based on the totality of information, reserves the right to modify the charges included in the notification of Formal Resolution and add witnesses to the witness list.

d. The Vice Provost for Student Affairs or designee will be responsible for notifying all witnesses of the hearing and for the creation of the Formal Panel Hearing file. Copies of the Formal Panel Hearing file will be made available to the parties and Panel at least three (3) working days prior to the hearing and will contain, at a minimum, statement of complaint, witness lists submitted by each party, and any related information collected through the investigative process by the Hearing Officer.

e. The Formal Panel Hearing is an administrative hearing and will not follow a courtroom model or formal rules of evidence. The Panel will determine the order of witnesses, and the Chair will resolve any questions of procedure during the hearing. Each party will be allowed to make a presentation, have witnesses called on his/her behalf, challenge any information presented, and make a closing statement. Only the Chair and Panel members are given absolute authority to directly question parties and witnesses. At the discretion of the Chair, parties may directly question witnesses and each other, but the Chair is empowered to have questions directed to the Chair, disallow or reframe any questions.

f. The University does not have subpoena powers, and as such, witnesses and other individuals asked to participate in a Formal Panel Hearing may choose not to participate. In the absence of personal appearances, the Panel and parties will rely on the documentary information provided in the Formal Panel Hearing file.

g. The student respondent may choose not to attend the formal hearing. If a student respondent, with notice, does not appear for a Formal Panel Hearing, the failure to respond or appear will not create a presumption of either responsibility or non-responsibility. In such cases, available information shall still be presented and considered and the Panel shall make a decision based upon the information available to it.

h. The University is able to provide information/testimony through closed-circuit technology; Webex, Skype, etc. This technology may be used in circumstances where parties or witnesses are otherwise unable to participate in the hearing, or at the request of parties for good cause, as determined at the discretion of the VPSA.
i. A recording will be made of the hearing for the purpose of review by an appeal panel, if necessary. The recording shall be the property of the University and will be maintained as such for a period of seven (7) years after the hearing. However, it shall be maintained for a longer period if the matter is subject to a litigation hold and/or pending in a court of law. Upon the written request of the student respondent or complainant, or his or her advisor, a copy of the recording shall be made available by the Vice Provost for Student Affairs within fifteen (15) working days of the request. Confidentiality of recordings from hearings shall be maintained by all parties and their representatives/advisors.

j. Hearing Panel Findings and Recommendations: Immediately after the hearing, the Panel members will deliberate among themselves and determine:
1. Whether the facts presented establish that the alleged conduct charged occurred;
2. Whether the conduct that occurred violates the Code of Student Rights and Responsibilities as charged; and
3. Their recommendations for which specific sanctions, if any, should apply in light of their findings.

The Chair will write a report containing the Hearing Panel’s findings of facts, its conclusion about the charge(s) based on the facts, and its recommendations for sanctions, if any. This report will be sent to the Office of the Vice Provost for Student Affairs within five (5) working days after the hearing.

k. Hearing Determination: After a formal hearing before a Panel, the Vice Provost for Student Affairs will review the report of the Panel and all hearing materials, determine whether to accept the recommendations, and provide written notification to the accused student and the complainant of the findings and sanctions, if any. Sanctions imposed by the Vice Provost for Student Affairs are effective immediately unless otherwise specified in the notification. If sanctions are imposed, notice of the appeal procedure will be provided to both parties. Minor technical departures or errors in the procedures established by this policy will not necessarily be grounds to withhold conduct action.

l. All Formal Panel Hearings are closed unless the accused student/student organization requests an open hearing. The Vice Provost for Student Affairs or his/her designee must approve the opening of said hearing.

m. A single hearing may be held for more than one accused student/student organization in cases arising out of a single occurrence. Each accused student/student organization retains the right to request that his/her or its case be heard individually.
VI. Additional Information

The University will strive to complete complaint investigations, including issuance of a report of findings to the complainant and accused student, in as timely and efficient a manner as possible and typically within sixty (60) calendar days of receipt of a complaint. However, this timeframe may be extended based on factors such as, but not limited to, schedule and availability of witnesses, holidays or semester breaks including summer break, and complexity of the complaint. If an investigation cannot be completed within sixty (60) calendar days of receipt of the complaint, then the Hearing Officer will notify the complainant and accused student of that fact and provide a timeframe for completing the investigation.
KU University Senate Rules & Regulations

ARTICLE V. ORGANIZATION FOR CONFLICT RESOLUTION

Section 1. University Ombuds Office

5.1.1 Appointment. The University Ombuds and Faculty Ombuds shall be appointed by the Chancellor from among a panel of three candidates presented by the University Senate Executive Committee.

5.1.2 Ombud’s Office. Faculty will be represented in the staffing of the Ombuds Office through a part time appointment of a faculty member either to the position of University Ombuds or as Faculty Ombuds.

5.1.3 Term of Office. A faculty member serving in the Ombuds Office shall serve a three-year term. The Faculty Ombuds shall be eligible for reappointment.

5.1.4 Qualifications. The University Ombuds shall possess a comprehensive knowledge of the University organization and procedures and a post-baccalaureate degree. He or she shall, at the time of initial appointment, have completed at least six years of service at the University of Kansas.

Section 2. Unit Level Grievance Procedures

5.2.1 Establishment and Maintenance of Unit Level Grievance Procedures.

5.2.1.1 Larger Organizational Units. The following organizational units shall be required to establish and maintain grievance procedures for utilization by directly subordinate units:

(a) The Office of the Chancellor
(b) The Office of the Provost and Executive Vice Chancellor
(c) The Office of the Vice Chancellor and Dean of the Edwards Campus
(d) The offices of the Vice Provost for Student Affairs, Research, and Information Services
(e) The several schools and the College of Liberal Arts and Sciences

5.2.1.2 Subordinate Units. Subordinate units may choose to establish, create, adopt or maintain their own grievance procedures or they may elect to have grievance procedures implemented by the larger organizational entity within which the unit is contained.

5.2.1.3 Review and Approval. Any organizational unit that has developed a grievance procedure shall submit it to the General Counsel of the University. Unless the General Counsel determines that the procedure as submitted is in conflict with existing law, rules of the Board of Regents, or rules or regulations of the University, it shall become effective thirty calendar days after such submission.

5.2.1.4 Election of Larger Unit Procedure. Any unit which has elected to place itself under the grievance procedure of the respective larger entity shall report this election in writing to the Judicial Board Chair, with information copies to the General Counsel of the University, the Equal Opportunity Office, and the University Ombudsman.
5.2.2 Essential Elements of Grievance Procedures. Because of the great variations in size and functions of units, standardization of grievance procedures is considered inappropriate. However, each such procedure shall comply with the Procedural Guarantees of Article XIV, section 2, of the University Senate Code, and shall provide for:

a) a time limit, not to exceed thirty calendar days from the written submission of a complaint to its hearing, with provisions for extensions for good cause;

b) the opportunity for each side to submit supporting materials and introduce supporting witnesses;

c) the opportunity for each side to be informed of material supporting the action or position of the other side;

d) the exclusion of any party involved in the complaint from the rendering of any decision;

e) the creation of a record of the proceeding, including audio tape recording of the hearing and a written decision of the hearing body.

5.2.3 Dissemination of Information. Information concerning the procedure adopted by a unit shall be easily available to all persons employed in or using the services of the unit. Copies of the procedures shall also be placed on file in the Equal Opportunity Office, with the University Ombudsman, and the Judicial Board Chair, and shall upon request be made available to the administrators of other University units.

5.2.4 Change and Amendments. Any change of or amendment to a grievance procedure shall be subject to review and approval as provided in 5.2.1.3, above, and updated copies disseminated as provided in 5.2.3, above.

Section 3. The Judicial Board

5.3.1 Chair. The law member serving in his or her third or final year as member of the Judicial Board shall serve as its Chair. If, by reason of absence, disability or disqualification, the Chair is unable to serve, the law member next senior in terms of service on the Judicial Board shall assume the chairperson's duties.

5.3.2 Effective Date of Membership. The terms of service on the Judicial Board shall commence on the 16th day of August, except that in the filling of a vacancy the appointment shall become effective on the day on which the appointee's acceptance is made known to the Judicial Board Chair.

5.3.3 Hearing Panels. All members of the Judicial Board shall be available for service on hearing panels, except that any member who has participated in grievance procedures on the same case or who in any other manner has been involved in the case shall not be asked to serve. Members of a hearing panel, five in number, shall be designated by the Judicial Board Chair as follows:

(a) The Hearing Panel shall be chaired by a law member.

(b) At least one member shall belong to the same appointment group (Article XIII, Section 6 (a)(ii) to (vi) of the Senate Code) as the claimant or complainant, and one to the same group to which the respondent belongs.

(c) If possible, at least one member should be of the same race as the complainant.

(d) If possible, at least one member should be of the same sex as the complainant.

To ascertain the prior involvement of selected individuals, the Judicial Board Chair shall advise these five members of the Board by confidential communication of the nature of complaint, including the names of the parties involved, and call for members who have had any prior connection with the case to inform him or her of
that fact without delay. In the case of the prior involvement of a selected Board member, a replacement shall be similarly chosen.

5.3.4 Appeals Panel. Appeals panels shall consist of at least one law member who did not serve on the hearing panel, if any, in the particular case. This law member shall chair the appeals panel. The Judicial Board Chair and the chair of the appeals panel shall designate two additional members of the Judicial Board who did not participate in the procedures in the same case at any other level.

5.3.5 Ad Hoc Law Members. If no regular law member is available to serve on a hearing or appeals panel, the Judicial Board Chair may designate an ad hoc law member to serve on that panel. An ad hoc law member shall meet the requirements for law members contained in Article XIII, Section 5(a)(i) of the University Senate Code.

Section 4.  The Court of Parking Appeals.

5.4.1 Chief Justice. The Chief Justice of the Court of Parking Appeals shall be elected by the membership of the Court which shall be called to meet in April or May of each year. At the same meeting, after the Chief Justice has been elected and has assumed the chair, an associate Chief Justice shall be elected by the membership. The Associate Chief Justice shall assume the Chief Justice's duties if the Chief Justice should resign, is absent for a prolonged period of time, or is disabled or disqualified.

5.4.2 Administrator. The Chief Justice shall be the administrative officer of the Court of Parking Appeals. He or she may call upon the associate Chief Justice to assist with the administrative tasks of the Court.

5.4.3 Court members shall be selected to participate in Court proceedings in accordance with selection procedures established by the Court. The Chief Justice shall designate one member of each panel to chair that panel.

5.4.3.1 Challenges. Parties to a Court proceeding may challenge a member of the Court for grounds constituting prejudice or bias on the part of the member, which challenge shall be sustained only by the concurrence of a majority of the Court. A member may disqualify himself or herself for cause from participating in a particular proceeding, subject to concurrence in his or her disqualification by a majority of the Court.

ARTICLE VI. PROCEDURES FOR CONFLICT RESOLUTION

Section 1. General Provisions

6.1.1 Purpose. The purpose of these procedures is to resolve conflict situations within the University community. The governance system does not command sanctions and has no enforcement powers. Its aim, therefore, is to find the facts of a contested situation and to make reasonable and appropriate recommendations to those having the legal power and the responsibility to act. Recommended action should be in the University community's best interest and protective of the rights of the individuals involved.

6.1.2 Protection of Privacy Interests. Except when all parties agree that the hearing shall be public, all proceedings provided for in the Article shall be closed to all but the parties involved. Public reports by any of the boards, committees or bodies involved may refer to the types of cases heard but no mention may be made of the names of the parties nor any reference made which would permit their identification. The names of parties, the nature of a complaint, and the resolution of the case may be disclosed, however, for purposes of action taken under U.S.R.R. 6.5.4 against an individual for abuse of the grievance process, or pursuant to
U.S.R.R. 6.8.4.2 for the purpose of identifying multiple or successive grievances involving substantially the same underlying occurrence or events.

6.1.3 **Prohibition of Retaliation.** No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for having utilized or having assisted others in the utilization of grievance procedures. Provided, however, that sanctions for a pattern of frivolous and abusive grievances may be imposed under U.S.R.R. 6.5.4.

6.1.4 **Absolute Judicial Immunity.** Absolute judicial immunity shall exist for all members of unit level hearing bodies, mediators selected pursuant to U.S.R.R. 6.2.3.3, the University Ombudsman, the Judicial Board and any of its panels, the Faculty Rights Board, the University Senate Executive Committee, and the Faculty Executive Committee with respect to their services as members of those units in any case, controversy, original proceeding, appeal, or any other matter in which they have served in a judicial, quasi-judicial, or other conflict-resolving role, including mediation, involving any matter over which the unit has jurisdiction.

6.1.5 **Computation of Time.** Unless otherwise expressly provided, in applying the time limitations set forth in this Article, the computation of elapsed time shall be in accordance with calendar days, including Saturdays, Sundays, and days on which, in accordance with University Calendar, classes do not meet. Because parties, members of decision making bodies, and other individuals relevant to a particular dispute may not be available during the Summer months, the Judicial Board and other tribunals shall accept complaints from May 15 to August 15, but need not take action on them during that period. This provision does not prevent the Judicial Board or other tribunals from scheduling a hearing or taking other action during the summer months if the Board or other tribunal determines that such action is appropriate and consistent with the rights of the parties.

6.1.6 **Contrary Law.** The provisions of these procedures shall be superseded by any contrary provision of state or federal law.

**Section 2. Informal Means of Dispute Resolution**

6.2.1 **Generally.** The collegial atmosphere of the University community is best served through informal compromise resolution of disputes. Thus, before pursuing formal grievance procedures, a grievant should ordinarily attempt to resolve the matter informally through direct or indirect consultation with the other party or through discussions with supervisory personnel.

6.2.2 **Ombuds Office.** The University and Faculty Ombuds shall be available (a) to receive and attempt to resolve individual grievances of members of the University community; and (b) to recommend procedural changes within the University in response to experience acquired in investigating individual cases.

6.2.2.1 **Powers.** The University and Faculty Ombuds shall have access to all administrative officials of the University and, in accordance with law, to all University records, including those of faculty members. He or she shall not have authority to take disciplinary action, reverse decisions, or circumvent existing University rules and procedures. He or she shall supplement, not replace, other means, where they exist, for redress of grievances. All proceedings in individual cases shall be held confidential by the Ombudsman unless otherwise authorized by the complainant.

6.2.2.2 **Reports.** The University and Faculty Ombuds shall at least annually make reports to the University community at large.

6.2.3 **Mediation.**
6.2.3.1 **Generally.** Informal mediation shall be available to resolve disputes within the University community. Unless either party to a dispute waives mediation, mediation shall occur prior to a hearing on the dispute.

6.2.3.2 **List of Mediators.** A list of individuals willing to serve as mediators and with training and/or experience in dispute resolution shall be maintained by the Ombuds Office and the Judicial Board Chair, in consultation with others throughout the university community.

6.2.3.3 **Selection of a Mediator.** A mediator shall be selected by the parties from the list of mediators maintained by the Ombuds Office and the Judicial Board Chair, or the parties may agree on another individual to serve as mediator. If the parties cannot agree on a mediator, they may request that the Ombuds Office and/or the Judicial Board Chair select a mediator.

6.2.3.4 **Mediation Procedures.** The procedures to follow in mediation shall be determined by the mediator in consultation with the parties.

6.2.3.5 **Suspension of Time Limits.** The running of any time limits in the procedures for dispute resolution, Article VI of the University Senate Rules and Regulations, shall be suspended during the mediation process; that is, the time from the initiation of the mediation process until it is terminated by the mediator or either party shall not count against any time limit contained in those procedures.

**Section 3. Complaint and Response**

6.3.1 **Complaint.** Dispute resolution procedures shall be initiated through the submission of a written complaint to the hearing body with jurisdiction of the matter pursuant to section 6.4 of the University Senate Rules and Regulations.

6.3.1.1 **Contents.** The complaint shall contain a statement of the facts underlying the complaint and specify the provision(s) of the Faculty Code of Conduct, University Senate Code, The University Senate Rules and Regulations, the Code of Student Rights and Responsibilities, or other applicable rule, regulation, or law allegedly violated. The complaint shall also indicate the witnesses or other evidence relied on by the complaining party, and copies of any documents relevant to the complaint shall be attached to the complaint.

6.3.1.2 **Copies to Respondents.** The complaining party shall provide a copy of the complaint, with accompanying documents, to the respondent(s); i.e., the party or parties charged in the complaint. The chair of the hearing body shall, upon receipt of a complaint, contact the respondent(s) to verify that a copy has been provided in accordance with this provision.

6.3.1.3 **Time Limit on Complaints.** Unless otherwise provided by law with respect to a specific category of complaint, no complaint shall be entertained in the hearing phase if more than six months have elapsed between the action or event complained of and the filing of the complaint. The period from May 15 to August 15 shall be counted for purposes of determining whether a complaint has been filed within the six-month limit. In exceptional circumstances, a majority of the relevant hearing body, upon written request of the complainant, may grant an extension to this time limitation. **However, the six-month time limit shall not apply to complaints brought by the Chancellor to the Faculty Senate Faculty Rights Board.**

6.3.2 **Response.** A respondent shall submit a written response to the hearing body within two weeks of receiving the complaint, except that responses to complaints filed before the Faculty Rights Board shall be filed in accordance with the time frames set forth in C.2.f of the Handbook for Faculty and Other Unclassified Staff.
6.3.2.1 Contents. The response shall contain the respondent's statement of the facts underlying the dispute, as well as any other defenses to the allegations in the complaint. The response shall also indicate the witnesses or other evidence relied on by the respondent, and copies of any additional documents relevant to the response shall be attached.

6.3.2.2 Copy to Complaining Party. The respondent shall provide a copy of the response to the complaining party. Upon receipt of the response, the chair of the hearing body shall contact the complaining party to verify that a copy of the response has been provided in accordance with this provision.

6.3.2.3 Waiver of Defenses. Failure to respond or to raise a particular defense in the response shall not prevent the raising of the defense at a subsequent hearing or appeal unless the complaining party is prejudiced thereby.

Section 4. Jurisdiction

Disputes involving the following subject areas shall be heard by the following bodies:

6.4.1 Disputes involving faculty members and questions of academic freedom, tenure rights, dismissal, appointment, promotion, reappointment, and non-reappointment:

6.4.1.1 Hearing. Faculty Rights Board. (Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998, C.2.f)

6.4.1.2 Appeal. None within the university. (Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998, C.2.f.3, Section 14)

6.4.2 Disputes involving questions of faculty rights and responsibilities:

6.4.2.1 Hearing for Major Sanctions (censure, suspension, dismissal, and leave without pay). Faculty Senate Faculty Rights Board. (Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998, C.2.f.1; C.2.e, Art. III)

6.4.2.2 Hearing for Minor Sanctions (warning and restitution). Hearing Panel of the Judicial Board. (Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998, C.2.e, Art. III)

6.4.2.3 Appeal. An appeals panel of the Judicial Board may consider an appeal from a Judicial Board hearing pursuant to Section 6.7 of the University Senate Rules and Regulations, but no appeal is available within the university for hearings on major sanctions conducted by the Faculty Senate Faculty Rights Board. (Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998, C.2.f.3, Section 14)

6.4.2.4 Merit Salary. Disputes involving merit salary increases for faculty and unclassified staff shall be resolved through the Office of the Provost, and neither the Faculty Senate Faculty Rights Board nor the Judicial Board shall have jurisdiction to consider merit salary disputes either at a hearing level or on appeal.
6.4.3 Disputes involving alleged academic misconduct by faculty or students and alleged violations of student rights by faculty or staff:

6.4.3.1 Hearing. Appropriate unit level grievance procedure or Judicial Board hearing panel. Hearings shall be held at the smallest unit with jurisdiction that has adopted procedures pursuant to section 5.2.1 of the University Senate Rules and Regulations, or in the event that a grievance is filed against an administrator of that unit, the next larger unit. However, a Judicial Board hearing panel shall hear the dispute if:

   (a) the parties agree to hold the hearing before a judicial board hearing panel; or

   (b) either party petitions the Judicial Board Chair for a Judicial Board hearing, specifically alleging reasons why a fair hearing cannot be obtained at the unit level, and the Judicial Board Chair grants the petition. A copy of any such petition shall be made available to the opposing party, who shall have the opportunity to respond.

6.4.3.2 Appeal. An appeals panel of the Judicial Board may consider an appeal from either a unit level or Judicial Board hearing pursuant to section 6.7 of the University Senate Rules and Regulations. Larger units do not have jurisdiction to hear appeals from subordinate units.

6.4.3.3 KU Mediated/Online Courses and Courses offered through Continuing Education. Students/Faculty may opt to participate in the hearing or appeal in person (at their own expense) or by conference call if the course is taken from a distance greater than 150 miles from Lawrence.

6.4.3.4 Professional Standards. When a state licensing or regulatory body has delegated to an academic unit the authority to enforce legally imposed professional standards, the Judicial Board shall not have jurisdiction to hold a hearing or consider an appeal from the application of those standards.

6.4.4 Disputes involving allegedly improper application of grading procedure:

6.4.4.1 Hearing. Appropriate unit level grievance procedure. Hearings shall be held at the smallest unit with jurisdiction that has adopted procedures pursuant to section 5.2.1 of the University Senate Rules and Regulations, or in the event that a grievance is filed against an administrator of that unit, the next larger unit.

6.4.4.2 Appeal. An appeals panel of the Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and Regulations.

6.4.4.3 KU Mediated/Online Courses and Courses offered through Continuing Education. Students/Faculty may opt to participate in the hearing or appeal in person (at their own expense) or by conference call if the course is taken from a distance greater than 150 miles from Lawrence.

6.4.5 Disputes involving allegations of discrimination on the basis of race, religion, color, sex (including pregnancy and sexual harassment), disability, national origin, ancestry, veteran status, age, sexual orientation, marital status or parental status:

6.4.5.1 Investigation of complaint. Department of Human Resources/Equal Opportunity. (See the University of Kansas Discrimination Complaint Resolution Process)
6.4.5.2 **Appeal.** If the HR/EO investigation results in sanctions or disciplinary action, review may be requested based on one’s employment status:

a) Faculty and unclassified academic staff: Administrator’s decision may be reviewed by the University Judicial Board or Faculty Rights Board (determined by the sanction).

b) Students: Vice Provost for Student Affairs decision may be reviewed according to Code of Student Rights and Responsibilities.

c) Graduate Teaching Assistants: Decision may be reviewed in accordance with the Memorandum of Agreement between the Univ. of Kansas, the Kansas Board of Regents, and the Kansas Association of Public Employees (see USRR 6.4.16)

d) Graduate research assistants and other student employees: Supervisor's decision may be reviewed by next-level administrator.

e) Unclassified professional staff members: Administrator’s decision may be reviewed in accordance with the conflict resolution procedures specified in section C.4 of the Handbook for Faculty and Other Unclassified Staff (see USRR 6.4.15)

f) University Support Staff: Depending on sanction, may appeal to the Disciplinary Action Hearing Board for University Support Staff.

6.4.6 Summons or citation for violation of parking and traffic rules:

6.4.6.1 **Hearing.** Court of Parking Appeals. (Section 6.9 of the University Senate Rules and Regulations.)

6.4.6.2 **Appeal.** None within the University. (K.S.A. 74-3215)

6.4.7 Revocation of parking permit.

6.4.7.1 **Hearing.** Court of Parking Appeals (Section 13.3 (b) of the University Senate Code).

6.4.7.2 **Appeal.** An appeals panel of the Judicial Board may consider the appeal (Section 6.9.6 of the University Senate Rules and Regulations).

6.4.8 Disputes involving Library Fines:

6.4.8.1 **Hearing.** Library Appeals Board. (Section 13.7 of the University Senate Code.)

6.4.8.2 **Appeal.** None within the University.

6.4.9 Disputes involving alleged violations by a student of the Code of Student Rights, Responsibilities and Conduct (nonacademic misconduct).
6.4.9.1 **Hearing**, Vice Provost for Student Affairs. (Procedures of the Office of the Vice Provost for Student Affairs.)

6.4.9.2 **Appeal**. The decision may be reviewed by an appropriate administrative officer and/or an appeals panel of the Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and Regulations.

6.4.10 Disputes involving alleged violations by a student of the Student Senate Election Code.

6.4.10.1 **Hearing**, Student Election Commission (Student Senate Election Code, Sec. 412).

6.4.10.2 **Appeal**. An appeals panel of the University Judicial Board may consider the appeal pursuant to section 6.7 of the University Senate Rules and regulations. (Student Senate Election Code, Sec. 500).

6.4.11 Disputes involving rights and responsibilities under the Family Educational Rights and Privacy Act ("Buckley Amendment."): 

6.4.11.1 **Hearing**, Vice Provost for Student Affairs (Procedures of the Office of the Vice Provost for Student Affairs under Article 22, Section 4, of the Code of Student Rights, Responsibilities, and Conduct.)

6.4.11.2 **Appeal**. None within the University. (If a student believes the University is not in compliance with the Privacy Act, the student may file a complaint with the Family Policy Compliance Office of the U.S. Department of Education.)

6.4.12 Disputes involving alleged violations of Department of Student Housing policies and matters arising under Student Housing contracts:

6.4.12.1 **Hearing**, Director of the facility in which the student resides. (See Housing Handbook, Policies and Procedures, The Student Housing Conduct Process.)

6.4.12.2 **Appeal**, Department of Student Housing (Article 2, Section F, Code of Student Rights, Responsibilities, and Conduct).

6.4.12.3 **Optional Procedure for Violations of Student Code of Rights, Responsibilities, and Conduct**.
When alleged conduct in violation of Department of Student Housing policies or contracts is also in violation of the Code of Student Rights, Responsibilities, and Conduct, the Director of Student Housing may elect to seek sanctions under the Code of Student Rights, Responsibilities, and Conduct by proceeding in accordance with Section 6.4.9 of the University Senate Rules and Regulations.

6.4.13 Disputes involving classification as a non-resident student for fee purposes:

6.4.13.1 **Hearing**, Committee on Residence Status (Kansas Administrative Regulations, 88-2-3).
6.4.13.2 **Appeal.** None within the University (Kansas Administrative Regulations, 88-2-4).

6.4.14 Disputes involving assessment or refunds of tuition and fees:

6.4.14.1 **Hearing.** Appeals Committee appointed by the Provost.

6.4.14.2 **Appeal.** None within the university.

6.4.15 **Disputes involving employment-related issues of Unclassified Professional Staff members:**

6.4.15.1 **Hearing.** The hearing will be in accordance with the applicable Unit Grievance Procedures as specified in C.4.1 of the Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998 (“Conflict Resolution” section of the Personnel Policies and Procedures, Unclassified Professional Staff).

6.4.15.2 **Appeal.** Upon request by either party, a three-person review panel appointed by the Provost or the Provost’s designated representative will review the decision of the unit, relevant documents, and written statements by either party. The review panel shall prepare written recommendations which shall be advisory to the Provost, or, in cases of disputes within the area of the Chancellor or the University Director of Facilities Management, to the Chancellor or University Director. A statement of final disposition shall be issued by the Provost, Chancellor, University Director of Facilities Management or his/her designee. The disposition is not appealable within the University. (C.4.1.5 of the Handbook for Faculty and Other Unclassified Staff, University of Kansas, Lawrence, 1998)

6.4.16 Disputes involving employment-related issues of Graduate Teaching Assistants:

6.4.16.1 Disputes shall be resolved through the grievance and appeal procedure set forth in the *Memorandum of Agreement between The University of Kansas and the Kansas Board of Regents and The Kansas Association of Public Employees (Representing Graduate Teaching Assistants at the University of Kansas, Lawrence)*, so long as the agreement is in force.

NOTE: Policies related to University Support Staff performance can be found in the University Support Staff Handbook.

Section 5. **Prehearing Procedures and Administration of the Grievance System**
In any matter pending before the Judicial Board in the hearing or appeals phase, the Judicial Board Chair may take the following actions:

6.5.1 **Additional Information**

6.5.1.1 **Completion of Complaint, Appeal, or Response.** The Judicial Board Chair may seek from either party additional information necessary to ensure that a complaint, appeal, or response is complete. Any information so obtained shall be made available to the opposing party.
6.5.1.2 Other Necessary Information. The Judicial Board Chair may, with notice to the parties, request such additional information from either party or other members of the university community as he or she determines may be necessary to provide for a fair and accurate resolution of the dispute.

6.5.2 Jurisdictional Rulings

6.5.2.1 Request of a Party. When a party to a dispute has requested an initial hearing before the Judicial Board under Section 6.4.3.1(b) of the University Senate Rules and Regulations, the Judicial Board Chair shall rule on the jurisdictional request and inform the parties in writing of his or her decision and the reasons for it. If the Chair determines that a hearing on the jurisdictional request is necessary, the Chair may, at his or her discretion, schedule a hearing, with appropriate notice to the parties. The jurisdictional ruling of the Chair shall not be reviewable.

6.5.2.2 Other Hearing Bodies. If a jurisdictional question arises in a dispute pending before another hearing body under Section 6.4 of the University Senate Rules and Regulations, that body may request a jurisdictional ruling from the Chair of the Judicial Board. Any such ruling shall be considered binding on other hearing bodies within the university community, but may be reviewed by an appeals panel of the Judicial Board after a hearing on the dispute, provided that such an appeals panel would otherwise have jurisdiction under section 6.4 of the University Senate Rules and Regulations.

6.5.2.3 Choice of Forum. The Chair of the Judicial Board, the Office of the General Counsel of the University, the University Ombuds office, the Equal Opportunity Office, and the Office of Legal Services for Students shall be available to render advice on informal and formal means of dispute resolution and to assist in the identification of the hearing body (or bodies) with jurisdiction over the matter. The complainant's choice of a hearing body is ordinarily final provided the hearing body has jurisdiction pursuant to section 6.4 of the University Senate Rules and Regulations. The selection of one hearing body shall preclude subsequent recourse to other procedures within the university unless the hearing body selected lacks jurisdiction.

6.5.3 Involuntary Dismissal and Summary Judgment

6.5.3.1 Dismissal Without a Hearing. The Judicial Board Chair or any Judicial Board panel adjudicating a grievance or appeal may dismiss involuntarily or by summary judgment, without a hearing and upon the pleadings alone, any grievance or appeal on the grounds that:

a) the grievance or appeal, or another grievance or appeal involving substantially the same underlying occurrence or events has already been, or is being, adjudicated by proper University procedures;

b) the grievance or appeal has not been filed in a timely fashion;

c) the Judicial Board lacks jurisdiction over the subject matter or any of the parties;

d) the grievance does not state a cause of action, that is, it fails to allege a violation of a University rule, or the appeal fails to state a valid ground for appeal;

e) the party filing the grievance or appeal lacks standing because he or she has not suffered a distinct injury as a result of the challenged conduct and has not been empowered to bring the complaint or appeal on behalf of the university,
f) the party filing the grievance has been denied the right to file grievances pursuant to U.S.R.R. 6.5.4.

6.5.3.2 Dismissals for Which a Hearing is Required. The Judicial Board Chair or any Judicial Board panel adjudicating a grievance may dismiss involuntarily or by summary judgment, after a hearing based solely on the grounds for dismissal, any grievance on the grounds that:

(a) the grievance fails to allege an infringement of commonly accepted standards of behavior within the University community;

(b) the grievance is frivolous, or was filed for malicious or harassing purposes.

6.5.3.3 Dismissal for Nonparticipation. If a party who has filed a grievance complaint (the complainant) repeatedly and purposefully refuses or fails to participate in any proceeding related to the complaint, any party against whom the complaint has been filed (the respondent) may petition the Judicial Board Chair for an order of dismissal, and, upon finding that the complainant has refused or failed to participate in any such proceedings, the chairperson shall enter an order in the proceedings dismissing the complaint involuntarily and with prejudice in that matter or case against the complainant. In making a decision on the petition for involuntary dismissal with prejudice, the Judicial Board Chair shall consider and review the record of the proceedings and may take whatever other action the chairperson deems appropriate to determine the facts concerning the complainant's refusal or failure to participate.

6.5.3.4 Appeal of Dismissal

(a) When a case is dismissed before an initial hearing on the merits of the complaint by the Judicial Board Chair or by a hearing panel under this section, the aggrieved party may appeal the dismissal to an appeals panel of the Judicial Board, provided an appeals panel would otherwise have jurisdiction over the case if a hearing on the merits of the dispute had been held. The appeal must be submitted in writing within 30 days after a grievance is dismissed. The appeals panel shall consider only the grounds for dismissal. An appeal from a dismissal by the Judicial Board Chair is not itself subject to dismissal by the Judicial Board Chair, with the exception of grievances dismissed under section 6.5.3.1(f) of the University Senate Rules and Regulations.

(b) The dismissal of an appeal after a hearing on the merits is not appealable.

6.5.4 Abuse of Grievance Process

6.5.4.1 Cease and Desist Request. Whenever someone establishes a pattern of repeatedly filing frivolous grievances that harass colleagues and/or abuse the grievance system, the Chair of the Judicial Board should ask that person to desist.

6.5.4.2 Recommendation to Provost. In the event that the person fails to desist, the chair may recommend that the Provost deny the right to file grievances for a specified period of time not to exceed 5 years.

6.5.4.3 Action of the Provost. After reviewing the case, if the Provost disagrees with the Chair of the Judicial Board, the Provost shall so inform the chair and the complainant's grievances shall be duly
processed. But in the event that the Provost concurs that the party has established a pattern of repeatedly filing frivolous grievances that harass colleagues and/or abuse the grievance system, the Provost may deny the right to file grievances for a specified period of time not to exceed five years.

6.5.4.4 Review. If the party in question wishes to contest the loss of right to file grievances, he or she may request a hearing before an appeals panel of the Judicial Board.

Section 6. Hearing Phase

6.6.1 Application. This section applies to any case in which the Judicial Board holds an initial hearing.

6.6.2 Selection of Panel. After determining that the Judicial Board has jurisdiction, and that there is no basis for dismissing the case under section 6.5.3 of the University Senate Rules and Regulations, the Judicial Board Chair shall promptly designate a hearing panel as provided for in section 5.3.3 of the University Senate Rules and Regulations. Each side shall be entitled, within five days of being notified of the membership of the panel, to challenge any member of the hearing panel who has a conflict of interest or has been previously involved in the matter. The Judicial Board Chair shall rule on any such challenge, and if he or she finds good cause to remove the panel member, shall promptly designate a replacement.

6.6.3 Transfer of Record. Upon designation of the hearing panel, the Judicial Board Chair shall transfer the complaint, the response, any documentary evidence submitted by the parties or obtained under section 6.5.1 of the University Senate Rules and Regulations, and any relevant correspondence to the law member who will chair the hearing panel.

6.6.4 Hearing Procedures

6.6.4.1 Scheduling a Hearing. The chair of the hearing panel shall schedule a hearing as soon as possible after receiving the record of the case from the Judicial Board Chair. Every effort should be made to schedule the hearing during regular working hours at a convenient time for the parties and the members of the hearing panel. However, if the chair of the hearing panel determines that no such time is available, he or she may schedule the hearing at any time he or she determines to be reasonable and appropriate.

6.6.4.2 Presentation by Parties. Each party shall have an equal opportunity to present evidence and arguments. The complaining party shall present his or her evidence or arguments first, followed by the responding party. The chair of the hearing panel may, in his or her discretion, place reasonable time limits on each party's presentation of evidence and arguments. The availability and scope of any rebuttal is within the discretion of the chair of the hearing panel.

6.6.4.3 Admissibility of Evidence. Each party shall have the right to introduce witnesses and documentary evidence but reasonable advance notice of such introduction must be given to the other party and to the hearing panel. Strict rules of evidence do not apply, but the chair of the hearing panel may exclude such evidence as he or she deems irrelevant, unnecessary, or unduly prejudicial. Statements or admissions made as part of the mediation process are not admissible.

6.6.4.4 Recording of Hearings. All Judicial Board hearings shall be recorded by means of audio tape. All such recordings shall constitute part of the record of the hearing and shall be under the custody and control of the chair of the hearing panel until transmitted along with the record to the Judicial Board
Chair. Access to the audio tapes shall be restricted to the parties, their authorized representatives, the members of the hearing panel, the members of any panel considering an appeal from the hearing, and any parties or decision makers involved in a proceeding for abuse of the grievance process under section 6.5.4 of the University Senate Rules and Regulations in which the complaint addressed at the hearing is at issue. Transcripts may be made of the contents of an audio tape at the sole expense of the requesting party or by other agreement of the parties.

6.6.5 Hearing Panel Decision

6.6.5.1 Timing. The hearing panel shall complete its hearing and prepare a recommendation within thirty days from the date on which the matter has been assigned to the panel. However, the chair of the hearing panel may extend this time limit for good cause.

6.6.5.2 Written Decision and Record. The hearing panel shall prepare a written decision that includes the panel's recommendation and a nontechnical statement of the factual and legal basis for the decision. The chair of the hearing panel shall submit the written decision to the Judicial Board Chair, who shall provide copies to the parties and to such administrative or supervisory personnel as are appropriate in light of the hearing panel's recommendation. The chair of the hearing panel shall also return the original record of the case, together with any additional documents and the tape recording of the hearing, to the Judicial Board Chair.

6.6.6 Additional Procedures. The Judicial Board may establish additional procedures to insure fairness and effectiveness of the hearing phase. Such procedures (and subsequent changes thereto) shall be submitted to the University Senate Executive Committee, the Provost, and the Chancellor for approval. The procedures shall insure prompt and fair handling of complaints but shall avoid the formalism of legal process. Copies of the procedures shall be supplied to all University offices to which they may be of interest.

Section 7. Appeals Phase

6.7.1 Scope of Application. This section applies to any case in which an Appeals Panel of the Judicial Board reviews the decision of a unit level proceeding, Judicial Board hearing panel, or specialized tribunal.

6.7.2 Initiation of Appeal and Response

6.7.2.1 Filing and Content of Appeal. Within thirty days following the rendering of a decision by any tribunal subject to review by an appeals panel of the Judicial Board under section 6.4 of the University Senate Rules and Regulations, a dissatisfied party (the appellant) may file a written appeal with the Chair of the Judicial Board. The appeal shall indicate the specific errors attributed to the hearing body and the grounds for appeal under section 6.7.3 of the University Senate Rules and Regulations. At the time of filing, the appellant shall provide the other party or parties with a copy of the appeal. The Judicial Board Chair shall verify that the other party or parties have received a copy of the appeal.

6.7.2.2 Response. The other party or parties in a case that has been appealed (the appellee(s)) under this provision may file a written response to the appeal within fourteen days of receiving the appeal. The appellee shall provide a copy of the response to the appellant and to any other parties to the appeal. The Judicial Board Chair shall verify that the appellant has received a copy of the response. Failure to raise a particular defense in a response shall not prevent the raising of the defense in the appellate hearing unless the appellant is prejudiced thereby.

6.7.3 Grounds for Appeal. An appeal to the Judicial Board shall be determined on the basis of the record of the initial hearing conducted by the unit, the Judicial Board, or other hearing body with jurisdiction under section 6.4 of the University Senate Rules and Regulations. Unless otherwise provided by section 6.4 of the University Senate Rules and Regulations or other applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, or state or federal law, an appeals panel may reverse or set aside the decision of the hearing body on the following grounds.
6.7.3.1 Failure to Follow Procedures. The decision of a hearing body may be set aside if the hearing body failed to follow required procedures. However, if the failure to follow procedures was harmless, that is, did not prejudice the appellant, the hearing body decision should be affirmed notwithstanding the procedural error. The burden shall be on the appellant to identify the prejudicial effects of any alleged procedural error.

6.7.3.2 Inconsistency with Applicable Provisions. The decision of a hearing body shall be set aside if applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Board of Regents policies or procedures, or state or federal law require a contrary result.

6.7.3.3 Factual Determinations Not Supported by the Record. The decision of a hearing body may be set aside if it is not supported by substantial evidence in the record compiled at the hearing. For purposes of this provision, a decision is supported by substantial evidence if a reasonable person could find that the decision was justified on the basis of the evidence submitted at the hearing, with due regard for any contrary evidence in the record. The appeals panel should bear in mind the superior opportunity of the hearing panel to judge the credibility of witnesses.

6.7.3.4 Arbitrary and Capricious Decisions. In exceptional cases, the decision of a hearing body may be set aside if it is arbitrary, capricious, or an abuse of discretion. A decision is arbitrary and capricious or an abuse of discretion if it is based on improper considerations, entirely fails to consider an important aspect of the problem, or lacks a plausible explanation of the connection between the facts found and the recommendations made.

6.7.3.5 Review of Dismissal. In any case in which the dismissal of a grievance without a hearing on the merits under section 6.5.3 of the University Senate Rules and Regulations is appealed, the appeal shall be limited to the grounds for dismissal. If the case was dismissed without a hearing on the grounds for dismissal pursuant to section 6.5.3.1 of the University Senate Rules and Regulations, the appeals panel may consider the grounds for dismissal de novo; that is, it may reverse the dismissal and reinstate the grievance if it determines that the dismissal was in error.

6.7.4 Responsibilities of Judicial Board Chair

6.7.4.1 Dismissal of Appeal. Upon receipt of an appeal from a hearing panel decision, the Judicial Board Chair shall determine whether there is a basis for dismissal of the appeal under section 6.5.3.1 of the University Senate Rules and Regulations.

6.7.4.2 Compilation of Record: When an appeal has been filed, the Judicial Board Chair shall ensure that the record for appeal is complete. The record shall include the initial complaint and response, any other documentary evidence and correspondence from the initial hearing, the tape recording of the initial hearing (or a transcript thereof), the written decision of the unit level hearing panel or specialized tribunal whose decision is under appeal, and the appeal and response or responses. If the Judicial Board Chair determines that the record for appeal is incomplete or that necessary information is omitted from the record, he or she may request such information from the parties, the unit level hearing panel or specialized tribunal, or other relevant individuals.

6.7.4.3 Selection of Appeals Panel: After determining that there is a basis for an appeal, the Judicial Board Chair shall promptly designate an appeals panel as provided for in section 5.3.4 of the University Senate Rules and Regulations. Within five days of being informed of the membership of the panel, any party may challenge any member of the appeal panel who has a conflict of interest or has been previously involved in the matter. The Judicial Board Chair shall rule on any such challenge, and if he or she finds good cause to remove the panel member, shall promptly designate a replacement.

6.7.4.4 Transfer of Record: Upon selection of the appeals panel, the Judicial Board Chair shall transfer the record of the case to the law member who will chair the appeal panel.
6.7.5 Hearing on Appeal

6.7.5.1 Scheduling of Hearing. The chair of the appeals panel shall schedule a hearing as soon as possible after receiving the record from the Judicial Board Chair. Every effort should be made to schedule the hearing during regular working hours at a convenient time for the parties and the members of the appeals panel. However, if the chair of the appeal panel determines that no such time is available, he or she may schedule the hearing at any time he or she determines to be reasonable and appropriate.

6.7.5.2 Presentation of Parties. Each party to the appeal shall have an equal opportunity to present arguments to the appeals panel. The appellant shall present his or her arguments first, followed by the appellee(s). The chair of the appeals panel shall determine the length of presentation of the parties, and the opportunity for rebuttal, if any. The hearing on appeal is not an evidentiary hearing, and neither party shall be entitled to submit evidence. In exceptional cases, if the appeals panel determines that information not contained in the record is necessary for the resolution of the appeal, the panel may, with due notice to the parties, obtain such information in the form of testimony or documentary evidence.

6.7.5.3 Recording of Hearing. All hearings of Judicial Board Appeals Panels shall be recorded by means of audio tape. All such recordings constitute part of the record of the appeal and shall be maintained by the chair of the appeals panel until transmitted along with the remainder of the record to the Judicial Board Chair. Access to the audio tapes shall be limited to the parties, their authorized representatives, the members of the appeals panel, and any parties or decision makers involved in a proceeding for abuse of the grievance process under section 6.5.4 of the University Senate Rules and Regulations in which the complaint addressed in the appeal is at issue. Transcripts may be made of the contents of an audio tape at the sole expense of the requesting party or by other agreement of the parties.

6.7.6 Decision on Appeal

6.7.6.1 Timing. The appeals panel shall complete its hearing and prepare a recommendation within thirty days from the date on which the matter was assigned to the panel. However, the chair of the panel may extend this time limit for good cause.

6.7.6.2 Written Decision and Record. The appeals panel shall prepare a written decision that includes the panel's recommendation and a nontechnical statement of the basis for the decision. The chair of the appeals panel shall submit the written decision to the Judicial Board Chair, who shall provide copies to the parties and to such administrative and supervisory personnel as are appropriate in light of the appeals panel's recommendations. The chair of the appeals panel shall also return the record of the appeal together with the tape recording of the hearing to the Judicial Board Chair.

6.7.6.3 New Hearing. If the appeals panel sets aside the hearing panel decision on one or more grounds, it may order that a new hearing be held. In exceptional cases, if the appeals panel determines that the proper resolution of the case is clear from the record on appeal, it may decide the merits of the case and make appropriate recommendations in its decision.

6.7.7 Additional Procedures. The Judicial Board may establish procedures to insure fairness and effectiveness of the appeals phase. Such procedures (and subsequent changes thereto) shall be submitted to the University Senate Executive Committee, the Provost, and the Chancellor for approval. The procedures shall insure prompt and fair handling of appeals but shall avoid the formalism of legal process. Copies of the procedures shall be supplied to all University offices to which they may be of interest.

Section 8. Other Powers and Responsibilities of Judicial Board Chair
6.8.1 General Authority

6.8.1.1 Case Management. It shall be the responsibility of the Judicial Board Chair to ensure, to the best of his or her ability, that matters submitted to the Judicial Board are processed in a prompt and fair manner. In fulfilling this responsibility, the Judicial Board Chair shall have all the powers specified in the University Senate Code and the University Senate Rules and Regulations, as well as the inherent authority to take such reasonable steps as he or she determines to be necessary, provided that such steps do not unduly prejudice the rights of the parties and do not conflict with applicable provisions of the University Senate Code, the University Senate Rules and Regulations, the Handbook for Faculty and Other Unclassified Staff, Board of Regents policies and procedures, and other applicable rules, regulations, or law.

6.8.1.2 Information and Assistance. The Judicial Board Chair shall be available to provide information on the dispute resolution process and (1) the procedures for resolving grievances; (2) the applicable provisions of the University Senate Code, University Senate Rules and Regulations, Handbook for Faculty and Other Unclassified Staff, Student Code of Rights and Responsibilities, or other applicable law; and (3) their procedural rights in any matter covered by the procedures for conflict resolution.

6.8.2 Follow up and Reports

6.8.2.1 Results of Particular Proceedings. The Judicial Board Chair shall report the outcome of any mediation, hearing or appeals proceeding to the University Senate Executive Committee and to any University administrative office affected.

6.8.2.2 Inquiries to Responsible Administrators. It shall be appropriate for the Judicial Board Chair to inquire of any party, office or other body to whom a recommendation has been addressed by the Judicial Board as to the status of the implementation of such recommendation.

6.8.2.3 Annual Report. The Judicial Board Chair shall report annually to the University Senate Executive Committee on the workload and effectiveness of the Judicial Board and shall make such recommendations for changes in the University Senate Code and University Senate Rules and Regulations as he or she deems advisable.

6.8.3 Annotation of University Senate Code and Rules and Regulations

6.8.3.1 Compilation. The Judicial Board Chair shall compile an annotated version of the University Senate Code, the University Senate Rules and Regulations, and other provisions applicable in disputes arising under these procedures. The annotated version of applicable provisions shall include brief statements of all Judicial Board decisions interpreting a provision. These statements shall identify the provision in question, the interpretive issue, the resolution of the issue by the hearing or appeal panel in question, and the date of the decision, but should not include information about the parties or details of the matter in dispute.

6.8.3.2 Availability. A copy of the annotated version of the University Senate Code and the University Senate Rules and Regulations shall be maintained in the office of the Judicial Board and provided to the Office of the University General Counsel, as well as any unit or specialized tribunal that requests a copy. The annotation(s) respecting any provision shall be available upon request to any interested person. When the application of a provision that has been subject to a prior interpretation is at issue in any matter pending before the Judicial Board, the Judicial Board Chair shall provide copies of the pertinent annotation(s) to the parties and the members of the panel who will be deciding the case. Members of a unit level hearing panel or specialized tribunal may inquire of the Judicial Board Chair whether prior interpretations of relevant provisions exist, and the Judicial Board Chair shall provide copies of the annotation(s) reflecting any such interpretation.

6.8.3.3 Effect. Prior interpretations are not binding on subsequent decision makers, but decision makers should bear in mind that inconsistent interpretation of applicable provisions undermines the
fairness and predictability of the dispute resolution process. In the event that inconsistent interpretations arise, the Judicial Board Chair shall inform the University Senate Executive Committee of the inconsistency and recommend changes in the applicable provision to clarify its meaning.

6.8.4 Monitoring of Grievance Activity and Recordkeeping

6.8.4.1 General. The Office of the Judicial Board shall compile and maintain records of grievance activity and formal conflict resolution throughout the University Community.

6.8.4.2 Sharing of Information Concerning Multiple or Successive Grievances. If it comes to the attention of the Judicial Board Chair, Judicial Board Hearing Panel, Unit level Hearing Panel, or Specialized Tribunal that a party to a grievance may have made multiple or successive filings before different hearing bodies in relation to substantially the same underlying occurrence or events, the Judicial Board Chair, Unit Level Hearing Panel, or Specialized Tribunal may inquire of such other hearing bodies whether a grievance or complaint involving the underlying occurrence or events is currently pending before or has been decided by that body, and the status of any such grievance or complaint. The disclosure of such information to the Judicial Board Chair, Judicial Board Hearing Panel, Unit Level Hearing Panel, or Specialized Tribunal shall not be considered a violation of U.S.R.R. 6.1.2.

6.8.4.3 Maintenance of Records. The Office of the Judicial Board shall retain the records submitted to it for a period of at least six years. The Office of the University General Counsel and the parties, if possible, shall be informed before the destruction of the record of any hearing or appeal.

6.8.5 Recording of Proceedings. All hearings and appeals shall be recorded by means of audio tape. Such audio tapes shall be made under the custody and control of the law member who chairs the hearing or appeals panel and shall be forwarded immediately to the custody and control of the University Archives. Access to the audio tapes or any transcripts produced there from shall be restricted to the parties, their authorized representatives and the members of the appropriate hearing or appeals panel. A request shall extend the destruction/erasure date for another six month period and may be renewed. Transcripts may be made of the contents of the audio tape at the sole expense of the requesting party or by other agreement of the parties.

6.8.6 Inconsistent External Time Limitations. If, in connection with any allegation of misconduct in scientific/scholarly research, federal regulatory bodies impose time limitations or requirements inconsistent with the requirements of this Section 6 (USRR 6.6) the federally imposed time limitations or requirements shall supersede the provisions of this section 6 (USRR 6.6).

Section 9: Procedures of the Court of Parking Appeals

6.9.1 Adoption of Procedures. The Court of Parking Appeals shall establish procedures for the fair and timely consideration of cases involving alleged violations of the University parking regulations. Such procedures (and subsequent changes thereto) shall be submitted to the chairperson of the Judicial Board and shall become effective thirty days following such submission unless previously returned by the chairperson of the Judicial Board for corrections or modifications. Procedures of the Court of Parking Appeals shall insure prompt and fair handling of appeals but shall avoid any unnecessary formalism. Copies of the procedures shall be supplied to the offices of University Governance, Provost, General Counsel, and Dean of the Law School, and to others upon request.

6.9.2 Initiation of Proceedings. Any charged party who is unwilling to pay the penalty fees of a citation issued for an alleged violation of University parking regulations may contest the citation to the Court of Parking Appeals.

6.9.2.1 The charged party shall, within 10 business days of issuance of the citation, submit a signed statement to the Parking & Transit Department giving his or her reasons for contesting the allegations and specifying the nature of the evidence he or she is prepared to produce to support his or her contest. The statement must include the charged party’s current address and telephone number.
6.9.2.2 The Parking & Transit Department shall forward the citation and the charged party’s statement to the Court of Parking Appeals within 10 business days. Upon receipt thereof, the Court shall process the contest of the citation in accordance with procedures established by the Court of Parking Appeals.

6.9.2.3 A charged party may request that he or she appear in person (personal appearance) or may have his/her case decided by the officers of the Court without argument or evidence beyond the citation and the charged party’s statement (ex parte).

a) Individuals requesting a personal appearance before the Court are not guaranteed a personal appearance. Should the Court determine that the written evidence received is sufficient and a personal appearance will not enhance the decision-making process, the case may be handled without a personal appearance before the officers of the Court. Charged parties requesting a personal appearance, when appropriate, shall be assigned a court date by the officers of the Court within 15 business days of the case being in the Court of Parking Appeals’ possession. Charged parties will receive notification of their court date from the Parking & Transit Department.

b) If the Court is not in session, the contest of a citation that requires a personal appearance shall be assigned a court date within twenty (20) days of the beginning of the next court session.

6.9.3 Consolidation of Proceedings. Cases concerning two or more alleged violations of University parking regulations in the name of a single charged party may be consolidated by the Court of Parking Appeals.

6.9.4 Court Proceedings. Court proceedings shall follow the procedures established by the Court of Parking Appeals. In general, proceedings are to be open to the public, but a hearing may be closed to all except the charged party, his or her representative(s), and the representatives of the University if so requested by a party, and if the hearing is closed in accordance with the Kansas Open Public Meeting laws.

6.9.4.1 The Court shall be held at the time and place designated in the notice sent to the charged party. If it is found necessary to change such time or place, the Court shall inform the parties within a reasonable time in advance of the rescheduled hearing.

6.9.4.2 Procurement of Witnesses. Each party to a proceeding shall have the responsibility of procuring the attendance of any witnesses.

6.9.4.3 Evidentiary Matters. Members of the Court of Parking Appeals shall have the authority to make final rulings on questions regarding the admissibility of evidence.

a) The Court may, by majority vote taken before the beginning of the proceedings, limit the amount of evidence to be received on any given point. In general, no witnesses will be permitted on the issue of a party’s character.

b) All evidence shall be presented by the parties or their representatives. No party or representative may address the Court except in the capacity of a witness called by a party, unless the Court grants such person permission to address the Court.

6.9.5 Review of Decisions by Court En Banc

6.9.5.1 Requests for review of decisions of the Court of Parking Appeals, other than parking permit revocations, shall be submitted to the Parking & Transit Department within ten (10) business days of the decision being rendered and shall be acted upon within another forty-five (45) business days of the beginning of the next court session.
6.9.5.2 The Court of Parking Appeals shall include in its procedures provisions for the fair and timely consideration of requests for review of decisions rendered. Such review shall be limited to the record of the Court and no new evidence shall be considered.

6.9.5.3 If the officers of the Court grant review, it shall be scheduled to be heard by the Court En Banc within that semester or within ten (10) business days of the beginning of the next court session. The officers of the Court shall grant review if the case meets at least one of the following criteria: 1) the Court misapplied a Court En Banc decision in making its decision, 2) procedural error, 3) compelling policy considerations, 4) decision clearly erroneous in light of evidence, or 5) inadequate representation of counsel.

6.9.6 Parking Permit Revocations

Court of Parking Appeals decisions with respect to parking permit revocations may be appealed to the University Judicial Board.

6.9.7 Recording of Proceedings

Records of the Court shall be taken by audio recording and such records shall remain of file in the office of the Court of Parking Appeals. Access to such records shall be restricted to the parties, their authorized representatives, the members of the Court of Parking Appeals, and the University Judicial Board. All records of hearings shall be kept for one full year.
Frequently Asked Questions for Students

1. **CITY/COUNTY CHARGES:**
   What if a student has charges pending with the city/county?

   A Code violation may be heard even if the criminal case is not completed or if the criminal charges are dropped. The KU conduct process is distinct and separate from a court's process. Students are held responsible for violating the Code of Student Rights and Responsibilities, whether or not there are also criminal charges filed under public laws.

2. **CODE COMPLAINT:**
   How do I file a Code complaint?

   You must provide a written account of the facts underlying the complaint and specify the provision(s) of the Code of Student Rights and Responsibilities, or other applicable rule, regulation, or law allegedly violated. This may be in the form of a letter to the Office of the Vice Provost for Student Affairs.

3. **CONDUCT LETTER:**
   I received a conduct letter from the Office of the Vice Provost for Student Affairs. What do I do?

   You should call the Office of the Vice Provost for Student Affairs and ask to speak to the conduct officer. That person will explain your options of an informal administrative hearing or a formal panel hearing.

4. **CONDUCT PROCESS:**
   Is a KU conduct matter like a court room trial?

   The conduct process is focused on the objective of education rather than punishment. Formal rules of procedure or evidence as established and applied in the civil or criminal justice system do not apply to the KU conduct process. The question of whether a student's action violated the Code is determined by application of the standard of “preponderance of the evidence,” that is, whether the facts supporting the allegations in the charge have greater weight or strength than the facts presented in denial of the charge. If it is “more likely than not” that the facts presented by the parties show that the student committed the action as alleged in the charge, then the result of the Conduct process would be a determination that the student violated the Code.

5. **CONFIDENTIALITY:**
   Who has access to my conduct file in the Office of the Vice Provost for Student Affairs?

   Your disciplinary record is considered confidential. However, information concerning your disciplinary record may be available to appropriate University officials, faculty and/or staff who have a legitimate educational interest in such information. In addition, information regarding your disciplinary record may be released to other individuals or entities upon your written request or in
accordance with state and federal law. Requests to disclose information about students are always handled with caution and addressed on a case-by-case basis.

6. **FAILURE TO COMPLETE SANCTION:**
What if I do not complete an assigned sanction?

An administrative hold will be placed on your KU account and additional sanctions may be added. An administrative hold will preclude you from enrollment and other services of the University.

7. **FAILURE TO RESPOND:**
What happens if I don’t respond to the letter from the Office of the Vice Provost for Student Affairs?

A student or organization has up to 14 calendar days to respond to a written notification except in matters of interim suspension. Failure of the student or organization to respond within 14 calendar days of notification will be judged as the student's or organization's decision not to contest the charges and to accept whatever sanctions are determined.

A hearing may be held even if the student charged fails to appear. If a Respondent, with notice of the hearing, does not appear at the hearing, the Panel may reach a decision by taking into consideration the totality of the information related to the charges available at the time of the hearing.

8. **FERPA:**
How does FERPA apply in conduct matters?

Conduct records are considered confidential like all other education records. In matters that involve a victim of violent crime or a non-forcible sex offense, KU must disclose to the victim of the crime the results of a conduct proceeding. The results of a disciplinary hearing where the student is the perpetrator of a crime of violence or a non-forcible sex offense may be released to others, including the media. No information on the victim or witnesses may be released.

9. **FORMAL HEARING:**
What happens at a formal panel hearing?

A panel hearing is conducted with more formal procedures and is recorded. An audio recording will be made of the proceeding, and each party is entitled to receive a copy upon payment of the cost of making a copy. At the hearing, the Hearing Panel Chairperson will:

1. Introduce the hearing panel members, the complainant, the student/organization charged, and their representatives, if any.
2. Explain the hearing procedures.
3. Review the charges of the Code violation which led to the hearing.
4. State that the charging party (Complainant) has the responsibility to persuade the panel by a preponderance of the information that a violation of the Code occurred.

5. State that the party charged (Respondent student/organization) has the privilege of remaining silent and of refusing to provide evidence.

6. Permit the Complainant to state the complaint and explain the incident/event.

7. Permit the Respondent student/organization to reply and explain the incident/event.

8. Permit Hearing Panel members to ask questions of either party or of witnesses.

9. Permit each party to ask questions of one another and any witnesses appearing.

10. State that the Hearing Panel will make a written report of its findings and recommendations to the Office of the Vice Provost for Student Affairs

10. **HEARING OUTCOME:**

   When will I know the outcome of the hearing?

   You will be notified in writing of the sanctions, if any, usually within ten business days of the hearing. However, it can take longer.

11. **INFORMAL HEARING:**

   What happens at an informal administrative hearing?

   A student makes an appointment and comes in to talk to the Hearing Officer. The Hearing Officer will explain KU's handling of conduct matters, possible sanctions, and answer any questions. The student is asked to tell what the student knows about the incident and what his or her perspective is regarding what occurred. The hearing officer will determine the sanctions and share those with the student during their conversation. Most students are apprehensive about coming into talk to a University official about their misconduct; yet, the conversation is meant to be educational, and the student is treated as a responsible adult who used poor judgment.

12. **PARENT NOTIFICATION:**

   Will my parents know about this conduct matter?

   A student's disciplinary record is considered confidential. The University encourages students to inform their parents of their total experience at KU. Likewise, the University encourages parents to help the student accept responsibility for their actions when supporting the student.

   Parents of students under the age of 21 are made aware of certain drug and alcohol violations. For more information visit: [https://documents.ku.edu/policies/IOA/alcoholanddrug.htm](https://documents.ku.edu/policies/IOA/alcoholanddrug.htm).

13. **PLACED ON PROBATION:**

   What does it mean to be placed on probation?
Probation is written notice to you that should any further violation of the Code or of the conditions of probation be committed during the probationary period, you will be subject to further disciplinary action, with a likely result of suspension or expulsion. Probation lasts for a specific period of time, up to two years.

14. PLACED ON WARNING:
What does it mean to be placed on warning?

Warning is written notice that you have violated KU's standards of behavior and that any further violation may result in probation, suspension or expulsion.

15. QUESTIONS:
Who do I talk to if I still have questions?

Call the Office of the Vice Provost for Student Affairs at 785-864-4060 and ask to talk to the conduct officer.

16. SANCTIONS:
How are sanctions decided?

Sanctions are determined by considering the nature of the violation, the student's awareness of his/her role in the incident, the impact of the student's behavior on others, the student's individual needs, the student's prior disciplinary history and any extenuating circumstances. Intent or lack of intent for the student's action or in its effect on others or on the University may be considered in determining the sanctions.

17. TRANSCRIPT IMPACT:
Is non-academic misconduct recorded on my KU transcript?

No, but an educational record is kept.
# Student Housing Referral

**Incident**

IR#: 00001-2012

**Incident Type:** Housing

**Date/Time of Incident:**
August 13, 2014 6:30 pm

**Location of Incident:**
Apartments/Jayhawker Tower C

**Room:** JTC-211

**Incident Description:**

On 8/13/2014 at approximately 6:30pm Assistant Complex Director Brad Bradley received a call from Resident Assistant Colt Colton that there was a roommate situation that he thought needed Bradley’s assistance. Colton met with resident Debbie Downer about the issue. Downer discussed the issues that she has been having with her roommates over the course of the past month. Downer discussed her issues with her roommates’ level of cleanliness and the rude manner Downer felt when approached by her roommates earlier. Downer said that her roommates approached her prior to meeting with Bradley and said that they did not like Downer and thought Downer was rude and inconsiderate. Downer also stated that a shirt and some cigarettes of hers had gone missing and she thought that one of her roommates had taken them. During Downer’s meeting with Bradley she was very upset with her overall experience at KU. She shared with Bradley that she suffers from Depression. At the end of the conversation Bradley encouraged Downer to take some time to cool down while he spoke with Downer’s roommates. Before Downer left she requested that none of her roommates speak to her until she can move out.

After Bradley left the room, Downer’s roommates were already waiting at the front desk to talk with Bradley. The story Residents Baby Jay, Summer Time, and Spring Cheer shared with Bradley was completely contradictory to everything he had discussed with Downer earlier. At the end of the conversation Bradley advised all roommates to not have any contact with Downer until instructed otherwise.
When Downer returned from her walk she requested to speak with Bradley once again. Over the course of her walk Downer decided that she could not stay in her room that night because she did not feel comfortable. Bradley spoke with Complex Director Rich Richardson and found a vacant Stouffer Place apartment for Downer to stay in until there was a resolution to the issue, but Downer turned it down because she did not feel like walking over there and did not feel comfortable leaving her things in JTC-211 unattended. Downer then left to go back to JTC-211.

Upon Downer returning to JTC-211, a physical altercation ensued between Downer and roommate Spring Cheer. According to Baby Jay and Summer Time, Downer accused Cheer of smiling at her at which point Downer punched Cheer in the face. Cheer was bleeding from the lip and nose and also indicated she had hit her head on the wall after being punched. Cheer did not feel a medical transport was needed.

Students Involved:

Downer, Debbie (2000007)

Other Involved Individual(s):

Roommates and residents of JTC-211; Baby Jay, Summer Time, and Spring Cheer

Status:

Processing

Housing

Public Safety Called:

No
SAMPLE DECISION LETTER

Jayhawk Blvd
Lawrence, Kansas

Dear Baby Jay,

I met with you on as the conduct officer in regards to an alleged violation of University policies. The results of your meeting are:

**You were found responsible for the following violations:**
Code of Student Rights and Responsibilities Article 19/Article 19 B 3 - # Willfully or maliciously damages or destroys property owned or in the possession of another person or the University.

The following sanctions are imposed as a result of your conduct in violation of University policies and the Code of Student Rights and Responsibilities.

**You are placed on 1. Disciplinary Probation**
Start Date: Wednesday, August 17, 2014
Complete by: Wednesday, August 16, 2015

Disciplinary probation shall have as its purpose the rehabilitation of the student or organization and may include suspension of specified privileges for a definite period not to exceed two years. Disciplinary probation may also require the student or organization to participate in specified activities, including one counseling information session, or may prescribe any program which is deemed just and fair under the circumstances of the case. The authority imposing this sanction may assign any qualified person within the University community, other than an undergraduate student, to act as a probation supervisor. The probation supervisor shall report periodically to the appointing authority. If the probation supervisor should report that the student is not fulfilling probation requirements, the case will be reviewed by the appointing authority and remaining members of the original hearing panel, who may recommend additional sanctions. During this time you are to conduct yourself responsibly.

You seem to understand your responsibilities in this matter. I expect in the future that you will use more appropriate judgment in your decision-making. Please be aware that failure to complete the sanctions or abide by them will result in an administrative hold upon your KU account and an immediate review of your situation.
You may appeal. An appeal must be in written form addressed to the University Judicial Board, c/o Senate Offices, 33 Strong Hall, and be submitted within 30 days of receipt of this letter. Please be advised that the sanctions are in effect should you appeal.

If you have any questions about this letter or any of its contents you may contact me at 785-864-4060 for an appointment.

Sincerely,

Nicholas Kehrwald, Student Conduct Officer
Hearing Board Recommendation Letter

August 20, 2014

Tammara Durham, PhD
Office of the Vice Provost for Student Affairs
University of Kansas
133 Strong Hall
Lawrence, KS 66045

Dr. Durham,

I would like to take this opportunity to convey the Hearing Panel’s recommendation concerning Baby Jay and his alleged violation of the Code of Student Rights and Responsibilities:

Article 19 Non-Academic Misconduct: “Students... are expected to conduct themselves as responsible members of the University community. While on University premises or at University sponsored events, students and organizations are subject to disciplinary action for violations of published policies, rules and regulations of the University and Regents”.

University of Kansas Alcohol and Drug Policy: “The University of Kansas prohibits the unlawful procession, use, manufacture, or distribution of alcohol or drugs by students or by employees on its property or as part of its activities. The University is committed to a program to prevent the illegal use of drugs and alcohol by students and employees. Any student or employee found to be using, possessing, manufacturing, or distributing controlled substances or alcohol in violation of the law on University property or at University events shall be subject to disciplinary action”

The following documentary information was presented prior to and at the hearing:

1. August 1, 2014 Hearing Panel Letter,
2. Federal Express confirmation that the above letter was sent and received,
3. The Code of Student Rights and Responsibilities,
4. The University of Kansas Alcohol and Drug Policy,
5. A letter from Big Jay, Baby Jay’s advisor, stating his son would not be speaking to specific facts that led to his arrest, and
6. Several letters of reference concerning Baby Jay’s good character and referencing his commitment to the University.
In addition, the following pieces of information were presented by those present at the hearing on August 20, 2014:

1. A reading of the alleged violation of the Code of Student Rights and Responsibilities by the complainant, Nick Kehrwald;
2. Information presented by KUOPS Officer Roberts Rules concerning the search of Baby Jay’s residence hall room and arrest; and
3. Baby Jay’s statement about his devotion and desire to continue his involvement at the University of Kansas.

Based on the documentary and testimonial information provided during the hearing, the Hearing Panel has reached the following conclusion: the information presented by the complainant, Nick Kehrwald, and the witness for the complainant, KUOPS Officer Roberts Rules, demonstrate that more likely than not Baby Jay used, was in possession of, and had intent to distribute, marijuana, opiates, and drug paraphernalia on, before, and after August 1 of 2014. This activity occurred in his room (Ellsworth Hall, Hawk’s Nest). The following information provided and communicated by Officer Rules was very instrumental in helping the hearing panel come to this decision; specifically,

1. Baby Jay admitted to the Officer that he had smoked marijuana in the Hawk’s Nest.
2. Officer Rules arrested Baby Jay after his admission. Upon searching the room the following items were found:
   a. Several jars of marijuana (positive field test)
   b. A pill bottle containing amphetamines (tested and confirmed)
   c. A jar containing what was believed to be peyote (awaiting testing results)
   d. An alleged illegal mushroom (awaiting testing results)
3. A calibrated weighing scale, zip lock bags, and illegal pipe were found in the room.
4. Information presented by Officer Rules that other residents of Ellsworth Hall have witnessed drug distribution by Baby Jay from his room.
5. Officer Rules’ communicated that he believed the information gathered indicated that Baby Jay processed and was using and distributing illegal drugs from his room in Ellsworth Hall.

In addition, there was no information presented at any time to dispute the actions set forth in the complaint or to demonstrate that the illegal substances and paraphernalia were not the property of Baby Jay. Neither Baby Jay, or his advisor, Big Jay, nor any witness provided information to dispute the procession of, use of, or distribution of illegal drugs and paraphernalia. The student chose to remain silent to the facts leading to his arrest at the advice of his advisor.

After thorough review and consideration of the information presented to the Hearing Panel, as set forth above, we believe Baby Jay should be held responsible for his actions and the violation of the Code of
Student Rights and Responsibilities brought forth by the complainant. We recommend the following sanctions be implemented:

1. Student Suspension: Exclusion from classes and other University privileges and activates for a period of two years. This suspension shall begin August 20 of 2014.

2. If through state or federal legal proceedings Baby Jay is found not responsible for the distribution of illegal drugs involving the actions set forth in complaint which occurred on University property, he may apply for readmission through the Office of Student Affairs. A non admission of guilt, no contest plea, or diversion agreement should not result in the ability to apply for readmission. There shall be no guarantee of readmission prior to the end of the two year suspension as a result of the use and possession of illegal drugs on University property. Readmission shall be at the discretion of the Office of Student Affairs.

3. Baby Jay shall never be allowed to live in any residence hall or scholarship hall at the University of Kansas.

Sincerely,

[Name]

Chair, University Hearing Panel

CC: [Name], Faculty Panel Member

[Name], Student Panel Member

[Name], Student Conduct Officer
FERPA AND ITS Exceptions

34 CFR part 99 Family Educational Rights and Privacy Act

Some of the exceptions to disclosing personally identifiable information are not part of the law itself but instead are exceptions created through other laws.

Who has to Comply with FERPA? Educational institutions (schools or other entities that provide educational services and are attended by students) and educational agencies (entities that administer schools directly linked to them) that receive funds under any program administered by the U.S. Secretary of Education.

Who has FERPA Rights at the Postsecondary Level? A student “in attendance” (regardless of age-even if under 18) and former students.

What are these Rights?

- Right to inspect and review education records
- Right to seek to Amend Records
- Right to Limit Disclosure of “Personally Identifiable Information: (Information that would directly identify the student or make the student’s identity easily traceable)

What are records under FERPA? Education records are defined as records which:

- Contain information which is directly related to a student; and
- Maintained by an educational agency or institution or by a party acting for the agency or institution.

What records are NOT Education records under FERPA?

- Sole Possession Records
- Law Enforcement Unit Records
- Employment Records (unless contingent on attendance e.g.: GA, TA, etc.)
- Medical Records made and maintained in the course of treatment
- Post-Attendance (Alumni) Records

What does FERPA Require of Colleges?

- Notify students of their rights annually
- Protect students’ rights to inspect and review records
- Protect students’ rights to request and amend Records
- Protect students’ rights to limit disclosure of personally identifiable information contained in education records
- Ensure that third parties do not re-disclose personally identifiable information, except under a few circumstances
- Keep records of requests for and disclosures of student educational records

What Exceptions Allow Colleges to Disclose Personally Identifiable Information?

- Prior consent of student
- Directory information: Information that is generally not considered harmful or an invasion of privacy if disclosed.
  - Must designate information directory information
  - Must provide notice to students to withhold release of this information
To authorized representatives of the following government entities. These officials may only have access to the information if it is in connection with an audit or evaluation of Federal or state supported education programs, or for the enforcement of or compliance with Federal legal requirements which relate to those programs.

- Comptroller General of the United States
- U.S. Attorney General for law enforcement purposes
- State and local educational authorities

To agents acting on behalf of the institution (e.g. Clearinghouses)
To schools in which the student seeks or intends to enroll
In connection with financial aid
To organizations conducting studies for or on behalf of educational institutions
To accrediting organization for accrediting purposes
To parents of a dependent student, dependence must be formally established. Students are presumed to be independent and will be treated as unless otherwise designated by action of the student or family.
To comply with a judicial order or subpoena
Health or Safety Emergency
To the student
To an alleged victim, the final results of a disciplinary hearing regarding an incident alleged to involve a crime of violence, or forcible or nonforcible sex offense (disclosure required)
To the public, the final results of a disciplinary hearing against an alleged perpetrator of a crime of violence or nonforcible sex offense (disclosure permitted, not required) (Foley Amendment)
To parents/ legal guardians when their children (under 21) are found to have violated the alcohol or drug policy of the institution (Warner Amendment)
To the Immigration and Naturalization Service (INS) for purposes of the Coordinated Interagency Partnership Regulating International Students
“Student Recruiting Information” to military recruiters for recruiting purposes only (Solomon Amendment)
To the Internal Revenue Service (IRS) for purposes of complying with the Taxpayer Relief Act of 1997
To authorized representatives of the Department of Veterans Affairs for Students receiving educational assistance from the agency.
To the court in which the educational agency has initiated legal action against the student
To a court in which an eligible student or parent has initiated legal action against the educational agency

What Happens if a College Does Not Comply with FERPA?

The Department of Education may issue a notice to cease the practice complained of and could ultimately with hold funds administered by the Secretary of Education. However, as a practical matter, the Family Policy Compliance Office has never withheld funds because voluntary compliance has always been secured.

Student Records and Students’ Rights
An At-a-Glance guide to Federal and University Policy

Directory Information: Not Confidential*

- Name
- Address
- Telephone Listing
- Email Address
- Photograph
- Date and Place of Birth
- Field of Study
- Dates of Attendance
- Enrollment Status (full time, part-time, undergraduates, graduates)
- Participation in Officially Recognized Activities and Sports
- Degrees, Honors, and Awards
- Most Recent Educational Institution Attended
- Athletes: Weight and Height

*Directory Information must be made confidential at the student’s request*

Confidential educational records subject to Federal legal protections and exceptions:
- Grades
- Test Scores
- I.D. Numbers or Social Security Numbers
- Financial Records
- Disciplinary Records
- Class Schedule

Disclosure of information from confidential educational records is limited to the eligible student or to others:
- Who have a “Legitimate Educational Interest;”
- To whom the eligible student releases the records;
- Who are entitled or permitted to know the content of the records by virtue of one or more FERPA “exceptions.”

Disclosure of records does not usually require giving copies of records.

FERPA “Danger Zones” for Faculty & Staff:
- Giving out directory information about a student who has requested confidentiality.
- Posting grades or returning graded work in ways that connect confidential information to “Personally Identifiable” information.
- Re-disclosing confidential information without authorization.
- Disclosing records to parents, employers, or other students without permission.
- Including Personally Identifiable information about student “A” in student “B’s” record without student A’s permission.
**Useful Terms and Definitions**

Definitions of terms used in the Code, unless the context otherwise provides or requires.

**Coercion** – to compel or unduly influence in any way an action of another.

**Controlled Substance** – a drug or substance listed in the schedules contained in the Nevada Revised Statues.

**Distribution** – sale, exchange, transfer, delivery, or gift or sale or exchange for personal profit.

**Endanger** – to bring into danger or peril.

**Faculty** – all employees of the University and Community College System of Kansas in teaching, research, or service, whose notice of appointment is as lecturer, instructor, assistant professor, associate professor, professor or otherwise designated as faculty on the notice of appointment.

**Greek Life** – any student affiliated with a social Greek-letter fraternal organization or that organization itself; specifically those fraternities and sororities registered by the University.

**Mitigating** – circumstances or conditions that contribute to lessening the severity of sanctions for a given violation.

**Organization** – a number of persons who are associated with each other and who have complied with University requirements for recognition.

**Predicated**—based upon

**Reckless** – conduct which one should reasonably be expected to know would create a substantial risk of harm to persons or property or which would otherwise be likely to result in interference with University or University-sponsored activities.

**Sanction** – conditions, measures and/or activities assigned as a result of being found responsible for a Code violation, the clear purpose of which would be to redirect behavior.

**Solicitation** – any unauthorized seeking of trade, contributions, attendance or support.

**University official** – any member of the campus community holding an office or position that authorizes them to perform functions of or uphold any University codes, rules and/or regulations.

**University-sponsored activity** – any activity on or off campus which is initiated, approved, or supervised by the University.
**Student Development Theory**

**Arthur Chickering’s Seven Vectors of Identity Development**

(Taken from Education and Identity (1993) by Arthur W. Chickering and Linda Reisser)

“Light breaks where no sun shines...Dawn breaks behind the eyes...Light breaks on secret lots...On tips of thought...” ~Dylan Thomas

Lasting personality changes may not occur in a blinding flash. While some epiphanies are dramatic and sudden, most occur gradually and incrementally. We may not know for years that a single lecture or conversation or experience started a chain reaction that transformed some aspect of ourselves.

We cannot easily discern what subtle mix of people, books, settings, or events promote growth. Nor can we easily name changes in ways of thinking, feeling, or interpreting the world.

But we can observe behavior and record words, both of which can reveal shifts from hunch to analysis, from simple to complex perceptions, from divisive bias to compassionate understanding.

Theory can give us the lenses to see these changes and help them along. The Seven Vectors provides a model that can help staff understand what student development looks like and to be effective in educating the whole student.

The Seven Vectors are:

- Developing Competence
- Managing Emotions
- Moving through autonomy toward interdependence
- Developing mature interpersonal relationships
- Establishing Identity
- Developing Purpose
- Developing Integrity

Each of the Seven Vectors can be viewed on a continuum, surface abilities to highly integrated and mature thinking. There is no right way to progress through each stage, as individuals mature at different rates. While each vector should be viewed independently, development from one vector will undoubtedly affect where a person falls in another vector.

**Developing Competence**

Three kinds of competence develop in college—intellectual competence, physical and manual skills, and interpersonal competence.

*Intellectual competence* is skill in using one’s mind. It involves mastering content, gaining intellectual and aesthetic sophistication, and, most important, building a repertoire of skills to comprehend, analyze, and synthesize. It also entails developing new frames of reference that integrate more points of view and serve as “more adequate” structures for making sense out of our observations and
experiences.

*Physical and manual competence* can involve athletic and artistic achievement, designing and making tangible products, and gaining strength, fitness, and self-discipline. Competition and creation bring emotions to the surface since our performance and our projects are on display for others’ approval or criticism. Leisure activities can become lifelong pursuits and therefore part of identity.

*Interpersonal competence* entails not only the skills of listening, cooperating, and communicating effectively, but also the more complex abilities to tune in to another person and respond appropriately, to align personal agendas with the goals of the group, and to choose from a variety of strategies to help a relationship flourish or a group function.

Students’ overall sense of competence increases as they learn to trust their abilities, receive accurate feedback from others, and integrate their skills into a stable sense of self. Increased sense of competence makes for more openness to learning and development. There is a greater readiness to take risks and greater willingness to persist at difficult tasks because success seems more likely.

<table>
<thead>
<tr>
<th>Intellectual Competence</th>
<th>Physical and Manual Competence</th>
<th>Interpersonal Competence</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Subject Matter</td>
<td>• Physical ability that leads to competence</td>
<td>• Mastering transferrable subskills such as listening, asking questions, giving feedback and working in a group setting</td>
</tr>
<tr>
<td>• Gains in cultural, aesthetic and intellectual sophistication</td>
<td>• Leads to increased awareness</td>
<td></td>
</tr>
<tr>
<td>• General higher order cognitive skills</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Managing Emotions

During College few students escape anger, fear, hurt, longing, boredom, and tension. Anxiety, anger, depression, desire, guilt, and shame have the power to derail the educational process when they become excessive or overwhelming. Like unruly employees, these emotions need good management.

The first placement along this vector is not to eliminate them but to allow them into awareness and acknowledge them as signals, much like the oil light on the dashboard.

Development proceeds when students learn appropriate channels for releasing irritations before they explode, dealing with fears before they immobilize, and healing emotional wounds before they infect other relationships. It may be hard to accept that some amount of boredom and tension is normal, that some anxiety helps performance, and that impulse gratification must sometimes be squelched.

Some students come with the faucets of emotional expression wide open, and their task is to develop flexible controls. Others have yet to open the tap. Their challenge is to get in touch with the full range and variety of feelings and to learn to exercise self-regulation rather than repression. As self-control and
self-expression come into balance, awareness and integration ideally support each other.

More positive kinds of emotions have received less attention from researchers. They include feeling like rapture, relief, sympathy, yearning, worship, wonder, and awe. These may not need to be “managed” so much as brought into awareness and allowed to exist. Students must learn to balance self-assertive tendencies, which involve some form of aggressiveness or defensiveness, with participatory tendencies, which involve self-awareness, identifying or bonding with another, or feeling part of a larger group.

### Increasing awareness of emotions

- Emotions cannot be managed until they are identified and named

### Toxic Feelings

- Give students the most trouble because they can affect daily life

### Moving Through Autonomy toward Interdependence

A key developmental step for students is learning to function with relative self-sufficiency, to take responsibility for pursuing self-chosen goals, and to be less bound by others’ opinions. Movement requires both emotional and instrumental independence, and later recognition and acceptance of interdependence.

Emotional independence means freedom from continual and pressing needs for reassurance, affection, or approval. It begins with separation from parents and proceeds through reliance on peers, non-parental adults, and occupational or institutional reference groups. It culminates in diminishing need for such supports and increased willingness to risk loss of friends or status in order to pursue strong interests or stand on convictions.

Instrumental independence has two major components: the ability to organize activities and to solve problems in a self-directed way, and the ability to be mobile. It means developing that part of the self that can think critically and independently and that can then translate ideas into focused action. It also involves learning to get from one place to another, without having to be taken by the hand or given detailed directions, and to find the information or resources required to fulfill personal needs and desires.

Developing autonomy culminates in the recognition that one cannot operate in a vacuum and that greater autonomy enables healthier forms of interdependence. Relationships with parents are revised. New relationships based on equality and reciprocity replace the older, less consciously chosen peer bonds. Interpersonal context broadens to include the community, the society, and the world. The need to be independent and the longing for inclusions become better balanced. Interdependence means respecting the autonomy of others and looking for ways to give and take with an ever-expanding circle of friends.
Developing Mature Interpersonal Relationships

Developing mature relationships involves (1) tolerance and appreciation of differences (2) capacity for intimacy.

Tolerance can be seen in both an intercultural and an interpersonal context. At its heart is the ability to respond to people in their own right rather than as stereotypes. Respecting differences in close friends can generalize to acquaintances from other continents and cultures. Awareness, breadth of experience, openness, curiosity, and objectivity help students refine first impressions, reduce bias and ethnocentrism, increase empathy and enjoy diversity.

In addition to greater tolerance, the capacity for healthy intimacy increases. For most adolescent couples, each is the pool and each the Narcissus. Satisfying relationships depend on spatial proximity, so that each can nod to the other and in the reflection observe himself or herself. Developing mature relationships means not only freedom from narcissism, but also the ability to choose healthy relationships and make lasting commitments based on honesty, responsiveness, and unconditional regard.

Increased capacity for intimacy involves a shift in the quality of relationships with intimates and close friends. The shift is away from too much dependence or too much dominance and toward interdependence between equals.

Development means more in-depth sharing and less clinging, more acceptance of flaws and appreciation of assets, more selectivity in choosing nurturing relationships, and more long-lasting relationships that endure through crises, distance, and separation.
Establishing Identity

Identity formation depends in part on the other vectors already mentioned: competence, emotional maturity, autonomy, and positive relationships. Development of identity is the process of discovering what kinds of experience, at what levels of intensity and frequency, we resonate in satisfying, in safe, or in self-destructive fashion.

Development of identity involves:

- **Comfort with body and appearance**
  - Awareness of the body as a tool of expression and acceptance of its needs and limitations

- **Comfort with gender and sexual orientation**
  - Development proceeds through awareness, exploration and acceptance

- **Sense of self in a social, historical, and cultural context**
  - Knowing “who I am” rests in part on knowing “where I came from”

- **Clarification of self-concept through roles and life-style**
  - Experience in a variety of roles and life-styles and finding a satisfying combination

- **Sense of self in response to feedback from valued others**
  - Who are the valued others? Form an accurate picture of how others see us and what that means to us.

- **Self-acceptance and self-esteem**
  - Increased level of personal value. Acknowledgement of weaknesses, willingness to change while maintaining faith in one’s abilities

- **Personal stability and integration**
  - An understanding of the roles of choice in our lives. Taking responsibility for our decisions, our actions and ultimately ourselves.

The college environment allows students to address their growth in the above areas and make changes. Many changes will be made purposely while others will be made unconsciously though actions and choices that students make. Most significant changes occur between the first and second semester and during the seventh semester.
Developing Purpose

Many college students are all dressed up and do not know where they want to go. They have energy but no destination. While they may have clarified who they are and where they came from, they have only the vaguest notion of who they want to be. For large numbers of college students, the purpose of college is to qualify them for a good job, not to help them build skills applicable in the widest variety of life experiences; it is to ensure a comfortable life-style, not to broaden their knowledge base, find a philosophy of life, or become a lifelong learner.

Developing purpose entails an increasing ability to be intentional, to assess interests and options, to clarify goals, to make plans, and to persist despite obstacles. It requires formulating plans for action and a set of priorities that integrate three major elements: (1) vocational plans and aspirations, (2) personal interests, and (3) interpersonal and family commitments. It also involves a growing ability to unify one’s many different goals within the scope of a larger, more meaningful purpose, and to exercise intentionality on a daily basis.

We use the term vocation in its broadest sense—as specific career or as broad calling. Vocations can include paid work, unpaid work, or both. We discover our vocation by discovering what we love to do, what energizes and fulfills us, what uses our talents and challenges us to develop new ones. Ideally, these vocational plans flow from deepening interests, and in turn, lend momentum to further aspirations that have meaning and value. Considerations of life-style and family also enter the equation. As intimate relationships increasingly involve the question of long-term partnership and as formal education and vocational exploration draw to a close, next steps must be identified. Many compromises
must be made, and clearer values help the decision-making process.

**Developing Integrity**

Developing integrity is closely related to establishing identity and developing purpose. Our core values and beliefs provide the foundation for interpreting experience, guiding behavior, and maintaining self-respect.

Developing integrity involves three sequential but overlapping stages:

- **Humanizing values**
  - Shifting away from automatic application of uncompromising beliefs and balancing one’s own self-interest with the interests of one’s fellow human beings.

- **Personalizing values**
  - Consciously affirming core values and beliefs while respecting other points of view.

- **Developing congruence**
  - Matching personal values with socially responsible behavior.

Humanizing values involves a shift from a literal belief in the absoluteness of rules to a more relative view, where connections are made between rules and the purposes they are meant to serve. Thus, the rules for a ball game can change to accommodate limited numbers of players or other unusual conditions; while overriding principles (such as the Golden Rule) become more important.

Personalizing of values occurs as individuals select guidelines to suit themselves and to suit the conditions of their lives. In time, the components are actively embraced as part of the self and become standards by which to flexibly assess personal actions.

Personalizing of values leads to the development of congruence—the achievement of behavior consistent with the personalized values held. With this final stage, internal debate is minimized. Once the implications of a situation are understood and the consequences of alternatives seem clear, the response is highly determined; it is made with conviction, without debate or equivocation.
**CHICKERING’S VECTORS OF IDENTITY DEVELOPMENT**

**Question:** Are there any stressors that are occurring in your life?

<table>
<thead>
<tr>
<th>Student Response</th>
<th>Vector</th>
<th>Definition</th>
<th>Sanction</th>
</tr>
</thead>
</table>
| “I’m failing a course.”
“I’m trying out for the swimming team.”
“I’m not sure how to make friends here.” | Developing Competence        | Developing abilities in intellectual skills, physical and manual skills, and social interpersonal skills. | • Organize intramural team for the floor
• Organize an Olympics competition for the hall
• Take a study skills course
• Joint the social committee on the floor |
| “I have a bad temper.”
“I feel under a lot of pressure.”
“I don’t know how to relax.” | Managing Emotions             | Becoming aware of own emotions and beginning to manage and integrate them with decisions and behaviors. Two major areas of concern are sex and aggression. | • Plan a stress/relaxation workshop
• Begin an exercise program
• Participate in counseling
• Plan an assertiveness program |
| “My parents put a lot of pressure on me to do well.”
“I don’t know if I can afford to go to school.”
“I find it hard to manage my time.”
“I don’t need help from anyone.” | Autonomy                      | Achieving emotional independence from continual and pressing needs for reassurance, affection or approval. Ability to cope with problems with out seeking help. Ability to recognize independence with family, peers, and society. | • Role play interaction with parents
• Appointment with Financial Aid office
• Organize/plan time management program
• Co-plan an activity with friends or staff members
• Plan an assertiveness program |
| “I don’t feel good about myself.”
“I feel pressure to be something I’m not.” | Establishing Identity        | Establishing a solid sense of self. Coming to terms with appearance and sexuality. | • Plan a program on “Who Am I?”
• Plan a program on self-esteem/worth
• Plan a program on sex roles |
| “I’m having problems with my roommate.”
“My boy(girl)friend and I are fighting a lot.”
“I don’t get along with my floor.” | Interpersonal Relationships   | Developing a tolerance for a wide range of individual and ideological differences. Ability to develop intimate relationships maturely. | • Organize a minority panel discussion program
• Plan a male/female relationship program, a program on fear of intimacy, etc.
• Participate in a mediation process |

**Question:** Are there any stressors that are occurring in your life?
<table>
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</tr>
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</table>
| “I don’t know what I want to do with my life.”  
“I’m trying to choose a major.” | Developing Purpose | Clarifying plans and priorities in one’s life. Integrating interests and leisure activities with career plans and lifestyles considerations. | • Meet with advisor  
• Take a career inventory/assessment and process with a counselor |
| “I’m thinking about changing religions.”  
“My boy(girl)friend wants to have sex. I’m not sure if I’m ready.”  
“My friends are pressuring me to try drugs.” | Developing Integrity | Personalizing one’s values and integrating them into one’s behavior. Accepting other’s values and becoming aware of the relativity of differing views. | • Organize a values clarification discussion, program on sex, religion, politics, assertiveness, etc. |
| “I just drink on weekends to relieve stress from the week.”  
“I feel better about myself when I drink.”  
“Using drugs is affecting my study habits.” | Alcohol/Drug Awareness | Acquiring knowledge of the physiological effects of drug and alcohol use. Using chemicals responsibly. | • Alcohol/Drug assessment and counseling  
• Plane an alcohol awareness program  
• Organize a mocktail party |

**GILLIGAN’S THEORY OF WOMEN’S MORAL DEVELOPMENT**

**Level 1:** Orientation to Individual Survival

**Centered on Self**

**Transition:**

From Selfishness to Sense of responsibility

**Level 2:** Goodness as Self-Sacrifice

**Reliance on Societal Values**

**Transition:**

From Goodness to Truth

**Level 3:** The Morality of Nonviolence

**Reconcile Self and Responsibility**

**Transition:**

To Care as a Universal Obligation
Kohlberg’s Stages of Moral Growth


Preconventional Level (Individuals at this level don’t understand societal rules)
Stage I: Punishment and Obedience Orientation
Concern about self. Obedience to a powerful authority. Fear and avoidance of punishment dominates motives. Sees self as being dominated by other forces. Actions are judged in terms of the physical consequences.

Stage II: Instrumental/Relativist Orientation
One-way concern about another person (what s/he can do for me, how we can agree to act so I will benefit). The basic motive is to satisfy my own needs and occasionally the needs of others. I do not consider the needs of the other person, unless I think it will benefit me to do so.

Conventional Level (Focus on societal rules and others’ expectations)
Stage III: Interpersonal Concordance Orientation
Concern about groups of people, and conformity to group norms. There is a two-way relationship (we are good to each other). Motive is to be a “nice guy/gal,” to be accepted. Affection plays a strong role. Behavior is shaped by what receives approval from others.

Stage IV: Law and Order Orientation
Concern for order in society. Honor and duty come from keeping the rules of the society. The focus is on perceiving the society (not just obeying, as in Stage I). Good behavior is determined by an attitude of doing one’s duty, showing respect for authority, and maintaining the social order.

Post Conventional, Autonomous, or Principled Level (Thinking beyond rules and expectations and are based on principles the individual has chosen)
Stage V: Social Contract, Legalistic Orientation
What is right is what the whole society decides. There are no legal substitutes. The society can change standards by everyone agreeing to the change. Changes in the law are usually made for reason of the greatest good for the greatest number of people.

Where law is not affected, what is right is a matter of person opinion and agreement between persons. The U.S. Constitution is written in Stage V terms.

Stage VI: Universal Ethical Principles Orientation
What is right is a decision of conscience that is based on ideas about rightness that apply to everyone (all nations, people, etc.) These are called ethical principles.

An ethical principle is different from a rule. A rule is specific (e.g. Thou shalt not kill). An ethical principle is general (e.g. All persons are created equal).

The most important ethical principles deal with justice, equality, and the dignity of all people. These principles are higher than any give law because they come from the experience of all people.
### Kohlberg’s Moral Development Chart

**Question:** In your own mind, is there anything wrong with what you did?

<table>
<thead>
<tr>
<th>STUDENT RESPONSE</th>
<th>STAGE</th>
<th>DEFINITION</th>
<th>POSSIBLE SANCTIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>“I suppose so.” “I should have known I’d get caught.” “You tell me—you made the policy.”</td>
<td>1</td>
<td>Punishment/Obedience Orientation: Physical consequences of action determine goodness or badness. Avoidance of punishment and unquestioned deference to power are valued.</td>
<td>• Structure and follow-up are important. • Address specific behaviors.</td>
</tr>
<tr>
<td>“I did it.” “It was wrong, but I didn’t know what else to do.” “We were just having fun.”</td>
<td>2</td>
<td>Instrumental-Relativist Orientation: Right action consists of that which satisfies one’s own needs.</td>
<td>• Letters of Apology • Required use of headphones • Behavioral Contracts • Restitution • Regular meetings with staff</td>
</tr>
<tr>
<td>“I should have known better.” “It was a stupid thing to do.”</td>
<td>3</td>
<td>Interpersonal Concordance Orientation: Good behavior is that which pleases others. Conformity to an acceptance from others is important.</td>
<td>• Hall clean up • Floor decision-making, committee membership • Putting on programs • Values clarification discussion</td>
</tr>
<tr>
<td>“It’s against the law.” “I didn’t have a right to do it.” “I can see what would happen if everybody did it.”</td>
<td>4</td>
<td>Law and Order Orientation: Right behavior consists of obeying rules, respecting authority, and maintaining social order.</td>
<td>• Moral dilemma discussions • Community service projects • University/community committee membership • Role plays</td>
</tr>
<tr>
<td>“I was disruptive to others.” “It wasn’t fair to the rest of the floor.” “We all had agreed to obey... (e.g. Quiet Hours).”</td>
<td>5</td>
<td>Social Contract, Legalistic Orientation: Right action consists of general individual rights and community standards. Right is a matter of personal values and opinions and laws may be changed.</td>
<td>• Moral dilemma discussions</td>
</tr>
<tr>
<td>“We all have the right to...” “I wasn’t respectful for the floor members’ rights.”</td>
<td>6</td>
<td>Universal/Ethical Principles Orientation: Right is justified by universal principles of justice, equality of human rights, and respect for human dignity.</td>
<td>• Moral dilemma discussions</td>
</tr>
</tbody>
</table>
### Question: How do you account for what happened?

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</thead>
<tbody>
<tr>
<td>“I don’t know, it just happened.” “I didn’t think I’d be here.” “What is going to happen to me?”</td>
<td>1</td>
<td>Punishment/Obedience Orientation: Physical consequences of action determine goodness or badness. Avoidance of punishment and unquestioned deference to power are valued.</td>
<td>• Structure and follow-up are important.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>• Address specific behaviors.</td>
</tr>
<tr>
<td>“We were having a good time and the next thing I know we got carried away.” “I was just letting off some steam. It was a hard week.” “It’s a stupid rule anyway.” “No one else is complaining.” “I didn’t intend for this to happen.”</td>
<td>2</td>
<td>Instrumental-Relativist Orientation: Right action consists of that which satisfies one’s own needs.</td>
<td>• Letters of Apology</td>
</tr>
<tr>
<td></td>
<td></td>
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<td>• Required use of headphones</td>
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<td>• Regular meetings with staff</td>
</tr>
<tr>
<td>“I didn’t mean to hurt anyone. I was wrong.”</td>
<td>3</td>
<td>Interpersonal Concordance Orientation: Good behavior is that which pleases others. Conformity to an acceptance from others is important.</td>
<td>• Hall clean up</td>
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<td>• Floor decision-making, committee membership</td>
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<td>• Putting on programs</td>
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<td>• Values clarification discussion</td>
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<td>“I didn’t know the rules.” “I didn’t know it was this serious.” “I didn’t use good judgment.”</td>
<td>4</td>
<td>Law and Order Orientation: Right behavior consists of obeying rules, respecting authority, and maintaining social order.</td>
<td>• Moral dilemma discussions</td>
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<td>• Community service projects</td>
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<td>• Role plays</td>
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<td>“I didn’t think about the disruption to others.” “I don’t agree with this rule. How could it get changed?”</td>
<td>5</td>
<td>Social Contract, Legalistic Orientation: Right action consists of general individual rights and community standards. Right is a matter of personal values and opinions and laws may be changed.</td>
<td>• Moral dilemma discussions</td>
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<td>“I wasn’t aware of how my actions would affect the community.” “I didn’t consider the rights of others.”</td>
<td>6</td>
<td>Universal/Ethical Principles Orientation: Right is justified by universal principles of justice, equality of human rights, and respect for human dignity.</td>
<td>• Moral dilemma discussions</td>
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</table>
## SANCTIONING GUIDELINES MATRIX

<p>| *indicates sanction that can only be applied through VPSA; cases with a reasonable expectation of this sanction should be referred to VPSA. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Alcohol (VPSS - Alcohol Policy) | 1 | 2 | 3 | 2 | 3 | 1-3 | 2 | 1 | 2 | 3 | 1/2 | 1/2 | 2/3 |
| Amplified Instruments | 1 | 2 | 3 | 4 | na | na | 2 | 3/4 |
| Appliances | 1 | 2 | 3 | 4 | na | na | 2 | 3/4 |
| Arson / 22.B.2 | 1 | 1 | 1 | 1 | 1 |
| Assault &amp; Battery (22.A.#1) | 1 | 2 | 1/2 | 2 | 1 | 1 | 1 | 1/2 | 1/2 | 1/2 |
| Bicycles, Mopeds &amp; Motorcycles | 1 | 2 | 3 | 3 | 3 | 2 |
| Business (Solicitation) | 1 | 2 | 3 | 2 | 3 | 2 | 2 |
| Cooperation with Staff | 1 | 2 | 3 | 3 | 3 | 2 | 2 |
| Disorderly or Disruptive Conduct / 22.C.1 | 1 | 2 | 2 | 2 | 1 | 1 | 1 | 1/2 | 1/2 | 1/2 |
| Disposal of Sharp Objects | 1 | 2 | 3 | 3 | 3 | 2 | 2 |</p>
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<th>Conditional (*Housing Only)</th>
<th>General Probation (Housing)</th>
<th>Contract Cancellation (VPSS ONLY)</th>
<th>Conduct Probation (VPSS ONLY)</th>
<th>Conduct Suspension (VPSS ONLY)</th>
<th>Expulsion (*VPSS ONLY)</th>
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<th>Restitution / Community Service</th>
<th>Alcohol 101 Online Class</th>
<th>CHOICES (Alcohol or Drug)</th>
<th>Restriction / Loss of Privileges (no guest privileges, ban from building(s), suspension from participation in organization)</th>
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<th>University Career Center</th>
<th>Counseling Provider / CAPS - Alcohol, Drugs, Impulse Control, Suicide Ideations</th>
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