

STUDENT CODE OF CONDUCT (JULY 19, 2019)

PURPOSE

To inform students of their responsibilities and duties concerning the conduct expected by members of our community.

SCOPE

This policy is a University policy that applies to all administrators, faculty, staff, and students. The Dean of Students in coordination will be responsible for the oversight of this policy.

POLICY

Schreiner University is an academic community. Students have the obligation to conduct themselves as mature and responsible participants in this community. Towards this end, the University has established policies, standards, and guidelines that collectively define the Student Code of Conduct. The Student Code of Conduct includes all policies, standards, and guidelines included in, but not limited to the Schreiner University Catalog, the Student Handbook, the Housing Agreement and other housing documents. Students are subject to the Code of Conduct during academic terms for which they are enrolled, during breaks between terms, during university holidays and vacations, and during periods of suspension. Every student has the right to conditions favorable to learning.

Schreiner University expects all students to obey the law, to show respect for other members of the university community, to maintain integrity and high standards of individual honor in scholastic work, and to observe standards of conduct appropriate for a community of scholars. Students have the right to pursue an education in an environment that respects differences and is free from discrimination.

Students have the responsibility to conduct themselves, as individuals and in groups, in a manner that promotes an atmosphere conducive to teaching, studying, and learning. Students are expected to uphold academic and personal integrity, to respect the rights of others, to refrain from disruptive, threatening, intimidating, or harassing behavior, or behavior that is harmful to themselves, other persons, or property.

Students will be held accountable for their actions by Schreiner University, notwithstanding any action taken by civil authorities or agencies charged with the enforcement of criminal laws on account of the violation, and whether or not the violation occurs on university property or in connection with any university-oriented activity. The Student Code of Conduct primarily prohibits misconduct on university premises (buildings or grounds owned, leased, operated, controlled, or supervised by the university), but may address off-campus conduct when the behavior or the presence of the individual, in the university's sole judgment, impairs, obstructs, or interferes with the mission, processes or functions of Schreiner University. The university may, at its

sole discretion, elect to pursue disciplinary action against the students at the same time that criminal proceedings occur, even if criminal charges involving the same incident are not complete or have been dismissed or reduced.

STANDARDS FOR COMMUNITY BEHAVIOR

Any student found to have committed the following misconduct or to have violated any other university policy outlined in the Student Handbook or other official university publications (such as the Catalog, Registered Student Organization Handbook, and Housing Agreement) is subject to disciplinary sanctions. More than one sanction may be imposed for a single violation. A single act may constitute a violation of more than one Standard. Being under the influence of alcohol or other drugs will not diminish or excuse a violation of Community Standards. Campus living guidelines can be found specifically in that section of the Student Handbook.

CS 1. Violation of law. Conduct that violates any federal, state, or local law is prohibited. The university will review any conduct reported as being in violation of the law by members of the university community, law enforcement personnel, or citizens. If in review the university determines, in its sole judgment, that the alleged conduct interferes with the university's exercise of its mission, processes, or functions, appropriate disciplinary action will be taken.

CS 2. Dishonesty. Intentionally furnishing false information or omitting relevant or necessary information to gain a benefit, to injure, or to defraud is prohibited. Using or possessing false or altered identification (including drivers' licenses and university identification cards) is prohibited. Students may not use another person's university identification card for any purpose. Other examples of prohibited behavior include forgery, alteration, or falsification of any university documents or records, or misrepresentation of university credentials.

CS3. Alcohol. Schreiner University, in compliance with the Drug-Free Schools and Communities Act of 1989, prohibits the unlawful manufacture, distribution, dispensing, possession, or the unlawful use of alcohol on the campus or any other property under the control of Schreiner University and at university sponsored events. The allowance of alcohol is a privilege and can be revoked for violations of the alcohol policy. Students are expected to follow the guidelines set forth in the University Alcohol Policy.

CS 4. Drug Use. The use, offer for actual sale, distribution, possession, or manufacture of any controlled substance or drug except as expressly permitted by law is prohibited. This includes the use of prescription drugs not as intended or obtained illegally or their use in a fraudulent manner. The use, offer for sale, sale, distribution, possession, or manufacture of chemicals, products, or materials for the purpose of use as an intoxicant except as expressly permitted by law is also prohibited. This policy includes legally purchased substances such as K2 also known as "the legal marijuana" or "synthetic

marijuana”, “concentrated bath salts also known as “legal cocaine”. This list is not all inclusive and may be altered as new substances are identified.

CS 5. Possession of drug paraphernalia. Drug related paraphernalia that facilitates the use, consumption, and abuse of a drug, narcotic, or any other controlled substance is prohibited.

CS 6. Physical or Mental Abuse or Harm. Intentional or reckless acts that do cause or reasonably could cause physical or mental harm to any person are prohibited. Actions that threaten or reasonably could cause a person to believe that the offender may cause physical or mental harm are also prohibited. Some examples of prohibited behavior include;

- a. assault
- b. aggravated assault
- c. battery
- d. stalking
- e. murder
- f. harassment/electronic harassment (including all electronic media)
- g. bullying (includes physical, verbal, all electronic)
- h. threats / intimidation
- i. verbal abuse
- j. other conduct that threatens the health or safety of any person

CS 7. Discrimination/Hateful Acts. Discrimination and other harmful acts based on an individual’s actual or perceived race, color, disability, religion, national origin or ancestry, gender, or sexual orientation are offensive to the mission of Schreiner University and are prohibited.

CS 8. Disorderly Conduct. Conduct which is loud, lewd, obscene, indecent, or which breaches the peace (ex: causing alarm, annoyance, or nuisance) is prohibited. Students who receive three or more noise violations may be adjudicated under this violation.

CS 9. Damage to Property/Vandalism. Intentional or reckless behavior which results in monetary loss, property damages or inconvenience (repair or replacement time) to individuals, organizations, or the university.

CS 10. Theft. The unauthorized or unlawful appropriation of property without permission of the owner.

CS 11. Unlawful entry/Burglary. Defined as entering a location without the permission of the owner or current occupant or the authority of the University.

CS 12. Unauthorized Use of Property of the University or of any Person or Entity. Conduct that results in the unauthorized use of university property for personal gain is

also prohibited. Students may not use university property for any activity prohibited by federal, state, or local law or these regulations.

CS 13. Gambling. Activities that require an individual to win or lose money solely or partially by chance are prohibited.

CS 14. Sexual Misconduct. This policy applies to student-to-student conduct. Sexual misconduct includes but is not limited to

- a. Verbal interactions (including but not limited to telephone, face to face, etc.)
- b. Written (including all electronic media)
- c. Pictorial (including but not limited to posters, pictures, sexting, etc.)
- d. Physical conduct of a sexual nature which a reasonable person would consider intimidating, hostile, offensive, and/or which adversely affects the learning or living environment of any student.
- e. Sexual misconduct also includes nonconsensual touching of any sexual or intimate part of the body;
- f. Forceful sexual contact is the use of force (ex: body weight, hitting or pushing, use of a weapon, threats) to overcome earnest resistance to engage in sexual acts.
- g. Sexual intercourse when the victim is incapable of consent by reason of mental incapacitation or physical helplessness and force is not used.

The Title IX policy governs all forms of sexual harassment, misconduct and discrimination on campus the full policy can be found on the Schreiner home page at <http://www.schreiner.edu>

CS 15. Failure to Comply. Failure to comply with the directions of law enforcement or university officials (including campus security and residence life staff) including failure to comply with an order of dispersal or becoming argumentative or verbally abusive to a university official. Failure to meet or complete Judicial Sanctions as prescribed.

CS 16. False Reports. Knowingly filing a false report with university officials against an individual or group or the initiation of any false report, warning, threat of fire, threat of explosion or other emergencies on university premises or at any university-sponsored activity is prohibited.

CS 17. Weapons. Possession, use, or display of firearms and other dangerous weapons on university property is prohibited, except when authorized by written permission from the Coordinator of Housing. Dangerous weapons include, but are not limited to,

- a. paintball guns
- b. BB guns
- c. stun guns
- d. sling shots
- e. pellet guns
- f. air guns

- g. dart guns
- h. facsimile firearms
- i. ammunition (spent casings or whole)
- j. martial arts weapons
- k. knives (other than legal pocketknives as defined by state law)
- l. bow and arrow
- m. crossbows
- n. explosives (including fireworks)
- o. hazardous chemicals
- p. any item used or displayed in a threatening manner
- q. other items not listed but deemed dangerous by University officials

CS 17a. Handguns (Concealed or Open Carry). Pursuant to section 30.06 and 30.07 of the Texas Penal Code, a student licensed under Subchapter H, Chapter 411 of the Government Code (Handgun Licensing Law) may not enter onto Schreiner University property with a handgun (concealed or open carry) at any time. Property of Schreiner University includes a) all land, buildings, and buildings owned or leased by Schreiner University, b) grounds where an activity or event sponsored by Schreiner University is being conducted, c) passenger transportation vehicles owned by Schreiner University, and d) personal vehicles used for university business.

CS18. Discharge of a firearm. on campus is prohibited and may result in immediate suspension or expulsion. University students who have legal ownership of firearms or any of the weapons listed above and wish to have them when they leave campus may store them at the Security Office. All weapons, ammunition and related accessories must be checked in immediately upon entering campus, regardless of time of day. When a weapon is checked out at Security the student must immediately depart campus without additional stops. This policy is in effect year-round regardless of the day or time.

CS 19. Non-compliance with fire safety. Non-compliance with any regulations regarding fire safety and the use of fire equipment and fire safety procedures is prohibited. This includes failure to evacuate a building; unauthorized re-entry into a building; tampering with, impairing, disabling, or misusing smoke detectors, fire extinguishers, unauthorized use of fire escapes or any other emergency or safety equipment; and false alarms.

CS 20. Violation of the Tobacco Free Policy Those found to be in repeat violation are subject to appear before the Student Judicial Board.

CS 21. Interfering with, Obstructing, or Disrupting a University Function. University functions, on or off campus, are defined to include teaching; research, administration, disciplinary proceedings, athletic events, university activities, public

service, learning, or other authorized activity related to the university. This also includes authorized non-university functions when the act occurs on university premises.

CS 22. Hazing. defined as participation in activities that mentally or physically endanger, harm, or degrade a probationary or permanent member of a group; or which destroys or removes public or private property, for the purpose of initiation, admission, affiliation, or as a condition for continued membership in a group or organization with or without the consent of any member. See section on Hazing for more detail.

CS 23. Irresponsible computing. includes improper use of the network, security, harassment, and/or copyright.

CS 24. Host/ Responsibility of Guests-non alcohol. Hosts are responsible for the actions of their guests both in the host's room and vehicles and in areas immediately surrounding the room and/or vehicle (sidewalks, porches, doorways, hallways, parking lots, etc.).

CS 25. Violation of University Policies. Students are expected to follow all university policies, procedures, and regulations. Such policies, procedures, and regulations include but are not limited to those listed in the following:

- a. Student Handbook
- b. Residence Life Handbook
- c. University Catalog
- d. Housing Agreement
- e. Housing Policies
- f. Motor Vehicle Regulations
- g. Recognized Student Organization policies
- h. Signs, Posters, and Banners; Solicitation, Political Canvassing, Sales
- i. Smoking Regulations
- j. Recreational Sports Rules and Regulations

CS 26. Misrepresentation of identity. to university officials (as defined in, but not limited to, CS 2). University identification cards are university property and must be shown or surrendered when requested by a university official in performance of her or his duties.

CS 27. Misuse of keys. Unauthorized possession, duplication, or use of keys, combinations, or alteration or removal of locks to any university premises is prohibited.

CS 28. Unauthorized representation. of Schreiner University and/or unauthorized use of the university logo.

CS 29. Unauthorized use of telephones. or unauthorized long-distance codes.

CS 30. Complicity. Conspiracy to commit, solicitation of another to commit, aiding or abetting the commission of, or attempting to commit any conduct that is prohibited under the Student Code of Conduct, State, federal or local law.

CS 31. Violation of Sanctions. Violations of any term(s) of disciplinary restrictions, probation, or suspension are prohibited.

CS 32. Intent to commit a violation. Any violation that may not come to fruition, but intent was evident.

CS 33. Joint Responsibility. Joint responsibility refers to students who knowingly act or plan to act in concert to violate college regulations, and/or any student who knowingly allows another student to violate college regulations without reporting to a college official. Such students have individual and joint responsibility for their behavior.

CS 34. Endangerment. Conduct that threatens, or endangers the health or safety of oneself, another, or a group of people, or to the proper functioning of the University.

SANCTIONS FOR VIOLATIONS OF THE STUDENT CODE OF CONDUCT

Multiple sanctions may be imposed for a single violation. Policy violations are cumulative over the career of a student while at Schreiner, regardless of type. When a student is found responsible for violation of the Code of Conduct, past disciplinary history may be considered in determining subsequent sanctions. It is possible, given the severity and circumstance of the incident that a first-time violation may result in suspension or expulsion. Disciplinary action by the university does not preclude the possibility that a separate criminal prosecution or civil action may also be taken. In addition, unlawful conduct off campus may be grounds for university disciplinary action.

Written Reprimand. Written reprimand is an official notification that the behavior of the student has been deemed unacceptable. Authorized staff members may issue a written reprimand without a hearing for violations. Written reprimands will be placed in the student's official disciplinary file.

Fines. These may or may not include previously established or published fines.

Community Restitution. Required assignment to work a specific number of hours at the university or at a community service agency without pay.

Required Attendance. Attendance at educational programs and/or online courses such as anger management workshops and comprehensive substance abuse assessments.

Monetary Payments. Payments for purpose of restitution or to cover the expense of educational sanctions.

Disciplinary Restrictions. Disciplinary restrictions may be imposed with or without suspension or probation. Disciplinary restrictions include but are not limited to:

- a. Restriction from participating in intercollegiate athletics, extracurricular activities, and residence life activities;
- b. Restrictions in the right of access to campus facilities, including residence halls;
- c. No contact/restraining orders;
- d. Denial of financial assistance from programs funded by the University;
- e. Removal from or reassignment of university housing;
- f. Administrative hold on access to specified university documents.
- g. Loss of privileges such as participating in/or attending campus organizations/events, ability to possess alcohol in designated area, or other privileges as appropriate.

Judicial Probation. Judicial probation indicates that a subsequent violation(s) may result in disciplinary probation and/or other disciplinary sanctions. It is imposed for a definite period of time and may include restrictions.

Disciplinary Probation. Disciplinary probation indicates that a subsequent violation(s) may result in suspension or expulsion from the university. It is imposed for a definite period of time and may include disciplinary restrictions. A student on probation may be required to meet periodically with a counselor or other resource person designated by the Judicial Officer.

Suspension. Suspension prohibits the student from attending Schreiner University for the duration of the suspension, which shall not exceed a period of more than five calendar years following its effective date. The Dean of Students will determine the effective date of the suspension. If required by the suspension, a student who has been suspended must petition for re-enrollment through the Office of the Dean of Students.

Expulsion. Expulsion prohibits the student from future enrollment at Schreiner University. A student will not be readmitted to the university after dismissal.

INTERIM SUSPENSION

In certain circumstances, the Dean of Students or designee may summarily impose an interim university or residence hall suspension under specified conditions prior to the hearing before a judicial body. Interim suspension will be imposed whenever it is determined that the continued presence of the student on the university campus poses a significant risk to the health, comfort or safety of the student, to others, to the stability or continuance of normal university functions, and/or to property.

During the interim suspension, student(s) may be denied access to the residence halls and/or to the campus (including classes) and/or all other university activities or privileges for which the student might be otherwise be eligible, as the Dean of Students, or designee, may determine to be appropriate.

STUDENT JUDICIAL SYSTEM

The university regularly establishes regulations designed to promote the health and safety of individual students, to further the development of responsible and mature social interaction in a setting of higher education, and to facilitate the educational purposes of the institution. The purpose of the Student Judicial System is to maintain an environment that promotes the broad educational mission of the university through a duly formed disciplinary process.

Judicial proceedings in the university are administrative in nature and should be distinguished from public law enforcement both in terms of procedures and sanctions. The standard of proof used in all judicial proceedings is “preponderance of the evidence.” If alleged acts are violations of both university regulations and public law, the university is not precluded from taking disciplinary action on its own regardless of action by public authorities. If a student is found responsible for violating a Code of Conduct regulation, a description of the violation will be placed in the student’s file in the Student Services Office. Violations resulting in suspension or expulsion are forwarded to the Registrar and Office of Financial Aid.

COMPOSITION OF THE JUDICIAL SYSTEM

The Director of Residence Life, or designee, serves as Judicial Officer. The Judicial Officer manages the student judicial process and ensures that it is in keeping with university policy. There are three main entities that may hear student conduct cases:

- a. Administrative Hearing Officer. In most cases, the Judicial Officer shall serve as the Administrative Hearing Officer
- b. Judicial Board: The Judicial Board is comprised of full-time undergraduate or graduate students and serves as a branch of the Student Government Association. The Judicial Board hears cases of violation of the Student Code of Conduct and does not address issues of an academic nature. Quorum for the Judicial Board is defined as three undergraduate or graduate students and the Judicial Board Chief Justice. The SGA president shall appoint all members of the Judicial Board and the Student Senate shall approve members who will serve terms as outlined in the SGA Constitution.
- c. The Dean of Students shall chair a student appeals committee which will serve as the **final** appeal on all student conduct cases.

ADMINISTRATION OF DISCIPLINE

Complaint: Any member of the university community may file a complaint of alleged misconduct/student code of conduct against any student. A Campus Security citation, report, or other written notification to a university official constitutes a complaint, as does a report from a Residence Life staff member. Complaints shall be directed to the Judicial Officer or his/her designee.

Investigative Phase: When the Judicial Officer receives a complaint that a student allegedly violated a policy, college regulation or administrative rule, the Judicial Officer

will investigate the alleged violation. After completing the initial investigation, the Judicial Officer may:

- a. dismiss the allegation(s) as unfounded;
- b. proceed administratively or forward the case to the Judicial Board;
- c. if the result of the case may be suspension or expulsion from the hall or the campus it will administratively adjudicated;
- d. with approval from the Dean of Students, may take disciplinary action to immediately suspend the right of a student to be present on the campus as a result of a violation of a state or federal law, a Board policy, college regulation or administrative rule, when, in his or her opinion, the student's presence may represent a clear or present danger to the students, staff or property of the College or when the interests of the College would otherwise best be served by such action.
- e. if the case is deemed to be a possible Title IX violation (sexual misconduct/assault) the case will be handled as per the University Title IX Policy and the investigation will be coordinated by the University Title IX Coordinator.

Summons: The Judicial Officer may summon a student to appear before him/her in connection with an alleged violation by notifying the student

- a. via Schreiner e-mail, or
- b. hand-delivering a letter via a campus administrator or designee. The letter will direct the student to appear at a specified time and place, and describe briefly, but accurately, the alleged violation.

If a student fails, without good cause, to comply with a letter of summons, the Judicial Officer may suspend the student from classes until the student reports.

Notice: After reviewing a complaint or concern, the Judicial Officer or his/her designee, may initiate the disciplinary process by giving the accused student written notice of the alleged violation(s). The notice will be sent to the student's Schreiner email address and/or their campus mailbox or their permanent mailing address as appropriate. Notice may also be delivered in person by Campus Security personnel or by other university staff. The written notice shall state the date, time and place of the judicial hearing.

Hearings: The Judicial Board will hear most student cases. An Administrative Hearing Officer may be assigned to hear cases when the Judicial Board is not in session or in cases involving highly sensitive issues. The Judicial Board Chief Justice will conduct the hearing and will determine from the weight and credibility of the statements and evidence presented whether the student has violated the Code of Conduct.

- a. The hearing shall commence no later than five University working days after the date posted on the notification of hearing. This timeline may be adjusted if extenuating circumstances warrant.
- b. The hearing shall be closed to the public.
- c. The accused shall have the right to file with the Judicial Officer a written response to the charges.

- d. The accused shall have the right to plead Responsible or Not Responsible. It should be understood, however, that even with a plea of Not Responsible the Judicial Board will continue with the hearing.
- e. The accused may choose to plead responsible in writing to the Judicial Board Chief Justice and/ or Judicial Officer. In doing so the accused will not be required to appear before the Judicial Board. In doing this the student is taking responsibility for all charges levied against them and is acknowledging that they are accepting all sanctions placed against them. The student will still have the right to an appeal based on the criteria for an appropriate appeal.
- f. Both the complainant and the accused shall have the right to subpoena a reasonable number of witnesses on his/her behalf. This request must be in writing and not less than two days before his/her hearing.
- g. Both the complainant and the accused will be notified of the right to read statements made against them (duplicates of statements will not be made and distributed to any person)
- h. Each accused student and each complainant student has the right to an advisor. When a student is required to appear before the Judicial Board, a member of the campus community may accompany her or him. The advisor cannot be separately compensated for her or his role in the proceedings and may not be an attorney (that is, does not hold a J.D., L.L.D, or equivalent degree). The advisor may not speak for the accused nor argue the case.
- i. The hearing shall be recorded on equipment supplied by the university and the recording will remain in the possession of the Judicial Officer as university property.
- j. The Chief Justice, or a member of the Judicial Board, designated by the chair to preside, shall have the right to determine the acceptability of testimony and other evidence during the hearing and may place time limitations on testimony and on closing statements.
- k. Should a student not attend the hearing, a decision will be made in absentia.
- l. At the close of the hearing, the Judicial Board shall deliberate privately as to whether the accused violated the Code of Conduct. The Hearing Body will seek to reach consensus in adjudicating cases. In the event there is not consensus, a majority vote (the Chief Justice voting) will determine the outcome. In the event of tied votes, the report of the Board will be that no judgment was rendered. If a tie vote does occur, an administrative hearing will occur. Within ten (5) business days after the close of the hearing, the Administrative Hearing Officer will report her/his findings. If the Administrative Hearing Officer determines that the accused violated the regulations, the Officer will provide the student written notification of the sanction to be imposed.

Notification: The Chief Justice of the Judicial Board that renders a decision in a case will notify the student in writing of the outcome of the hearing and will also notify the student, if found responsible, of the sanction(s) imposed. Victims of crimes of violence, sexual misconduct or sexual assault will be notified of the outcome within 5 business days of the hearing involving their respective case.

APPEALS

Any student found to be responsible for a violation of the Code of Conduct has the right to appeal, in writing, within five university working days of the written notification of the disposition of the matter by the Judicial Board or Judicial Officer. Such an appeal must specify the following:

- a. Student's name, current address and telephone number;
- b. Description, date and place of the misconduct;
- c. Date of the sanction(s), and who levied it (i.e. Judicial Board, or name of the administrative hearing officer);
- d. All sanctions levied and their due date(s)
- e. Reason why the student believes there is merit for an appeal. Appeals may be filed for the following reason(s);
 1. There is new evidence that could have affected the decision and was not reasonably known at the time of the hearing;
 2. The investigation or decision exhibited prejudice, bias or other unfair treatment that could have affected the outcome of the case;
 3. The university's stated procedures were not followed;

Submitted appeals that do not meet these criteria will not be considered and the original determination will stand. Appeals will not be heard or granted based solely on the student disagreement with the original judicial determination.

The accused student shall be notified in writing of the decision on appeal within ten working days from the date of the official appeal hearing. Appeals from decisions made by the Judicial Board shall be directed to the designated Administrative Hearing Officer. Recommendations for suspension or expulsion by the Judicial Board will be ruled on by the Dean of Students. All related appeals must be directed to the Dean of Students. Appeals from decisions by an Administrative Hearing Officer or shall be directed to the Dean of Students who will chair an appeals committee to review each appeal. In all cases the decision of the appeals committee is final.

Administrative Oversight: Dean of Students

Responsible for Implementation: Dean of Students