

# **HONOR CODE**

## **STUDENT RIGHTS & RESPONSIBILITIES**

**Policies and Procedures**  
**2023 –2024**

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## **Way University Honor Code**

The Honor Code is the Student code of conduct that outlines the expectations, rights, and responsibilities of every Student at the University. This document provides information to support our Students in developing and demonstrating integrity, respect, and individual and community responsibility. All Students at the University should read this Honor Code carefully to understand the expectations, policies, and procedures that apply when a Student is alleged to have violated a policy. You are expected to know and to understand your **rights** as well as your **responsibilities** to be a positive contributor and successful community member at the University.

### ***Honor Code Community Values***

All members of the Way University community are expected to engage both individually and as community members with *Integrity, Respect, and Responsibility*. These values embody the standards of conduct for Students, faculty, staff, and administrators as members of the University Community. These community values are defined:

***Integrity:*** acting in an honest and ethical manner.

***Respect:*** honoring differences in people, ideas, experiences, and opinions; engaging with others in ways that demonstrate an appreciation of their rights and humanity.

***Responsibility:*** accepting ownership for one's actions and choices; seeking opportunities to understand one's role in creating an inclusive environment as a University Student and global citizen; and when necessary, work to repair harm, restore trust, and acknowledge the impact of one's actions and choices.

### ***A Community of Care***

As a great private university dedicated to the public good, the University asks that all members of our Community commit to engaging with our values of respect, integrity, and responsibility. Our identities, our cultures, and humanity should be honored and respected. Members of the University community have the **RIGHT** to be treated with respect and share the **RESPONSIBILITY** to behave with **INTEGRITY**, and to create a high education climate that honors free expression and inclusion.

## ***Jurisdiction***

The University will address alleged Student behavior and conduct that may have violated University Policies, including the Student Rights & Responsibilities (SRR) policies set forth in this document, regardless of where the alleged behavior and conduct occurred. The University, through the [Office of Student Rights & Responsibilities](#), has the authority to address off-class Student behavior and conduct that disrupts neighbors, impacts the University mission, or negatively impacts the reputation of the University. Students hosting parties at off-university residences are responsible for the activities occurring at or associated with their gatherings.

The Student Rights & Responsibilities process at the University is not intended to replace criminal or civil proceedings. It is a University administrative process and does not follow formal rules of evidence or rules of criminal or civil procedure as set forth in any federal, state, or local statute or regulation. **A Case Resolution Body will review and give appropriate weight to the information provided related to the incident. The Case Resolution Body will make determinations of responsibility for violations of the Honor Code based upon a finding of Preponderance of the Evidence – that the violation is more than likely or less than likely to have occurred.**

In cases of criminal or civil charges, the University may proceed with the SRR process as the University deems appropriate, regardless of any pending criminal charges or civil proceedings relating to the alleged violation. The University may not defer or postpone the SRR process based on concurrent criminal or civil proceedings. The University may still proceed with the SRR process even after the dismissal or reduction in criminal charges or civil proceedings related to the alleged violations.

The University may continue with the SRR process even if the Student withdraws from the University.

The University encourages the prompt Reporting of alleged violations of any policy; however, the University reserves the right to review any alleged violations, at any time, in furtherance of its goal to promote a safe and productive environment for all University Community members.

With approval from the [Vice Chancellor for Student Affairs or their designee](#), the [Office of Student Rights & Responsibilities](#) reserves the authority to pilot new programs, procedures, and/or resolution methods to best meet the needs of the ever-changing University Community. Participation in such piloted programs, procedures, and/or

resolution methods is voluntary.

The [Office of Equal Opportunity & Title IX](#) has the responsibility for addressing alleged violations of University Policies related to discrimination and harassment through its own procedures.

### ***Students as Employees***

Students may be involved in the University Community in different ways, such as Students who are also University employees. Such Students may be subject to other University Policies and expectations of behavior related to those other roles.

### ***Students as Scholars***

Students may also be members of academic programs with professional standards of conduct in addition to the University standards. The University may hold a Student responsible for alleged violations of both University Policies and the applicable professional standards through the SRR process. Students are responsible for knowing and following all applicable policies and standards.

### ***Interpretation***

The purpose of publishing the Honor Code is to give the University Community general notice of policies and procedures related to SRR. The Honor Code and included processes are designed to be educational and are not written with the specificity of a criminal code and should not be interpreted as such. The [Director of SRR](#) has the authority to interpret the Honor Code as it applies to Students with the [Vice Chancellor for Student Affairs](#) having the final authority to resolve disputes regarding the interpretation of the Honor Code.

### ***Implementation***

To better foster an environment of ethical conduct in the University Community, all community members are expected to take “Constructive Action,” that is, any effort to Report any behavior and conduct contrary to the Honor Code.

The [Chancellor](#) and the [Provost & Executive Vice Chancellor](#) grant authority to the [Office of Student Rights & Responsibilities](#) to resolve alleged violations of the Honor Code by Students. SRR is responsible for reviewing and evaluating Reports, assigning Alleged Policy Violations, investigating the incident(s), assessing findings, assigning status and educational Outcomes, and resolution of the incident. The Director of SRR may delegate this authority, or portions thereof, as necessary to maintain efficiency or address conflicts of interest. The SRR process is educational and provides Students the

opportunity to learn from their choices and actions and wherever possible repair any harm, restore trust, and acknowledge the impact of their choices and actions. [The Office of Equal Opportunity & Title IX](#) has jurisdiction to address conduct prohibited under the applicable University Policies & procedures.

For alleged violations of the Honor Code by members of the University Community who are not Students, the following policies and procedures govern:

- For faculty members: [The University's Policies and Procedures Relating to Faculty Appointment, Promotion, and Tenure](#)
- For non-faculty employees: The Way University's Human Resources [Employee Handbook](#)
- For trustees or the Chancellor: The By-Laws or other Board policies of the Way University

If there is any conflict or dispute concerning which policies and procedures govern in the enforcement of the Honor Code, the following University Officials shall resolve the conflict or dispute:

- Regarding faculty: The [Provost & Executive Vice Chancellor](#)
- Regarding non-faculty employees: The [Vice Chancellor for Human Resources](#)
- Regarding trustees or the Chancellor: The [Board of Trustees](#)

For alleged violations of the Honor Code by non-University Community members (e.g. visitors and guests), the [Vice Chancellor for Student Affairs](#) designates the [Office of Student Rights & Responsibilities](#) and the [Division of Student Safety](#) to consult regarding further action to recommend to the [Vice Chancellor for Student Affairs](#) or their designee.

If there is any conflict or dispute concerning which policies and procedures govern in the enforcement of the Honor Code regarding non-University Community members, the [Vice Chancellor for Student Affairs](#) shall resolve the conflict or dispute.

### ***Revision & Amendment***

The Honor Code was developed and has been revised following input from a broad range of constituencies within the University. Revisions to the Honor Code may be made

to reflect the ever-changing community and circumstances facing the University.

The [Office of Student Rights & Responsibilities](#) staff annually reviews the Honor Code and recommends changes. All recommendations for substantive changes will be forwarded to the appropriate University administration, Faculty Senate, Undergraduate Student Government (USG), and/or the Graduate Student Government (GSG) for comment. The [Provost & Executive Vice Chancellor](#) and the [Vice Chancellor for Student Affairs](#) hold final authority to revise or amend the Honor Code. The [Office of Student Rights & Responsibilities](#) (SRR) will publish the Honor Code on the [SRR website](#) prior to the beginning of the academic term in which it takes effect.

In addition, upon recommendation from a Dean or the Faculty Senate, the [Provost & Executive Vice Chancellor](#), in their sole discretion and through consultations with other relevant administrators, may permit individual units or divisions of the University to create more stringent professional standards that pertain directly to the unit or division involved. However, individual units or divisions cannot lessen the standards set forth in the Honor Code. These additions must be published on an official Way University website and provided to those impacted including to the [Office of Student Rights & Responsibilities](#) to be utilized in the Student Rights & Responsibilities process when appropriate.

At times, changes to the Honor Code are made necessary outside the annual review due to changes in federal, state, or local statutes or regulations or to address pressing University needs. The [Office of Student Rights & Responsibilities](#) will recommend such changes to the [Provost & Executive Vice Chancellor](#) and the [Vice Chancellor for Student Affairs](#) for final approval. These changes will be communicated to the University Community upon approval.

## **Way University Policy, Procedures, and Statements**

### ***Americans with Disabilities Act Statement***

In accordance with the University's commitment to equitable access, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act and other applicable statutes and regulations, the University includes this statement to inform Students of their right to request reasonable accommodations for a documented disability, medical, or mental health condition. Students should contact the **Disability Services Program (DSP)** at 303.871.3241 or email [dsp@way.university](mailto:dsp@way.university). Information is also available online at [way.university/disability/dsp](http://way.university/disability/dsp). **DSP is the only office in the university authorized to**



**review a student's self-disclosure of a disability, medical, and/or mental health condition and determine eligibility for requested accommodations.**

### ***University Discrimination and Harassment Policy Statement***

The Way University is committed to creating and maintaining a community in which people are treated with dignity, decency and respect. The environment of the University should be characterized by mutual trust, freedom of inquiry and expression, and the absence of intimidation, oppression and exploitation. People in this community should be able to work and learn in a safe, yet invigorating and thought-provoking atmosphere.

The accomplishment of this goal is essential to the academic mission of the University. The University will not tolerate unlawful discrimination and/or harassment of any kind, including on the basis of race, color, national origin, ancestry, age, religion, creed, disability, sex, sexual orientation, gender identity, gender expression, marital status, pregnancy, military enlistment, veteran status, genetic information, or gender-based violence. When a Student is alleged to have violated the Discrimination and Harassment Policy, 3.10.010, SRR will forward the incident Report to the [Office of Equal Opportunity & Title IX](#) for evaluation, investigation, and findings as provided in the Way University Title IX Sexual Harassment Procedures or the Way University Comprehensive Discrimination & Harassment Procedures. The Outcome Council will determine Status and Educational Outcomes under either procedure. The appeals process for determinations made under those procedures is set forth in the applicable procedure.

### ***University Critical Response to Emergency Conditions Statement***

The Way University has developed a coordinated approach to respond to emergency conditions and to protect the safety and wellbeing of the entire UniversityCommunity in alignment with the University's mission. This approach includes plans, protocols, procedures, and instructions based on local, state and federal guidance and applies to all members of the University Community, their guests, and visitors to way university.

To reduce the health and safety risks, prevent property damage, and allow for continuity of operations, the University will focus on planning, training, testing, and implementation of effective health and safety protocols.

As members of the University Community, Students are expected to follow all applicable University plans, protocols, procedures and instructions during such emergency

conditions. Students who do not follow University plans, protocols, procedures or instructions during emergency conditions may be referred to the [Office of Student Rights & Responsibilities](#) for action under the Honor Code, including considerations of temporary and permanent removal from the University.

### ***Protests & Demonstrations Statement***

The University recognizes the right to freedom of expression and the free interchange of ideas, including the right to peaceful and orderly protests and demonstrations. The University also recognizes that protests and demonstrations should not disrupt University operations, restrict movement of members of the University Community on and around premises, and/or interfere with the safety or security of members of the University Community. Students are expected to uphold the policies contained within the Honor Code, other University Policies, as well as applicable laws, and will be held accountable for any violations, including, but not limited to University Policies of Interference, Noncompliance, and Property Damage. The University values providing Students the opportunity to exercise these rights and the Division of Student Affairs & Inclusive Excellence desires to help Students do so effectively. Students should reach out to the Associate Vice Chancellor & Dean of Students and/or the Associate Vice Chancellor of Student Engagement & 4D Experience for assistance in this regard.

### ***Crisis Assessment Risk Evaluation (C.A.R.E.) Behavioral Intervention Team***

The [\(C.A.R.E.\) Behavioral Intervention Team](#) is committed to providing care, support, and access to resources to promote a safe and secure University Community environment. The C.A.R.E. Team is comprised of university staff and administrators who will intervene to manage patterns and/or instances of concerning behavior to support the individual Student while balancing the safety, health, and well-being of the University Community.

Please see the [C.A.R.E. Team website](#) for more information.

### ***Outcome Council***

The Outcome Council is the body responsible for making a neutral and impartial review of investigations and findings and imposing Outcomes following a finding of responsibility for violations of University Discrimination and Harassment Policy pursuant to the Way University Title IX Sexual Harassment Procedures or the Way University Comprehensive Discrimination & Harassment Procedures. The Outcome Council meets independently to make its determinations.

Typically, the Outcome Council will be comprised of three (3) University Community

members, including the [Director of Student Rights & Responsibilities](#), or their designee; and an appointed faculty member or similar University employee, appointed by the [Vice Chancellor for Student Affairs](#) or [Provost & Executive Vice Chancellor](#). All Outcome Council members will receive and/or have specific training pursuant to the Way University Title IX Sexual Harassment Procedures and the Way University Comprehensive Discrimination & Harassment Procedures.

To be eligible to serve on the Outcome Council, individuals must meet the following requirements:

- Faculty must have been employed by and taught courses at the University for at least one (1) academic year. Faculty must be currently employed at the University and have taught at least one (1) course within the two (2) most recent academic terms.
- Staff must be currently employed part- or full-time, and must have been employed full- or part- time by the University for at least one (1) academic term.

For more information regarding the process and procedure of the Outcome Council, please refer to the Way University Title IX Sexual Harassment Procedures or the Way University Comprehensive Discrimination & Harassment Procedures.

## **Student Rights & Responsibilities Purpose**

### ***Mission Statement***

The [Office of Student Rights & Responsibilities](#) at the Way University supports the University's mission by providing programs and services designed to foster an inclusive community and promote opportunities for holistic student living, learning, and growth. We strive to achieve a safe community in which Students:

- respect themselves, others, the University, and surrounding community;
- honor differences and gain an appreciation for living in a diverse society;
- maintain high standards of their personal and academic integrity;
- understand the impact of their actions and choices upon themselves, others, the University, and surrounding communities; and
- seek opportunities to repair harm, restore trust, and acknowledge the impact of

their actions and choices.

The [Office of Student Rights & Responsibilities](#) strives to be educational and restorative in our processes by offering educational Outcomes, workshops and alternate case resolution options. Through the Outcomes assigned to Students, we hope to encourage self-awareness, social engagement, and provide opportunities for reflection and meaning-making.

### ***Restorative Practice***

At the Way University, we strive to take a restorative approach to support our Students in learning how to strengthen interpersonal and community relationships. By strengthening relationships, Students learn how to intentionally and thoughtfully interact with each other, communicate, and address any conflict that may arise to repair harm in that individual relationship and understand the impact on the community as whole.

### ***Policies & Procedures Statement***

These policies and procedures govern all Student behavior and conduct at the Way University. Students are expected to uphold the values of the University and the Honor Code by exhibiting behavior and conduct that supports the spirit under which these values were established. Student's actions that are contrary to the core values of the Honor Code may be addressed through the Student Rights & Responsibilities Policies and Procedures as administered by the [Office of Student Rights & Responsibilities](#).

### ***Medical Amnesty Statement***

The health and safety of Students are of primary importance to the University. Students are expected to take immediate action when a person's health or safety is threatened. Medical Amnesty is designed to reduce barriers to Students taking immediate action for fear of being held responsible for alcohol or drug related Honor Code violations. Situations in which Medical Amnesty may apply include, but are not limited to, instances of physical injury, discrimination, harassment, sexual misconduct, mental health concerns, or other medical situations that occur in relation to alcohol consumption or drug use.

When a student undertakes an intentional action to seek assistance from a University Official or emergency services for themselves or others to protect their health and safety, the reporting Student(s) or at risk Student(s) involved will not be found

responsible for alcohol- or drug-related violations of the Honor Code, nor will alcohol- or drug-related violations appear on their Student Rights & Responsibilities Record. During emergency conditions, the University may extend this Medical Amnesty to include violations of the University's emergency conditions specific plans, protocols, procedures, and instructions as applicable.

It is the University's intent that Medical Amnesty extend to situations in which any Student makes a complaint or provides a statement to the [Office of Equal Opportunity & Title IX](#) in the course of an investigation or resolution pursuant to the Way University Title IX Sexual Harassment Procedures or the Way University General Discrimination & Harassment Procedures. However, Medical Amnesty does not extend to the distribution, sale, or otherwise providing another individual with alcohol or drugs for the purposes of inducing incapacitation, as defined in those procedures.

The Students involved in instances of Medical Amnesty may be referred for an Educational Outcome or evaluation related to their health status or substance use. This referral will not constitute a reportable violation of the Honor Code. The University expects that Students will always prioritize their own and others' health and safety. Moreover, this commitment does not preclude legal consequences or Alleged Policy Violations for non-alcohol or drug-related Honor Code violations related to the incident.

## **Student Rights & Responsibilities Policies**

Students at the Way University are expected to follow these SRR Policies:

### **A. Academic Integrity** violations includes the following:

1. **Plagiarism:** Any representation of another's work or ideas as one's own academic and educational submissions, including, failure to include appropriate citation(s).
2. **Unauthorized Use:** Any actual or attempted use or possession of resources prohibited by the instructor(s) or those that a reasonable person would consider inappropriate under the circumstances for academic submissions, including prohibited or inappropriate use of the internet.
3. **Cheating:** Any actual or attempted effort to engage in falsification of academic materials, claiming credit for another's work contrary to instructor/department instructions, such as copying answers on a test, and/or assisting another Student in engaging in any action that may violate

one or more aspects of the Academic Integrity Policy.

4. **Repeated Submission:** Any submission of an academic work for more than one course without written permission of the instructor.
5. **Fabrication:** Any falsification or creation of unsubstantiated data, research or resources to support academic submissions.
6. **Impediment:** Intentionally damaging, misrepresenting, or inhibiting the academic work of another Student.
7. **Syllabus Violation:** Failure to meet expectations set forth in a course syllabus.
8. **Violation of Professional Standards:** Failure to comply with the standards applicable to a field of study, profession and/or academic department.

**Note:** Alleged violations of Academic Integrity which occurs during an academic course must be addressed through the Academic Integrity Misconduct Process.

**B. Alcohol Misuse** includes the following:

1. **Unauthorized Possession:** Possession and/or use of alcoholic beverages by any person under the legal drinking age of the United States (currently twenty-one (21) years of age), unless expressly permitted by law and University Policy.
2. **Unauthorized Distribution:** The manufacturing and/or delivery of alcohol, except as expressly permitted by law and University Policies. Students may not provide alcoholic beverages to any person under the legal drinking age of the United States (currently twenty-one (21) years of age). This includes hosting an event/gathering or providing the space where underage and/or excessive consumption occurs.
3. **Intoxication:** Being under the influence of alcohol to the point of causing a disruption to University activities and/or endangering one's own health or safety regardless of age.
4. **Coerced Consumption:** Any act that may be reasonably expected to influence or cause a person to consume alcohol without their Effective Consent.
5. **Paraphernalia:** Any possession or use of paraphernalia used to facilitate the

unauthorized use or rapid consumption or distribution of alcohol, including, but is not limited to, drinking games, beer bong, or similar items.

**C. Dishonesty** includes the following:

1. **Misleading Information:** Intentionally giving false or misleading information to a University Official, law enforcement officer, or other emergency service professional while they are performing their duties. This includes, but is not limited to, intentionally omitting information in response to a request from a University Official and asking or persuading another individual to give false or misleading information and/or to omit information in response to a request from a University Official.
2. **False Statement:** Any written or public statement about another person or group that would cause distress or would cause a reasonable person to fear for their safety and is proven to be false or misleading through the SRR process.
3. **Falsified Identification:** Purchase, possession, use, manufacture, or distribution of forged or falsified identification, including, but not limited to, use of another person's identification or the possession of any identification that misrepresents one's age, whether designated as "novelty" identification or otherwise.
4. **Alteration:** Any forgery, misuse, misrepresentation, or unauthorized alteration of any University documents, records, or credentials, including, but not limited to, the submission of false information on any official form or document to the University or alteration of University parking passes.

**D. Drug Misuse** includes the following:

1. **Unauthorized Possession:** Possession and/or use of any Federally Illegal Drug, or any possession and/or use of any prescription drug or other controlled substance except under the direction of a licensed physician and with a valid prescription. The University prohibits possession and/or use of cannabis, including medical cannabis, on University Premises in all circumstances.
2. **Distribution:** Manufacturing and/or delivery of any Federally Illegal Drug, prescription drugs, or other controlled substance, including cannabis in any form. This includes hosting an event/gathering or providing the space where

consumption of drugs occurs.

3. **Intoxication:** Being under the influence of any Federally Illegal Drug, prescription or non-prescription drug, or other controlled substance to the point of causing a disruption to University activities and/or endangering one's own health or safety regardless of age.
4. **Coerced Consumption:** Any act that may be reasonably expected to influence or cause a person to ingest any Federally Illegal Drug, prescription drug, or other controlled substance without their Effective Consent.
5. **Paraphernalia:** Any possession or use of paraphernalia used to facilitate the unauthorized or rapid use or distribution of any Federally Illegal Drug or other controlled substance regardless of age; including but not limited to, cannabis pipes, bongs and scales or other measuring devices.
6. **CBD:** The use of cannabidiol (CBD) is restricted to products with no levels of THC as stated on the container. Any product containing THC or that does not state the level of THC is not allowed in the University owned or operated housing or on University Premises.

**E. Endangerment** includes the following:

1. **Substantial Risk:** Any act that directly or indirectly creates a substantial risk to anyone's (including one's own) medical or mental health or safety regardless of intent. This includes, but is not limited to, the use or abuse of any substances that results in medical evaluation or assistance.
2. **False Report:** Any act, display, or communication that intentionally initiates or causes to be initiated any false report of an emergency, including, but not limited to, any threat of fire, explosion, or any other emergency or the unauthorized possession, use, or alteration of any emergency or safety equipment.
3. **Weapons:** Any possession or use of Weapons, ammunition, explosives, or other objects designed or used to inflict injury or damage while on University Premises or items that simulate Weapons or other dangerous objects, even if the Student possesses a valid concealed Weapons permit or other lawful permission to carry a Weapon. The reckless misuse of these items either on or off University Premises is prohibited. The University does not prohibit the possession of non-lethal self-defense instruments such as mace; however, the



University does prohibit the reckless or inappropriate use of those instruments or other items that could cause harm when not used for their intended purpose.

**F. Fire Safety** includes the following:

1. **Explosive Devices:** Any possession or use of fireworks, explosives, or other objects designed or used to explode, inflict injury or damage, or cause a spark while on University Premises, even if the Student possesses a valid permit or other lawful permission or the reckless misuse of these items either on or off University Premises.
2. **Fire Setting/Starting:** Intentionally or recklessly causing or attempting to cause a fire that damages or threatens University or personal property and/or causes injury.
3. **Fire Safety Equipment:** Intentionally or recklessly tampering with or improperly using fire safety equipment.

**G. Harassment** includes the following:

1. **Bullying:** Any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another person or group. Bullying conduct is severe, persistent, or pervasive and has the effect of substantially interfering with a community member's education, employment, or full enjoyment of the University; creating a threatening or intimidating environment; or substantially disrupting the orderly operation of the University.
2. **Coercion:** Any use of force, threats, manipulation, blackmail, bribery or extortion to persuade someone to do something.
3. **Intimidation:** Any verbal, written, or electronic threats of violence or other threatening behavior and conduct directed toward another person or group that reasonably leads the person(s) in the group to fear for their physical or emotional well-being, or significantly impacts a person's social engagement on premises.
4. **Retaliation:** Any actions or attempted actions that impose a hardship, loss of benefit, or a penalty on any Student, faculty, or staff in response to filing or responding to a Report, appearing as a Witness in the investigation of a

Report, or serving as a Student Rights & Responsibilities Administrator or as a member of a Case Resolution Body.

#### **H. Hazing:**

Any act, even if committed with the consent or acquiescence of all parties, that endangers the psychological or physical health or safety of a person, or by which a person is encouraged to engage in conduct that a reasonable person would consider to be humiliating, when the act is explicitly or implicitly a condition of admission into, affiliation with, or continued membership in any group. Actively or passively encouraging these acts is also prohibited.

#### **I. Interference:**

Any act, display, or communication that causes a disruption or an obstruction of educational, administrative, residential (including off University Premises) or other aspect of the University's mission or operations, or intentionally interferes with the right of access to University facilities or freedom of movement of anyone on University Premises. This is not intended to prohibit organized, peaceful, and orderly protests.

#### **J. Noncompliance** includes the following:

1. **Reasonable Request:** Any failure to comply with the reasonable request of a University Official, law enforcement officer, or other emergency service professional in the performance of their duties.
2. **SRR Process:** Any failure to comply with the Student Rights & Responsibilities process, including, but not limited to, failure to complete Outcomes, falsifying Outcomes, or violation of any Academic Integrity Policies in the completion of an Outcome.
3. **Identification:** Any failure to provide one's University Identification Card or any form of legal identification upon the request of University Officials.
4. **Postings:** Any failure to abide by signs, placards, or other official postings.
5. **Guests & Visitors:** Students are responsible for the behavior of their guests and visitors to the Way University. Students are expected to inform their guests and visitors of all University policies, protocols, and procedures

and applicable laws, ordinances, and public health orders or other local safety orders.

**K. Physical Misconduct** includes the following:

1. **Bodily Harm:** Any act causing or likely to cause, bodily harm to any person, regardless of intent.
2. **Physical Contact:** Any act resulting in physical contact with another person, without their Effective Consent.

**L. Property Damage:**

Any act causing or likely to cause damage to the property of another person or entity without the Effective Consent of that person or entity, regardless of intent.

**M. Provocation** includes the following:

1. **Disruption:** Any act, display, or communication directed towards a person or a group of persons that may reasonably be expected to cause an immediate disruption of normal University activity.
2. **Harm:** Any act, display or communication that encourages actions that may be reasonably expected to cause harm to a person(s) or damage to property, including, but not limited to, rioting.

**N. Theft** includes the following:

1. **Attempted:** Attempted acquisition or possession of property (including intellectual property) without the consent of the owner or person legally responsible for that property. This includes, but is not limited to, the attempted possession of property a Student should reasonably know is stolen.
2. **Possession:** Actual acquisition or possession of property, including intellectual property, of another person or entity without the permission or authorization of that person or entity. This includes, but is not limited to, the attempted possession of property a Student should reasonably know is stolen.
3. **Unauthorized Use:** Any utilization of labor or services by unauthorized or deceitful methods, including, but not limited to, the misuse of University

parking passes.

4. **Unauthorized Procurement:** Any attempted or actual acquisition of items offered without charge when that acquisition exceeds reasonable limits or restrictions imposed by the provider of the materials, including, but not limited to, taking excessive numbers of giveaways.

**O. Unauthorized Presence** includes the following:

1. **Unauthorized Entry:** Entry or presence within enclosed University buildings or areas including, but not limited to, athletic facilities, construction sites, offices, another residential building owned or operated by the University, or another Student's living quarters, even if unlocked, without the permission or authorization of the owner or person legally responsible for that property, regardless of intent. This includes, but is not limited to, entry in violation of posted hours of operation.
2. **Unauthorized Access:** Climbing on, being present on the roof of, or other invalid use or access of any University building or University owned or operated structure or other University property.
3. **Unauthorized Access/Alteration of Keys/Entry Devices:** Tampering with locks to University buildings, unauthorized possession or use of University keys/entry devices, and/or alteration or duplication of University keys/entry devices.

**P. Violation of Laws/Regulations/Ordinances:**

Committing or attempting to commit any violation of local, state, federal, or applicable foreign law, or a local ordinance, regulation, public health order or other local safety order, whether on or off University Premises.

**Q. Violation of the University's Discrimination and Harassment Policy:**

Any violation of the University's Discrimination and Harassment Policy, as implemented through the Way University Title IX Sexual Harassment Procedures or the Way University General Discrimination & Harassment Procedures.

**R. Violation of Other University Policies Violation of Other University Policies:** Any act that is in violation of any University Policies, Protocols, or Procedures, whether

or not enumerated in these Student Rights & Responsibilities Policies. The University expects Students to review University policies and inform their guests of University policies.

1. Examples of University policies include but are not limited to the following:
  - a. **Safety Policies:** Any act that is in violation of the policies and procedures of the [Division of Safety](#).
  - b. **Tobacco Free Policy:** Any act that is in violation of the University's Tobacco Free policy. The University does not permit vaping of any type of University Premises. Per the Colorado Clean Air Act, vaping or use of e-cigarettes is prohibited inside any public buildings and most businesses. Individuals may not vape within 25 feet of the main or front door of a building.
  - c. **WAY Alcohol Policy:** Any act that is in violation of the policies and procedures of the DU Alcohol Policy; including the tail-gating portion.
  - d. **Parking and Mobility Services Policies:** Any act that is in violation of the policies and procedures of Parking and Mobility Services, including, but not limited to, permit regulations and traffic regulations.
  - e. **Information Technology Policies:** Any act that is in violation of the policies of the Information Technology division.
  - f. **Policies of Academic Departments:** Any act that is in violation of the policies of an academic department.
  - g. **Other University Policy:** Any act that is in violation of any other University Policy, Protocol, or Procedure not listed above.

## **Student Rights & Responsibilities Case Resolution Procedures**

### ***Report Submission***

- Any individual may file a Report with the University. A Report is considered to have been filed when it has been presented in writing to a Student Rights & Responsibilities [staff member](#), Division of Student Safety [staff member](#), or Office of Equal Opportunity & Title IX [staff member](#). Under the Clery Act and Title IX, certain staff members are considered [University Security Representative](#) (USR) and/or Responsible Employees and are required to Report the incident to the [Office of Student Rights & Responsibilities](#) and/or the [Office of Equal Opportunity & Title IX](#). An individual may file a Report with a CSA or Responsible Employee who will then submit the Report to the appropriate office.
- Once a Report has been filed, the University may proceed with the Student Rights & Responsibilities process, even if a Reporting Party or Complainant later chooses to retract, rescind, or recant any or all of the Report or the individual chooses not to cooperate.
- The University will only take action without the consent of a Complainant if, in the [Director of Student Rights & Responsibilities'](#) judgment, such action is necessary to protect the safety, security, or integrity of the University or any member(s) of its community.
- If a Respondent withdraws or graduates from the University, the Student Rights & Responsibilities process may continue.

### ***Assess for Interim and Supportive Measures***

The University may implement interim and supportive measures based on the unique circumstances of a specific incident. Please see the Supportive Measures section for further information.

### ***Determination of Alleged Policy Violations & Referral of Incident Report***

- Student Rights & Responsibilities staff will review available evidence/information, assess if Alleged Policy Violations are applicable, and one of the following will occur:
  - No further action will be taken if Student Rights & Responsibilities staff determines that the Report is not substantiated. The University reserves the right to proceed with the Student Rights & Responsibilities process for any Report should further relevant information become available.
  - The Report will be referred to a Case Resolution Body if Student Rights & Responsibilities staff determines that the Report is substantiated, and

sufficient documentation already exists to proceed with the Student Rights & Responsibilities process.

- If, during the Student Rights & Responsibilities process, Student Rights & Responsibilities staff receives information supporting more Alleged Policy Violations, Student Rights & Responsibilities staff will review the information and determine whether to add additional Alleged Policy Violations.

### ***Notification of Case Resolution Meeting***

- The Student Rights & Responsibilities staff member or designee will review the academic schedule(s) of the Involved Parties and schedule a Case Resolution Meeting with the appropriate Case Resolution Body.
- The Student Rights & Responsibilities staff member or designee will send each Involved Party a Proper Written Notification.

### ***Attending the Case Resolution Meeting***

The Case Resolution Meeting is an opportunity for the Case Resolution Body to gain the perspectives regarding the incident from the Involved Parties and assess, based on a Preponderance of the Evidence, whether University Policies were violated. If so, the Case Resolution Body and the Student have an opportunity to evaluate the impact of the incident, begin to explore possible alternatives to the behavior and conduct that occurred, and discuss opportunities to repair harm.

- In Cases involving a minor violation of the policies set forth in the [Guide to Residence Living](#) and/or [Student Rights & Responsibilities Policies](#), an advisory letter or a warning letter may be sent to the Respondent instead of scheduling a Case Resolution Meeting.
- SRR reserves the right to make exceptions to any guidelines or procedures to accommodate scheduling, confidentiality, or other extenuating circumstances.
- Parties involved with the SRR process are prohibited from making any recording of any Case Resolution Meeting or related proceeding.
- Following a Case Resolution Meeting, the Case Resolution Body can take one of the following actions regarding each Respondent:
  - Find the Respondent not responsible of violating University or SRR Policies.
  - Find the Respondent responsible of violating University or SRR Policies and

assign appropriate Outcomes. The Case Resolution Body will only find a Student responsible if a Preponderance of the Evidence presented supports such a finding.

- Find the Respondent responsible of violating University or SRR Policies and refer the Student to a Restorative Justice Conference (RJC) for Outcomes when the Case Resolution Body determines that this option is appropriate.
  - The Case Resolution Body may only refer a matter to an RJC if the parties can agree on responsibility; the Respondent agrees to seek alternative ways to address the impact of their choice and actions; and the Complainant is in agreement.
- Refer the Respondent to a new Case Resolution Meeting before a separate Case Resolution Body.

### ***Determinations and Decision Notice***

- Once the Case Resolution Body has made a decision regarding responsibility and Outcomes, Student Rights & Responsibilities will send Proper Written Notification, as applicable.
- Decision Notice may include, as applicable to the recipient, a rationale explaining the decision, the determination of responsibility per each Alleged Policy Violation reviewed and discovered in the Case Resolution Meeting, any assigned Outcomes with details and due dates for completion, and appeal instructions.

### ***Appeal Process***

- Respondents have the **right** to submit an appeal of a decision made by a Case Resolution Body based on specific appeal criteria. In certain incidents, Complainants have the **right** to submit an appeal of a decision based on specific appeal criteria.
  - Disagreement with the decision is not grounds for appeal.
  - SRR considers appeals only based on the following Appeal criteria:
    - The existence of procedural errors so substantial that they greatly impacted the findings, responsibility determination, and/or the ultimate Outcomes;
    - Presentation of new and significant evidence which was not reasonably available at the time of the initial Case Resolution



Meeting and would likely alter the findings, responsibility determination, and/or the ultimate Outcomes;

- New and significant discovery of conflict of interest or bias on part of a member of a Case Resolution Body member that greatly impacted the findings, responsibility determination, and/or the ultimate Outcomes; and/or
  - The Outcomes imposed are substantially disproportionate to the severity of the violation.
- The appeal must include information to support the specific Appeal Criteria cited in the appeal.
- Respondents and Complainants (as applicable) wishing to submit an appeal of a decision must submit a completed appeal request form within five (5) Business Days of the Proper Written Notification.
  - The [Director of Student Rights & Responsibilities](#) or designee has the discretion to grant a reasonable extension to the appeal submission deadline based on a submitting party's requests. A reasonable extension is considered to be two (2) additional Business Days; however, the Director of Student Rights & Responsibilities or designee has the discretion to adjust the length of the extension as circumstances warrant.
  - If either Party submits an appeal, Outcomes assigned will be considered "on hold" pending a final decision on the appeal evaluation and/or appeal as applicable, unless otherwise determined or in a case in which the Respondent was previously issued an Interim Action or Suspension.
  - If either or both the Complainant or Respondent submits an Appeal Form, within five (5) Business Days of the date on the Decision Notice letter, the other party(ies) involved in the Case will be notified that an appeal has been received.
  - If [Director of Student Rights & Responsibilities](#) or their designee determines that the appeal submission meets Appeal Criteria, they will refer the appeal to the appropriate Appellate Officer for review.
  - The Appellate Officer will review the Appeal Information, Student Rights & Responsibilities Records, and any other applicable information to determine a decision on the appeal.

- In the SRR process, neither Complainants nor Respondents have the right to view the appeal process information that was submitted by the other party(ies). However, the Appellate Officer may reserve the right to forward any and all portions of the appeal process information to the other party(ies) as needed to address matters raised in the appeal. In such situations, the other party(ies) will be given the opportunity to submit a written response by a stated deadline.
- The Appellate Officer may take one of the following actions:
  - Deny the appeal and uphold the original decision based on not satisfying the Appeal Criteria; or
  - Accept the appeal based on satisfying the Appeal Criteria and either:
    - Send the Case back to Student Rights & Responsibilities for an administrative review; or
    - Dismiss the Case.
- The Appellate Officer will transmit a final decision on the appeal within five (5) Business Days after receipt of the appeal. If there are extenuating circumstances, the Appellate Officer will notify all parties involved that an extension beyond five (5) Business Days is necessary in making a decision on the appeal.
- The Appellate Officer's decision is considered final and there are no further routes of appeal.

### ***Case Completion***

- The case resolution process is considered completed when either no appeal is submitted by a Respondent or Complainant (as applicable) within five (5) Business Days or an appeal is denied, rendering the decision by the Case Resolution Body as final.
- Student Rights & Responsibilities staff may notify University entities of the decision as necessary in order to move forward with processes impacted by the Outcomes.

## **Supportive Measures**

All Students have the right to continue their education free from the threat of

harassment, abuse, retribution, or violence. The University may act or offer services that are designed to protect the safety, security, or integrity of a Complainant, a Reporting Party, a Witness, the University, or any member of the University Community.

Supportive measures include, but are not limited to, Mutual No Contact Orders, Location Restrictions, involuntary removal from a course, program, activity, or University Premises, and modifications to living arrangements pending case resolution, and/or prior to reporting incidents to law enforcement or other non-University agencies.

### ***Interim Action***

- The [Vice Chancellor for Student Affairs](#) or their designee may restrict a Student's access to some University resources or activities for an interim period prior to case resolution, which may include not permitting the Student to attend classes in person.
- An Interim Action will be effective immediately, without prior notice, whenever the [Vice Chancellor for Student Affairs](#) or their designee determines that the continued engagement of the Student on the University Premises or involvement in University activities poses a disruption to the ability of any member of the University Community to participate in University activities or to the stability and continuance of normal University operations. The Student cannot appeal an Interim Action.
- For investigations and resolutions under Way University Title IX Sexual Harassment Procedures, the University will consider emergency removal consistent with those procedures.
- During an Interim Action, the Student is denied access to University Premises, in whole or in part, and University activities or privileges for which the Student might otherwise be eligible, as the [Vice Chancellor for Student Affairs](#) or their designee may determine to be appropriate.
- Whenever a Student is subjected to an Interim Action, the University will complete case resolution as promptly as possible. The Interim Action may remain in effect until a final decision has been reached, including any appropriate appellate process.

## ***Interim Suspension***

- The [Vice Chancellor for Student Affairs](#) or their designee may suspend a Student for an interim period prior to case resolution.
- An Interim Suspension will be effective immediately, without prior notice, whenever the [Vice Chancellor for Student Affairs](#) or their designee determines that the continued presence of the Student on the University Premises poses a substantial threat to any member of the University Community or the stability and continuance of normal University operations. The Student cannot appeal an Interim Action.
- For investigations and resolutions under Way University Title IX Sexual Harassment Procedures, the University will consider emergency removal consistent with those procedures.
- During an Interim Suspension, the Student is denied access to University Premises and all University activities or privileges for which the Student might otherwise be eligible, as the [Vice Chancellor for Student Affairs](#) or their designee may determine to be appropriate.
- Whenever a Student is subjected to an Interim Suspension, the University will complete case resolution as promptly as possible. The Interim Suspension may remain in effect until a final decision has been reached, including any appropriate appellate process.

## ***Mutual No Contact and Location Restriction Orders***

***A Mutual No Contact Order*** is a written directive for the identified parties to avoid all contact and/or communication with one another. Unless expressly stated otherwise in the Mutual No Contact Order, contact is defined as communicating in person, communicating through a third party, and communicating through all forms of written and/or electronic contact (including phone, email, texting, and social media). The Mutual No Contact Order may apply to other forms of contact, as the University deems appropriate under the circumstances.

***A Location Restriction Order*** is a written directive for one or more identified parties not to enter a designated portion of University Premises. The written Location Restriction Order will define the space to be avoided, which may include particular rooms, buildings, outdoor areas, events, or other spaces as described in the Location Restriction Order. The Location Restriction Order may also require a housing reassignment or reassignment

to a different section of a course for one or multiple individuals identified in the Location Restriction Order.

Although these Mutual No Contact Orders and Location Restriction Orders are not considered disciplinary in nature, failing to abide by the terms of the Mutual No Contact Order and Location Restriction Orders will constitute a violation of the [Student Rights & Responsibilities Policies](#).

Mutual No Contact Orders and Location Restriction Orders may be issued as an Emergency Order through the Division of Student Safety. For more information on Mutual No Contact Orders and Location Restriction Orders, please see the [SRR website](#). To request a Mutual No Contact Order and/or Location Order, please complete this [form](#).

## **Case Resolution Bodies**

When Student Rights & Responsibilities determines that an Alleged Policy Violation has occurred, SRR will refer the Case to a Case Resolution Body for responsibility and/or Outcome determination.

A Case Resolution Body is any person, persons, or groups authorized by the University to determine whether a Student has violated Student Rights & Responsibilities Policies and to impose Outcomes when appropriate.

All Case Resolution Bodies have the authority to make a determination regarding responsibility for violations of Honor Code and/or other University Policies and assign Outcomes as appropriate:

- The [Director of Student Rights & Responsibilities](#), or their designee, has the authority to impose Outcomes up to, and including, Suspension.
- The Director of Student Rights & Responsibilities, or their designee, has the authority to enter into a Case Resolution Agreement with Involved Parties.
- The Director of Student Rights & Responsibilities has the authority to authorize Student Rights & Responsibilities staff members to impose Outcomes up to, and including, Elevated Probation.
- The Director of Student Rights & Responsibilities has the authority to authorize Housing and Residential Education (HRE) staff to conduct Case Resolution Meetings for Cases that originate in University owned or operated housing and

are not assigned to a different Case Resolution Body. Generally, HRE staff may hear Cases involving alleged violations of policies set forth in the [Guide to Residence Living](#) and alleged violations of Student Rights & Responsibilities Policies. HRE staff members have the authority to assign Outcomes up to, and including, probation.

- Faculty Members or the designated decision maker in an academic department or unit have inherent authority to make decisions on Academic Actions when they have determined a Student has violated one or more Academic Integrity policies. Academic Actions may include, but are not limited to failure of an assignment, failure of a course, or recommendation of termination from a program of study as per applicable procedures.
- Student Accountability Board (SAB) has the authority to conduct Case Resolution Meetings involving student Respondents and issue all forms of Outcomes, up to and including Dismissal from the University.
- Restorative Justice Conference (RJC) is an alternative dispute resolution process and will only be considered when: (1) the Student Respondent(s) have taken responsibility for violating the applicable Student Rights & Responsibilities Policies and have an interest in repairing the harm done by their actions; and (2) the Complainant(s) are able to participate in the process.

## **Student Accountability Boards**

- The [Director of Student Rights & Responsibilities](#) or their designee will be the Chair for the SAB. The role of the Chair is to facilitate the SAB and to advise the SAB. The Chair does not make decisions on responsibility or Outcomes. When possible, the SAB should be comprised of three (3) eligible members of the University Community. When possible, the SAB will be comprised of one (1) Student, one (1) Faculty, and one (1) staff member.
- Specific guidelines for who may serve on an SAB are as follows:
  - When possible, the undergraduate or graduate student status of the Respondent(s) will be the same as the status of the Student member of the SAB.
  - In Cases involving an alleged violation of Academic Integrity Policies, at least one (1) member of the SAB must be a Faculty Member.

- The SAB may conduct a meeting with only two (2) members, provided the Respondent(s) and Complainant(s) (if applicable) have no objections.
- To be eligible to serve on the SAB, individuals must meet the following requirements:
- Students must be registered as a full-time Student in good standing after completing at least one (1) term of coursework at the University.
- Faculty must be currently employed by the University and must have taught courses at the University for a minimum of one (1) academic term. Faculty must also have taught at least one (1) course within the most recent two (2) academic terms.
- Staff must be currently employed part- or full-time, and must have been employed full- or part- time by the University for at least one (1) academic term.
- All members must be neutral and impartial decision-makers, free of any conflicts of interest pertaining to the incident being resolved.
- SAB Procedures
  - The SAB meeting will be recorded. This recording will be kept for a period of no less than seven (7) years from the date of the Respondent's most recent Case and/or completion of all Outcomes, whichever is later.
  - The SAB meeting will be closed, with participation limited to the Respondent(s), the Complainant(s), approved Support Persons, Witnesses, the Chair, the SAB members, SAB members in training, and any other appropriate University official, as applicable.
  - The [Office of Student Rights & Responsibilities](#) will notify the Respondent(s) and Complainant(s) (if applicable) of the SAB Members who will be serving. Respondent(s) and Complainant(s) have the right to object to the participation of any member based on a significant, demonstrable bias.
    - The party must submit such written objections, with supporting information, to the administrator designated in the notice within two (2) Business Days of release of the SAB members' names.

- The designated administrator will review any concerns and determine whether the objection has merit. The [Office of Student Rights & Responsibilities](#) will notify the Respondent(s) and Complainant(s) if any changes to the SAB composition have been made as a result of the objection.
- If the [Office of Student Rights & Responsibilities](#) designates a new SAB member, Respondent(s) and Complainant(s) will have one (1) Business Day to submit any written objections to the new SAB member to the designated administrator for review.
- The Chair will restrict all statements to matters relevant to the Case.
- The Chair has the authority to set reasonable expectations regarding behavior. Any person disrupting, interfering with or failing to abide by the decisions of the Chair may be removed from the SAB Meeting. The SAB will continue in that individual's absence.
- Support Persons, if present, are restricted to consulting with the party they are there to support. Support Persons may not address Witnesses or the SAB unless invited to do so by the Chair.
- Deliberations are limited to the members of the SAB and are not recorded.
- The SAB Meeting and the results of the SAB Meeting are protected by the Family Education Rights & Privacy Act (FERPA) as part of the education records of the Student(s) who participate in the SAB Meeting.
- Respondent(s) and, as appropriate, Complainant(s), will receive information regarding the proceedings of the SAB upon notification of the scheduled SAB.
- The order of proceedings includes the following:
  - Summary of the Incident and statement of the Alleged Policy Violations
  - Opportunity for the Respondent(s) to respond to the Alleged Policy Violations by accepting or denying Responsibility
  - Opening statements by all Complainant(s) and/or Respondent(s)
  - Presentation of submitted evidence/information



- Opportunity for the SAB Members to ask questions of all Complainant(s), Respondent(s) and/or Witnesses
- Closing statements by Complainant(s) and/or Respondent(s)
- Deliberations
- The Chair has the discretion to vary the specific order of the proceedings, so long as each of the components is included. Additionally, there may be multiple Complainants and Respondents involved in a SAB at one time. All Complainants will speak first, followed by all Respondents.

## **Restorative Justice**

At times, Students may make decisions that are violations of the Honor Code that may negatively impact and/or disrupt the University Community. SRR strives to promote opportunities for holistic student learning and growth when Students take responsibility for their mistakes and decide they would like to repair harm in their community; this is referred to as Restorative Justice. The Restorative Justice process can only be used if the Respondent accepts responsibility for their actions and choices and the Complainant is able to participate fully. During a Restorative Justice process, impacted parties have an opportunity to share their perspective, confront the behavior, express the impact of the actions on them, and help develop Outcomes. Throughout this process, Students have an opportunity to reflect on this experience and learn how to move forward in a positive and productive way.

- Members of the greater University Community will serve on an Restorative Justice Committee (RJC), including Faculty Member, staff, Students, alumni, neighbors, and impacted parties. RJC's use a collaborative process to create an Outcomes Agreement and can impose a variety of Outcomes focused on reconciliation, resolution, and/or the betterment of the University Community.
- If the members of an RJC successfully create an Outcomes Agreement, the Respondent(s) cannot appeal the Outcomes because the Respondent(s) participated in this mutually agreed upon decision. If the members of an RJC cannot come to an agreement about Outcomes, the RJC is considered unsuccessful, and the Case will be sent back to the Student Rights & Responsibilities Process for traditional Case Resolution.
- The typical rights and responsibilities provided to Students in the traditional Student Rights & Responsibilities process may not be applicable in an RJC.

## **Outcomes**

The Student Rights & Responsibilities process is designed to create opportunities for holistic student living, learning, and growth which promotes a safe high education community. Outcomes are intended to be educational and endeavor to encourage student development of self-awareness, social engagement, and a sense of purpose. Individuals found responsible for violating policies will be held accountable and assigned Outcomes which balance the developmental needs of the Respondent and the needs of the University to provide equitable process and promote a safe community.

The [Office of Student Rights & Responsibilities](#) will determine Outcomes for violations of Student Rights & Responsibilities policies using criteria, including, but not limited to, the following:

- The nature and severity of the action/incident;
- The degree of physical violence (if any) associated with the incident;
- The impact of the conduct on Complainant(s), University Community, community members, University and community safety, and University environment;
- The number of Complainants and/or impacted individuals;
- The maintenance of a safe and respectful living, learning, and working environment;
- The Respondent's level of demonstrated understanding regarding the impact their choices and actions had;
- The Respondent's acceptance of responsibility;
- The influence of alcohol or other drugs;
- The circumstances and severity of the violation including behavior and conduct;
- The intent of the Respondent;
- A Student's previous Student Rights & Responsibilities Record or relevant or related criminal convictions (if known); and
- Any other mitigating, aggravating, or compelling factors.

The [Office of Student Rights & Responsibilities](#) assigns Outcomes for the entirety of an incident, not for each violation. All Outcomes typically include a “Status” Outcome and at least one appropriate “Educational” Outcome.

### ***Status Outcomes***

These Outcomes define the Student’s standing at the University. These include the following:

- **Advisory Letter:** An Advisory Letter is given to notify a Student that their behavior and conduct has been inconsistent with the expectations of the University. An Advisory Letter has no immediate effect upon a Student’s status at the University. SRR would not routinely report an Advisory Letter as part of a Student’s conduct history when asked for purposes of transferring schools or admission to graduate school.
- **Written Warning:** A written warning is given to notify a Student that their behavior and conduct has been inconsistent with the expectations of the University. A written warning has no immediate effect upon a Student’s status at the University.
- **Probation:** Probation serves to notify a Student that they must avoid any further violations for a specified period of time to remain a Student at the University. Students on probation are not in good standing with the University. As a result, a Student may be prohibited from participating in certain co-curricular activities while on probation.
- **Elevated Probation:** Elevated Probation serves to notify a Student that they must avoid any further violations of the [Student Rights & Responsibilities Policies](#) for a specific period of time in order to remain a Student at the University. When a student on Elevated Probation is alleged to be involved with any subsequent violations of the Student Rights & Responsibilities Policies, they may be issued an Interim Suspension until the University can determine their responsibility in the subsequent incident. Students on Elevated Probation are not in good standing with the University. As a result, a Student on Elevated Probation may be prohibited from participating in certain co-curricular activities. If the student on Elevated Probation is found responsible for any further violations of the Student Rights & Responsibilities Policies, the Student may be suspended or dismissed from the University.
- **Suspension:** A Student who has been suspended from the University may not

participate in any University activities, academic or otherwise, for a specific period of time, and will be restricted from all University Premises. A suspended Student who wishes to re-enroll must apply for readmission to the University and must also apply to the [Director of Student Rights & Responsibilities](#) who will determine whether any and all requirements for readmission have been satisfactorily completed. The University does not accept courses that the Student may have completed at another institution while on suspension.

- **Dismissal:** A Student who has been dismissed from the University is permanently prohibited from participating in any University activities, academic or otherwise, and will be permanently restricted from all University Premises.

### ***Educational Outcomes***

These Outcomes are intended to facilitate the learning process and encourage Students to reflect on the impact of the decisions they have made and help Students develop the skills necessary to be successful at the University. If a Student fails to complete any educational Outcome by the specified deadline, the University will place a hold on a Student's registration account with the University, and the Student may be subject to further action under the Honor Code.

Types of Educational Outcomes include, but are not limited to:

- **Reflective Activities:** The Student is required to, for example, write a reflection paper, maintain a journal, or write a review of a policy.
- **Programs & Activities:** The Student is required to, for example, complete community service hours, attend a program, or design a poster board.
- **Interventions:** The Student is required to, for example, undergo a counseling consultation, assessment, complete a drug and/or alcohol evaluation, or attend a workshop.
- **Restrictions:** The Student is restricted from certain locations or activities, for example, a single residence hall or a particular Student Organization.
- **Referrals:** The Student is referred to another process, such as mediation, for resolution.

### ***Parental or Legal Guardian Notification Policy***

The University considers Student Rights & Responsibilities Records to be part of a Student's education record. Accordingly, the University complies with all applicable laws and regulations, including but not limited to the [Family Educational Rights and Privacy Act](#) (FERPA).

The University recognizes that parent(s) or legal guardian(s) maintain an interest in their Student's behavior and conduct while at the University, and parents or legal guardians can play a positive role in addressing these issues. Therefore, the University may notify the parent(s) or legal guardian(s) of any Student under the age of twenty-one (21) whose current enrollment ends due to suspension or dismissal. The University also reserves the right to notify the parent(s) or legal guardian(s) of any dependent Student under the age of twenty-one (21) who has been found responsible for violating any drug or alcohol policies. Students may be required to provide contact information for their parent(s) or legal guardian(s). The [Director of Student Rights & Responsibilities](#) may decline notification under certain circumstances.

This notification is intended as a means to encourage communication between Students and their parent(s) or legal guardian(s) to provide the greatest level of support for the Student. Nevertheless, the University's primary relationship is with its Students, rather than with their parent(s) or legal guardian(s), and the University's priority and obligation is to correspond and otherwise conduct business directly with Students, and not through parent(s), legal guardian(s), or any other third party.

## **Rights of Involved Parties**

The Student Rights & Responsibilities process is designed to be educational in nature and to fairly determine if a Student is responsible for violating the Honor Code. If the Student is found responsible, the goal is to hold the Student accountable for violations, assist the Student in understanding the impact their behavior has had on others, and provide opportunities to repair harm and restore trust. The process is also designed to provide those who may have been impacted by these actions an opportunity to address an alleged violation of the Honor Code. Throughout the Student Rights & Responsibilities process, Involved Parties have certain rights and responsibilities which include:

### ***Fair Treatment***

- The **right** to be treated with dignity and respect.
- The **right** to receive information regarding the SRR process and their role within

this process.

- The Respondent has the **right** to be considered Not Responsible for an alleged violation(s) of the Honor Code unless found responsible during this process. This right will not prevent the University from taking necessary and reasonable supportive measures during this process.
- The **right** to object to a member of a Case Resolution Body based on demonstrable bias that would affect that member's ability to render a fair decision.
- The **right** for all decisions in the process to be based upon a Preponderance of the Evidence.
- The **right** to request a reasonable arrangement and/or accommodation (e.g. for disability, language barriers, or location/proximity concerns) to allow their full participation in the SRR process.
- The **right** to notify the leadership of the [Office of Student Rights & Responsibilities](#) via the online [reporting form](#) if the Student believes they have not received fair and equitable treatment.

### ***Privacy***

- The **right** to protection of information subject to applicable provisions of the Family Educational Rights and Privacy Act ([FERPA](#)).

### ***Presence of a Support Person***

- The **right** to have one (1) Support Person of their choice present throughout the SRR process.
  - A Support Person can be any person chosen by the Student, including, but not limited to, a parent or legal guardian, family member, or an attorney.
  - Individuals who are Involved Parties or Witnesses in the Case or a member of the Case Resolution Body shall not serve as a Support Person.
  - The University may not reschedule proceedings to accommodate the schedule of a Support Person.
  - A Support Person may not speak on behalf of the Involved Party nor actively participate in the proceeding. A Support Person may not attend a

Case Resolution Meeting without the Involved Party they are supporting being present.

### ***Written Notice***

- The **right** to Proper Written Notification of any Case Resolution Meeting a Student is invited to attend as a result of a Report filed. The notification may include the following:
  - The time, date, and location of the Case Resolution Meeting and procedures for requesting a change in time and/or date;
  - A summary of the incident, copy of the redacted Report, OR the office or agency to contact to request information underlying the Report;
  - The Alleged Policy Violations being considered at the time of the Proper Written Notification;
  - The name of the Reporting Party (as available and appropriate); and
  - The process and Outcomes for not attending the Case Resolution Meeting.

### ***Respond to Allegations and Provide Statement***

- The **right** to view any supporting documents not already provided in the written notice, such as videos and photos. The University will use reasonable efforts to allow the Involved Parties to review those materials in a monitored environment.
- The **right** to respond to the Alleged Policy Violations, including the right to present information directly relevant to the incident.
  - Polygraphs or “lie detector” results are not considered relevant and therefore are not allowed to be presented in any matter under the SRR process.
- The **right** to present Witnesses.
  - The SRR process addresses Student behavior and conduct, not Student character, therefore character witnesses, statements, and reference letters are not considered relevant and therefore are not permissible.
  - Witnesses must be identified through this [form](#).

## ***Written Decision and Appeal***

- The right to a Proper Written Notification of the results of their Case Resolution Meeting. The notice will include the following information:
  - The determination of responsibility for the alleged violations of the Student Rights & Responsibilities Policies
  - The rationale for the finding
  - If found responsible for a policy violation(s), the Outcomes imposed
  - Information regarding the criteria for eligibility and steps to appeal the finding(s) and/or Outcomes based on specified criteria.
- Complainants only have the **right** to receive a Proper Written Notification and a right to appeal the results of a Case Resolution Meeting convened because of a Report they filed, if the Complainant is a victim of an alleged crime of violence. If a Complainant dies because of the incident, the alleged victim's next of kin has the right to such notification.

## **Other Case Resolution Types**

### ***Academic Integrity Misconduct Process***

The Way University creates an academic learning environment grounded in Academic Integrity. Students are expected to engage honestly and demonstrate responsibility in research and academic assignments. Therefore, all work and grades should result from the Student's own understanding of the materials and their effort.

Faculty Members or designated decision maker in an academic department or unit are responsible for determining if a violation has occurred. When evidence/information indicates that a Student may have violated an Academic Integrity Policy, the Faculty Member or designated decision maker in an academic department or unit should contact the Student and provide an opportunity for the Student to respond to the allegation.

If the Faculty member or designated decision maker in an academic department or unit determines that the Student has violated an Academic Integrity Policy, the Faculty member or designated decision maker in an academic department or unit will assign appropriate Academic Actions and will work with SRR to identify any



appropriate Educational and Status Outcomes.

For more information regarding the Academic Integrity Misconduct Process please see the SRR [website](#).

### ***Policy on the Disruption of the Learning Environment***

The University is committed to promoting a positive and safe Learning Environment. Individual Faculty Members and staff have the right to determine whether specific Student behavior and conduct is disruptive to the Learning Environment, and as a result, Faculty Members and staff may require a Student to leave an **individual** Learning Environment; however, they are not authorized to permanently remove a Student from the Learning Environment without following the process set forth below and/or the Honor Code Resolution Process, whichever is determined to be the most appropriate by the Office of Student Rights & Responsibilities.

This process should be initiated as soon as possible after the initial disruption.

If during this process, the Student's continued presence in the Learning Environment represents a ***significant impediment*** to the educational process of the Learning Environment, the University may officially withdraw or remove the Student from the Learning Environment. If attempts at informal resolution fail or are not possible, the withdrawal or removal procedure will be followed.

Faculty members, staff, or Students in the Learning Environment in which the disruption is alleged to have occurred should file an [SRR Incident Report](#).

The process to address a Disruptive Classroom Behavior Process report is as follows:

- After a Faculty Member, staff, or Student files an Incident Report, the Dean or designee, as a neutral party, will lead a meeting between the Student and Faculty Member or staff responsible for the Learning Environment to attempt to resolve the concern as soon as possible after the submission of the SRR Incident Report.
- The Faculty Member or staff member need not lead the meeting but should be present at this initial meeting with the Student.
- The Director of SRR, or their designee, will attend the meeting to help facilitate administrative response and provide clarification regarding policies and

procedures.

- Additional University Community Members (including, but not limited to, Dean's office staff or Student Safety staff) may be asked to attend this meeting.
- The Student may bring a Support Person to this meeting, provided that the Support Person must follow all limitations on the role of a Support Person as set forth in the Honor Code.
- If the Student fails to attend the meeting, the instructor may proceed with a request to the relevant Dean's office for an involuntary removal of the Student from the Learning Environment.
- If the initial conversation does not resolve the conflict or if the Student fails to attend the meeting, the Dean or designee will issue a determination within five (5) Business Days from the scheduled time of the meeting.
- During the time between the meeting and the determination, the Student is not permitted to return to the Learning Environment and the Faculty Member and staff member shall provide the Student with materials, assignments, and other Learning Environment information the Faculty Member and staff member deems essential to assist the Student with remaining current in the Learning Environment.
- The Dean or designee will communicate the determination regarding whether or not the Student will be withdrawn or removed from the Learning Environment to the Student, Faculty Member, and applicable University Officials.
- If the Dean or designee determines that withdrawing or removing the Student from the Learning Environment is necessary, the Student will be provided the opportunity to withdraw from the Learning Environment voluntarily. If this is a course, if the Student does not drop the course voluntarily, the Office of the Registrar will drop the student from the course. In either case, the student's transcript will reflect a "W" for withdrawal if the action occurs after the course drop deadline.
- If the Dean or designee determines that withdrawal or removal is not warranted, the Student shall be allowed to return to the learning environment at the next scheduled opportunity. The Student may be required to sign a Behavioral Responsibilities Agreement to set forth the appropriate and inappropriate conduct and expectations for conduct for the remainder of the

course as well as the consequences for violating the agreement. The agreement is not appealable. The agreement will be kept on file with the Office of Student Rights & Responsibilities.

- The Student may appeal the withdrawal or removal decision in writing to the Office of the [Provost & Executive Vice Chancellor](#) no later than five (5) Business Days from the date of the Dean's or their designee's decision. The [Provost & Executive Vice Chancellor](#) or their designee will consider appeals based only on the following criteria:
  - The existence of procedural errors so substantial that they greatly impacted the decision;
  - Presentation of new and significant evidence which was not reasonably available at the time of the initial meeting and would likely alter the decision; and/or
  - The decision is substantially disproportionate to the severity of the violation.
- Disagreement with the decision is not grounds for appeal.
- During the appeal process, the Student is not permitted to participate in the Learning Environment. The Faculty Member or staff member shall provide the Student with materials, assignments, and other Learning Environment information the Faculty Member or staff member deems essential to assist the Student with remaining current in the Learning Environment.
- The [Provost & Executive Vice Chancellor](#) or their designee will render a decision to the Student no later than five (5) Business Days from the date of receipt of the appeal. This decision is final with no further avenue of appeal.

### ***Student Organizational Rights & Responsibilities Process***

The [Office of Student Rights & Responsibilities](#) maintains the authority to investigate and adjudicate any violation of University Policies by Student Organizations. The [Director of Student Rights & Responsibilities](#) has the authority to delegate responsibility for investigation or adjudication of Alleged Policy Violations.

Student Rights & Responsibilities action taken against Student Organizations is an extension of the University's Student Rights & Responsibilities process. Student Rights & Responsibilities, in consultation with relevant university partners including, but not limited

to, Athletics & Recreation, Office of Student Engagement, Student Affairs & Inclusive Excellence staff, shall take whatever action deemed necessary to respond to complaints involving Student Organizations and/or to prevent future violations.

For more information regarding the policies and procedures related to Student Organizations, please see the Office of Student Rights & Responsibilities [website](#).

## **Student Rights & Responsibilities Records Policy**

The [Office of Student Rights & Responsibilities](#) will be responsible for maintaining all official University records related to Student Rights & Responsibilities. A Student Rights & Responsibilities Record will include copies of all Cases in which a Student is found responsible for violating at least one Student Rights & Responsibilities policy, as well as copies of all relevant correspondence and other documentation related to the Case.

Please see the Student Rights & Responsibilities [website](#) for specific SRR Records Policies and Procedures.

## **Definitions**

For the purposes of this document, the following definitions apply:

- *Academic Actions* are consequences that are determined by Faculty Members for Students found responsible for Academic Integrity Misconduct within a course or academic program.
- *Alleged Policy Violations* mean the Student Rights & Responsibilities or University Policies that a Student is notified that they allegedly have violated as a result of the incident described in a *Report*.
- *Appellate Officer* is a University official who has been designated to evaluate an appeal if the *Appeal Criteria* is met.
- *Associate Vice Chancellor for Student Affairs & Dean of Students* is an administrator within the Division of Student Affairs & Inclusive Excellence. The [Associate Vice Chancellor for Student Affairs & Dean of Students](#) can appoint a designee to act on their behalf in times as needed, such as in an absence or when a conflict of interest may apply.
- *Business Day* refers to any weekday Monday through Friday in which the

University is in operation, including days when the University is in operation, but classes are not in session. For example, University holidays are not Business Days.

- *Case(s)* refer to a *Report* in which *Alleged Policy Violations* are identified and at least one *Respondent* is named.
- *Case Resolution Body* refers to any person, persons, or groups designated by the University to determine whether a Student has violated [Student Rights & Responsibilities Policies](#) and to impose Outcomes when appropriate.
- *Case Resolution Meeting* refers to the time and date during which a Student will be invited to present their perspective of an incident with the designated Case Resolution Body.
- *Complainant* means a Reporting Party or an individual who is alleged to have experienced harm as a result of the incident described in a Report.
- *Constructive Action* means Reporting any action contrary to University Policies to someone in a position to take action – such as a Faculty Member, Dean, Student Safety officer, or other University administrator.
- *Director of Student Rights & Responsibilities* is the University administrator responsible for the oversight of the Student Rights & Responsibilities Policies and Procedures. The [Vice Chancellor for Student Affairs](#) can appoint a designee to fulfill the Director's responsibilities as needed, such as in an instance of an absence, vacancy, or a potential conflict of interest.
- *Evidence/Information* refers to credible information, including, but not limited to, perspective statements or reports, pictures, screenshots, and documented communication, that is related to the incident being addressed
- *Effective Consent*, in reference to [Student Rights & Responsibilities Policies](#) such as Alcohol Misuse, Drug Misuse, Hazing, Physical Misconduct and Property Damage, means an informed, mutually understandable words and/or actions that indicate a willingness to participate in and/or allow a specific activity, freely and actively given by a person with the current mental capacity to make rational decisions. A person may be without such capacity due to the influence of alcohol and/or other drugs. Consent is not effective if it results from the use of physical force, threats, intimidation, or coercion. A person always retains the right to revoke consent at any point during an activity. In order to give consent,

one must be of legal age. Consent to any one activity cannot automatically imply consent to any other activity.

- *Faculty Member* means the University Community Member responsible for the management and/or teaching activities of a course, assignment of the grade for the course or learning environment, supervision of a learning environment, and/or other related academic initiatives, including, but not limited to the instructors, professors (e.g. teaching, clinical, research, adjunct, visiting, tenured, or tenure-track), and teaching assistants.
- *Federally Illegal Drugs* are set forth by the Controlled Substances Act (CSA), 21 U.S.C. 801 et seq., as amended. Under CSA, marijuana is classified as a Schedule I controlled substance; all forms of cannabis are illegal under federal law, even medical marijuana, and regardless of state drug laws. In an effort to comply with the Drug-Free Schools Act, the University prohibits the distribution, possession, use, or manufacture of marijuana in any form or paraphernalia associated with the use of Federally Illegal Drugs on University Premises.
- *Involved Parties* refers to Respondents and Complainants associated with the incident being addressed.
- *Learning Environment* includes, but is not limited to, class meetings, course discussions, study groups and/or sessions, office hours, labs, advising sessions, field trips, extern or internships, whether in-person, telephonic or virtual, or via any other applicable program or platform.
- *Outcomes* are required University statuses and educational opportunities, restrictions, and/or expectations for a Student found responsible for violating Student Rights & Responsibilities Policies.
- *Proper Written Notification* means (1) delivery via electronic mail to the Student's preferred email address in the PioneerWeb or other approved University process; (2) delivery in person, or (3) delivery by other means to a Student's University or permanent mailing address. The Student is responsible per [University policy](#) to have an updated preferred email account on file with the University, and to check such email account regularly, and to provide a mailing address.
- *Report* means a narrative detailing an incident in which one or more Students may have violated the Student Rights & Responsibilities Policies.
- *Reporting Party* is any person who has filed a Report against a Student, either

directly or through a University Official, such as a Student Safety officer or a Resident Assistant.

- *Respondent* means any Student who is alleged to have violated one or more of the Student Rights & Responsibilities Policies.
- *Restorative Justice* is an alternative framework for case resolution that includes an alternative dispute resolution option.
- *Student(s)* means, for the purpose of this Honor Code, any persons registered for or auditing classes at the University; enrolled in any University program; or on University Premises for any purpose related to the same regardless if the class, program, or other education activity is credit earning or part of a degree or non-degree program. For the purpose of this Honor Code, a person is also considered a Student if they have completed the immediately preceding term and are enrolled for a subsequent term or program; if they are representing the University between terms or programs; or, if they are not officially enrolled for a particular term, they have a continuing relationship with the University.
- *Student Accountability Board (SAB)* refers to one type of Case Resolution Body that is used when one or more of the following factors exists in a case: an active Complainant is participating; there is highly disputed information between parties, and/or the Outcome is potentially Suspension or Dismissal.
- *Student Rights & Responsibilities Administrators* are administrators and staff authorized to implement the SRR process, and may include the professional and graduate staff within Student Rights & Responsibilities and Housing & Residential Education (HRE).
- *Student Organization* is defined as any group that has been recognized by the University as a student organization or has applied for such recognition and/or is acting as a student organization without formal University Recognition (as defined in the Office of Student Engagement Handbook). This includes, but is not limited to, athletic teams, fraternities and sororities, Registered Student Organizations, departmental student groups, and unchartered provisional chapters/interest groups.
- *Support Person* refers to an individual chosen by a Respondent or Complainant to be present during the Student Rights & Responsibilities process and for whom the Student has completed a FERPA form. A support

person can be any individual who is not an Involved Party, Witness in the Case, or a member of the Case Resolution Body. A Support Person must follow the limitations on their role and other requirements set forth in the Honor Code and SRR procedures.

- *University* means the Way University.
- *University Community* includes all Students, University Officials, and other individuals involved in the normal operations of the University.
- *University Events* include any activity involving Students or University Officials and held on University Premises. Activities involving Students or University Officials not held on University Premises are also considered University Events when such activities are connected with or sponsored by a University department, Student Organization, or through any Learning Environment.
- *University Official* includes any person employed by or under contract with the University performing academic, administrative, or professional duties. When this document refers to any University Official by title, such reference includes their designee.
- *University Policies* refers to any rule, regulation, or process as it relates to the expectations and functions of the institution. When used in this document, University Policies includes, but is not limited to, the Student Rights & Responsibilities Policies.
- *University Premises* include all land, buildings, facilities, or other property in the possession of or owned, used, operated, or controlled by the University, including adjacent streets and sidewalks.
- *Vice Chancellor for Student Affairs* is the administrator with oversight of the Division of Student Affairs & Inclusive Excellence. The [Vice Chancellor for Student Affairs](#) can appoint a designee to act on their behalf in times as needed, such as in an instance of an absence or a potential conflict of interest.
- *Weapons* refer to objects designed or used to inflict injury or damage and include, but are not limited to, knives with a blade over three inches (excluding kitchen knives possessed, properly stored, and used for their intended purpose in University owned or operated housing), guns, pellet guns, paint guns, Tasers, bows and arrows, machetes, ninja stars, nun chucks, explosive or incendiary devices, and swords.



- *Witness* refers to an individual who sees an event or has first-hand knowledge of information relevant to the incident being addressed and is not an Involved Party in the incident(s).

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