

## STUDENT CODE OF CONDUCT

NOTE: A revised Student Code of Conduct and Judiciaries will be considered by the University Board of Trustees during the Fall of 2006. When a new Code is approved there will be full notification to Howard Community including implementation date.

### Preamble

Howard University affirms that the central purpose of a university is the pursuit of truth, the discovery of new knowledge through scholarly research, the teaching and overall development of students, and the transmission of knowledge and learning to the world at large. The establishment and maintenance of a community where there is freedom to teach and to learn, however, is dependent on maintaining an appropriate sense of order that allows for the pursuit of these objectives in an environment that is both safe and free of invidious disruption.

Rules and regulations are necessary to mark the boundaries of this needed order. However, the rights of the individual demand that honesty, integrity, responsibility, and respect for persons and property must form the core values upon which those rules and regulations are based. All members of the University Community share a mutual responsibility to practice these values.

It is expected that student conduct will be in concert with and supportive of the University's central purpose and core values. Examples of prohibited student behavior are described in this Student Code of Conduct ("Code"). Circumstances that reasonably indicate a violation of the Code will give rise to the immediate consideration of adjudication through the University's judiciary system.

The Code is applicable to all validated (officially enrolled) students, and all persons admitted to any academic program, activity or event. The terms "student" or "students" as used in this Code refer only to those who meet this definition.

It is the responsibility and duty of students to become acquainted with all provisions of the Code. It is presumed that every student, from the date of his/her initial enrollment at the University, has knowledge of the Code, the Academic Code of Conduct, the University Code of Ethics and Conduct, as well as, policies and procedures contained in the H-Book, the Bulletin and the Student Reference Manual and Directory of Classes. All students are deemed to have agreed to the Code and are required to adhere to the Code as a condition of their enrollment as a student of the University.

### SECTION I: SCOPE, LIMITATIONS, AND APPLICABILITY OF THE CODE

The Code applies to incidents occurring on campus and, as further explained below, to some situations occurring off campus. Incidents that involve students and that occur at institutions that are part of the Washington Metropolitan Area Consortium of Universities are also subject to this Code.

The actual daily administration, enforcement, and operation of the University's judicial program is delegated to the Office of the Dean for Special Student Services (ODSSS).

This Code does not address academic offenses. The University's schools and colleges administer the academic judicial system. Students must contact the appropriate school or college for information on disciplinary procedures regarding academic issues.

Judicial action against any student committing a violation of the Code off-campus will be considered on a case-by-case basis upon filing by a complainant of an Allegation of an Off-Campus Violation of the Howard University Student Code of Conduct form. The complainant must obtain the form from the ODSSS and it must be submitted to that office not later than 10 working days after the alleged violation. After review of the form, ODSSS will make a determination of its appropriateness for University judicial action. Examples of off campus matters that would typically be excluded from adjudication under the Code are landlord/tenant disputes, and certain personal business matters with off-campus entities, and non-violent domestic issues. Judicial action will be taken, however, with respect to any student convicted of or charged with a felony.

Depending on the severity of the charge, students who violate the Code are subject to suspension or expulsion and also may be barred from all University-owned and operated property and all University sponsored events and activities.

The consequences are serious for students who are charged and/or found guilty under this Code. Therefore, any member of the University community, who knowingly and willfully misuses the procedures of the Code to harm another member of the University Community shall be subject to disciplinary action.

## **SECTION II: COOPERATION WITH LAW ENFORCEMENT AUTHORITIES**

The University cooperates fully with law enforcement authorities. Violations of the Code that are also violations of federal or local law, may be referred, therefore, to the appropriate non University authority. In such situations, a case may proceed concurrently under this Code while it is also being processed under the criminal justice system.

The Howard University Campus Police (CP) work closely with area law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). CP officers have full powers of arrest, search and seizure on all University-owned and operated property, and are usually the first to respond to calls for police services on campus. However, complainants may request that MPD respond to any reported offense or incident that may violate the law.

## **SECTION III: STUDENT RIGHTS, FREEDOMS AND RESPONSIBILITIES**

With appreciation for the tradition of freedom of expression on campus, the University reasserts its commitment to the fostering of and tolerance for differing viewpoints. We acknowledge that points of view will diverge and that some students will believe it necessary to express themselves by means of protest. The University cannot tolerate, however, disruption to its academic mission or means of protest that interfere with the legitimate rights of others.

### **1. General Rights And Freedoms**

Students shall have the following rights and freedoms:

- A. As members of the University Community, all students are guaranteed freedom of expression, inquiry and assembly, the right to form a student government, organize groups, to join associations in support of any cause or common interest, and to peacefully protest, provided that, such activity is conducted in a legal manner, is in accord with University regulations, and does not abridge the rights of others.
- B. Students have the right of fair access to all educational opportunities and benefits available at the University in an environment that is safe, free of invidious harassment, discrimination, or intimidation.

- C. Students have a right to privacy in accord with the policy expressed in the Family Educational Rights and Privacy Act of 1974 (FERPA).
- D. Students have the right and responsibility to report, in good faith and without fear of retaliation, violations of this Code, the University Code of Ethics and Conduct, and violations of any other policy of the University, to appropriate academic or administrative officers of the University.

## 2. Procedural Rights and Freedoms

Students accused of violating this Code have the following rights:

- A. To have access to all University policies and procedures regarding the functioning of the judiciaries.
- B. To be informed of and to have explained as required the charges pending against him/her.
- C. To be free from intimidation by University charging officers to coerce admissions.
- D. To face his/her accuser(s) and have the opportunity to cross-examine them and any witnesses.
- E. To be free from searches or seizures unless based on reasonable cause. In accordance with written procedures approved by the Vice President for Student Affairs, searches and seizures may be made by the Vice President for Student Affairs and his/her designee, housing staff, University officers and officials, and Campus Police.
- F. To a fair and impartial judicial hearing before an appropriately appointed judicial board, appeal board, or Administrative Hearing Officer.

## 3. Responsibilities

All students share the following responsibilities:

- A. To read, become familiar with and adhere to the Code, the University's Code of Ethics and Conduct, the Academic Code of Conduct, the Student Reference Manual, the H-Book, and the relevant academic Bulletin of the School or College in which the student is enrolled.
- B. To respect the personal and property rights of others and to act in a responsible manner at all times.
- C. To protect and foster the intellectual, academic, cultural, social and other missions of the University.
- D. To observe the laws of local, state and federal governments.

## SECTION IV: EMERGENCY ACTION

As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline. On rare occasions, this authority may be exercised on an exigent basis to protect University property and/or the health and safety of the University Community.

Unless otherwise exercised or modified by the President, this emergency authority is delegated to the Office of the Dean for Special Student Services (ODSSS).

Therefore, if at any time the President or the Dean for Special Student Services reasonably determines that a student poses a threat to University property or the safety, health, or welfare of the University Community, the President or Dean may take emergency administrative action to immediately suspend that student's registration until a hearing is

convened and a decision rendered. Except in extenuating circumstances, ODSSS is to convene such a hearing within seven business days of the suspension action.

## **SECTION V: SPECIAL PROVISIONS ON STUDENTS CHARGED WITH OR CONVICTED OF A CRIMINAL ACT**

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A student charged with a crime by any local, state, or federal entity may be suspended by the Dean for Special Student Services, with the approval of the Vice President for Student Affairs, and after consultation with the Office of General Counsel. The term of suspension will be from the date of the charge until a judicial hearing can be convened. A suspension may be imposed by the Dean if: (1) presence of the student is considered a danger to the health and welfare of the Howard University Community, or (2) the student's presence would otherwise interfere with the mission of the University. Except in extenuating circumstances, the hearing will be held within seven business days of the suspension.

It is the University's policy that a student convicted of a felony shall be expelled from the institution. The decision on the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the ODSSS, appealable to the Vice President for Student Affairs.

## **SECTION VI: FILING A COMPLAINT AND REQUEST FOR UNIVERSITY JUDICIAL ACTION AND NOTIFICATION OF THE ACCUSED**

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Reports of violations of the Code may come from a written incident report taken by Campus Police. If a charge of a violation of the Code is not made by such a report, it is the responsibility of the complainant to take action to pursue adjudication of a violation. First, the complainant must review the Code to determine the specific provisions violated. Second, it is necessary to obtain, fully complete, and file, a Request for Adjudication of an Alleged Violation of the Student Code of Conduct form. More than one provision may be cited. The forms are available in ODSSS.

The accused individual is notified by ODSSS of an alleged violation by letter and/or telephone call and will be asked to report to ODSSS for an interview.

## **SECTION VII: INITIAL ADMINISTRATIVE ACTION ON ALLEGATIONS OF VIOLATIONS OF THE CODE**

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If a determination is made by ODSSS that a violation of the Code may have occurred, the complainant(s) and the accused will be contacted by ODSSS.

Each party will be required to put in writing their full version of what occurred. The accused will be informed of the allegation and related information, given an opportunity to provide his/her version of the facts, and allowed to plead "Guilty" or "Not Guilty". Statements of the complainant and accused are shared with both parties, if requested.

If the accused fails to respond within six (6) working days of the date of the communication, the Dean for Special Student Services may proceed with scheduling and convening a hearing to adjudicate the matter.

A plea of "Not Guilty" by the accused will result in an automatic remanding of the case to the appropriate judicial board or to an Administrative Hearing Officer. The accused and the complainant will be notified by mail of the date and place of the hearing.

All “Guilty” pleas by the accused will result in an ODSSS review of the case and determination of appropriate sanction(s) to be imposed. The complainant will receive written notification of the sanction(s). The sanction(s) may be appealed in writing to ODSSS using the process for Filing an Appeal outlined in Section XVI, except that the Dean for Special Student Services may appoint an Appeals Hearing Officer during periods when an Appeals Board cannot be convened.

## SECTION VIII: PROHIBITED BEHAVIORS

The following is an illustrative list of the types of conduct that are prohibited by this Code. It includes not only actual conduct, but also attempts to engage in such conduct. A reasonable suspicion that a student has engaged in such prohibited conduct, or attempted conduct, will result in the immediate consideration of disciplinary action under this Code.

### 1. Safety

- A. Causing or creating a fire or any other condition that jeopardizes the safety of individuals.
- B. Tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior doors, and sprinkler systems.
- C. Failing to conform to safety regulations, such as falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the alarm system, and similar conduct.
- D. Falsely reporting the presence of a bomb or any other dangerous device or condition.

### 2. Firearms

Possessing, using, storing, or transporting firearms, other weapons, explosives, fireworks, ammunition or dangerous chemicals (except as authorized for use in class, or in connection with the University-sponsored research or other approved activities).

### 3. Discrimination

Engaging in verbal or physical behavior directed at an individual or group that, according to a person of reasonable sensibilities, is likely to create an intimidating or demeaning environment that impedes the access of other students, faculty and staff to the educational benefits available from or through the University.

### 4. Harassment

Engaging in verbal, electronic, visual, written or physical behavior directed at an individual or group that, in the view of a person of reasonable sensibilities, is likely to provoke or otherwise result in negative or injurious response or reaction. This behavior may include:

- A. Making an expressed or implied threat affecting another person’s academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University;
- B. Engaging in unwarranted retribution or interference with respect to such pursuits, employment or participation; or
- C. Creating an intimidating or demeaning situation or environment or inflicting psychological or emotional harm, or undue stress.

## 5. Sexual Harassment

The “Howard University Policy Against Sexual Harassment and Gender Based Discrimination in Education Programs and Activities” covers students as well as employees. With respect to academic programs and activities, “sexual harassment” shall mean unwelcome sexual advances, requests for sexual favors, and other electronic, verbal, visual, written or physical conduct of a sexual nature, when:

- A. submission to such conduct is made either explicitly or implicitly a basis for any decision affecting the terms or conditions of participation in any such program or activity or status in an academic course;
- B. such conduct has the purpose or effect of unreasonably interfering with a student’s educational right, privilege, advantage, or opportunity; or
- C. such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.

## 6. Assault

Any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear bodily harm constitutes an assault. An assault may be committed without actually touching or striking, or doing bodily harm. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

## 7. Sexual Assault

A sexual assault and all incidents of “criminal sexual conduct” as defined by the District of Columbia Code.

## 8. Battery

An encounter in which physical contact occurs or is threatened between two or more persons with weapons, blows, or other personal violence and that may include pushing, shoving, and other acts of physical abuse. Self-defense may be a mitigating factor to this charge, depending on the circumstance.

## 9. Alcoholic Beverages

Violation of the University’s Alcoholic Beverages Regulations and Guidelines, including:

- A. The sale, service, possession or consumption of an alcoholic beverage in academic facilities, including classrooms, studios, theaters, auditoria and/or laboratories, is prohibited.
- B. Consumption of alcoholic beverages in the residence halls, not in accordance with the District of Columbia laws pertaining to the purchase and consumption of such beverages, is also prohibited.
- C. Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without the expressed approval by the academic dean of the school or college and the Director of Student Activities regarding the location and conditions of possession and consumption. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event.
- D. Student organizations serving alcoholic beverages at off-campus events may not identify these events as University-sponsored or sanctioned.
- E. After consuming alcoholic beverages students must assume full responsibility for their conduct as it relates to the need for good judgment, moderation, respect for the rights of others and the legal regulations of the jurisdictions involved.

## 10. Drugs/Controlled Substances

The University has a “zero” tolerance policy on the improper use of controlled substances that expressly prohibits:

- A. The illegal possession, use, distribution, and/or sale of a controlled substance.
- B. The illegal possession, use, distribution and/or sale of drug paraphernalia.
- C. Aiding or abetting the illegal possession, use, sale, or distribution of controlled substances or drug paraphernalia.

## 11. Hazing

Hazing is defined as conduct that causes or intends to cause psychological, emotional or physical harm to any person as a part of initiation into or affiliation with any campus-based organization.

## 12. Forgery, Fraud, Dishonesty

Altering or misusing official University forms, documents, records, stored data or identification, or knowingly furnishing false information to University officers, officials, faculty and/or employees or providing such information involving or referring to the University to off-campus organizations, institutions, or individuals. Making false statements in public or private, including knowingly false charges under the Code. Further, students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the University without written permission from the University’s Office of General Counsel.

## 13. Property Damage

- A. Unauthorized removal, destruction or damage of University property, or property under University custody or control.
- B. Destroying, removing or damaging the property of others on University premises or at University-sponsored activities.

## 14. Theft

Stealing property and/or services; knowingly possessing or transporting stolen property; or improperly converting the property of another for personal use.

## 15. Unauthorized Entry, Use, or Trespassing

Entering or using University facilities or property, or property in the custody or control of the University, for an improper purpose or without proper authorization, or assisting others to do so.

## 16. Organization and Event Registration

Failing to comply with policies and regulations governing the registration of student organizations, events on campus, or the use of University facilities or resources.

## 17. Compliance

Failing to comply with the directions of an authorized University official, faculty, or staff member acting in the performance of his or her duties or any other person responsible for a University facility or registered function acting in accordance with those responsibilities.

## 18. Smoking

Smoking is prohibited in all indoor areas of University-owned and operated property.

## 19. Disruptive Conduct

Acting in a manner that impairs, interferes with, or obstructs the orderly conduct, processes, or functions of the University or of any person or persons on University owned or operated property.

## 20. Electronic Communication

Using University telecommunications and data communication networks for illegal or improper purposes or in violation of University regulations and policies.

## 21. Harboring

Knowingly harboring on, or transporting to, University owned or operated property a fugitive, student, employee, or any other individual who has been officially barred from the University or for whom there is an outstanding warrant.

## 22. Contracts

Students as individuals or representatives of student organizations are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability for Howard University. The University will hold all such students individually liable for any financial or legal consequences or damages that may result from such unauthorized actions.

## 23. Established Policies and Procedures

The failure to observe any provision of the University Code of Ethics and Conduct, the H-Book, or appropriate school/college bulletin, pertaining to personal conduct or behavior.

## 24. Violation of Criminal Codes of the Local, State, or Federal Governments

On or off-campus actions or activities that violate criminal law, also violate the Code.

## 25. Embezzlement

Unauthorized acquisition and/or use of funds belonging to or under the stewardship of any University unit, organization, or individual.

## 26. Contempt of, or Interference with, Any Judicial Program Actions or Activities

Failure to respect the judicial program or process, including failing to appear for a meeting or hearing if requested to do so, interfering with attendance by any person or persons mandated to attend a meeting or hearing, or interfering with the hearing or judicial process of any judicial board or administrative hearing. Acting in a threatening or harassing manner towards hearing participants before, during or after a hearing.

## 27. Media Contact

Students are expressly prohibited from speaking on behalf of or for Howard University with any media organization or publication, or from inviting same to any University-owned or operated property, facility, or event without the expressed permission of the Office of University Communications.

## 28. Presenting False Testimony

Knowingly making false statements regarding a judicial matter before, during, and after the judicial adjudication process.

## SECTION IX. UNIVERSITY-WIDE JUDICIAL BOARDS AND HEARINGS; ADMINISTRATIVE HEARINGS AND OFFICERS; APPEAL HEARINGS AND BOARDS; ADMINISTRATIVE APPEAL HEARINGS AND OFFICERS

The adjudication of alleged violations of the Code is conducted by a duly appointed University-wide judicial board, or by an Administrative Hearing Officer.

### 1. Judicial Boards

There shall be University-wide judicial boards as follows:

- A. University-Wide Judicial Board for Undergraduate matters;
- B. University-Wide Appellate Board for Undergraduate matters;
- C. University-Wide Judicial Board for Graduate and Professional Student matters;
- D. University-Wide Appellate Board for Graduate and Professional Student matters.

Members of the University-wide judicial boards shall be selected from a pool of students, faculty members, and administrators trained by ODSSS. The pool of board members are those qualified appointees submitted by University officers, deans of the schools and colleges, the Faculty Senate, ODSSS, the Howard University Student Association (HUSA), and any other undergraduate or graduate student governing bodies approved by the Vice President for Student Affairs. Organizations shall select potential appointees according to their internal policies and procedures. Volunteers may also be part of the pool if they meet the qualifications for the category of their status at the University and they submit the “Offer to Volunteer for University Judicial Program” form to ODSSS. Names of volunteers and appointees to sit on judicial boards for an academic year must be received not later than the end of the second week of classes of the fall semester of each year. ODSSS shall provide at least two written requests for names to officials and organizations. In the event that appointments are not made by the deadline by the appropriate student and faculty organizations, ODSSS shall appoint persons to the board pool from the faculty and student body, subject to the approval of the Vice President for Student Affairs.

The judicial boards have jurisdiction over all students subject to the Code. They are responsible for reviewing and evaluating all of the relevant information, conducting hearings, rendering a decision of guilt or innocence, and making recommendations for sanctions, if any, to the Dean for Special Student Services.

The membership of the judicial boards is as follows:

Each board shall be comprised of nine (9) members. No fewer than four (4) members must be students who meet the qualifications outlined below. The remaining members shall be from the pool of qualified faculty and administrator appointees or volunteers who meet the qualifications outlined below.

- A. Undergraduate Students:
  - i. Validated for the semester(s) of service.
  - ii. In good academic, disciplinary and financial standing.
  - iii. At least 12 credits earned at time of appointment.
- B. Graduate/Professional Students
  - i. Validated for the semester(s) of service.
  - ii. At least one semester of enrollment by the time of appointment.
  - iii. In good academic, disciplinary and financial standing.

C. Faculty

Must have been a member of the University faculty for a minimum period of one year at the time of appointment.

D. Administrator/Staff

Must have been an employee of the University for a minimum of one year at the time of appointment.

E. Chair

The Dean for Special Student Services shall appoint a faculty member or administrative staff member of each board to act as Chair.

## 2. Administrative Hearings

Adjudication of a violation of the Code may also be handled through an administrative hearing process conducted by an Administrative Hearing Officer rather than through a judicial board.

An administrative hearing may be used under any of the following circumstances:

- A. A student charged with a violation elects the administrative hearing process in lieu of a University-wide judicial board or appeal board hearing.
- B. The Dean for Special Student Services determines that it is not possible or practical to convene a judicial board or appeal board at the time the case is scheduled (e.g., summer sessions, semester breaks, lack of quorum, spring break, etc.) and it is in the University's best interest to have the case heard expeditiously.
- C. The nature of the case is such that the Dean for Special Student Services believes the best interest of the student and/or the University would be better served by the use of an administrative hearing. If the complainant or the accused object, either may appeal this decision in writing to the Vice President for Student Affairs, within five (5) business days following notice of the Administrative Hearing. The Vice President shall render a decision within 3 business days.

## 3. Administrative Hearing Officers

Administrative Hearing Officers shall be selected by the Dean for Special Student Services from a pool of qualified and trained administrative staff members and faculty members. The Administrative Hearing Officer is responsible for reviewing all of the relevant information, conducting a hearing, rendering a decision of guilt or innocence, and making recommendations for sanctions, if any, to the Dean for Special Student Services. The hearing officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

## 4. Appeal Boards

Any student found "Guilty" by a University-Wide Judicial Board or Hearing Officer and, thereby subject to sanctions, may appeal the decision. (See Section XVI: Appeal of a Judicial Hearing Decision.) A request for reconsideration of a decision or recommended sanction(s) shall be submitted by the Dean for Special Student Services to the appropriate Appeal Board.

Each appeal board shall be comprised of seven (7) members. No fewer than three (3) members shall be qualified students. The remaining members shall be qualified faculty members, administrator appointees or volunteers.

Members of the appeal boards must meet the same qualification standards as members of the University-Wide Judicial Board. However, a member serving on a University-Wide Judicial Board shall not serve on an Appeal Board on the same case.

A faculty member or administrator who is a member of the board will be appointed by the Dean for Special Student Services to serve as Chair of each appeal board. A majority of five (5) will constitute a quorum.

## 5. Administrative Appeal Hearing

An appeal of a decision by a University-Wide Judicial Board may be handled through an administrative hearing process by an Administrative Appeal Hearing Officer rather than through an Appeal Board. An administrative appeal hearing will be convened at the discretion of the Dean for Special Student Services. If the accused objects, she/he may appeal this decision in writing within five (5) business days to the Vice President for Student Affairs. The Vice President will render a decision within 3 business days. In addition, a student filing an appeal may elect to request such a hearing.

## 6. Administrative Hearing Appeal Officers

Administrative Appeal Hearing Officers are selected and trained by the Dean for Special Student Services. The Administrative Appeal Hearing Officer is responsible for meeting with the Chairperson of the University-wide Judicial Board, reviewing all documents from the case file and hearing, and for conducting the appeal hearing. The Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration. The qualifications for an Administrative Appeal Hearing Officer shall be the same as for an Administrative Hearing Officer.

## SECTION X: HEARING PARTICULARS

### 1. Notification of Hearing

The ODSSS shall notify the members of the appropriate judicial board (or the hearing officer, as appropriate), the accused student(s), and the complainant(s), in writing, of the date, place, and time of a scheduled hearing not less than ten (10) working days prior to the hearing date (excluding holidays). Both the complainant and the accused shall be informed that they are responsible for contacting their own witnesses, informing them of the hearing, and ensuring their attendance at the hearing. Such notification shall be hand delivered, mailed or delivered to the local address of record. Witness lists are to be submitted to ODSSS at least two (2) days prior to the hearing. Upon request, ODSSS will make copies of the witness lists available to the opposing sides. Upon request, ODSSS will provide letters for professors of students absent from class due to participation in a judicial procedure explaining the students' absence from class.

### 2. Notification of Inability to Attend a Hearing

If either the accused or the complainant cannot attend a scheduled hearing due to compelling circumstances, he/she must notify ODSSS as soon as this fact is known. Written documentation of extenuating circumstances must be provided. Failure to adhere to this policy may result in additional judicial action and/or conducting the proceeding without the benefit of the absent persons participation.

### 3. Document Access

The accused and complaining student(s) shall have reasonable access to all of the relevant case documents that are maintained by the ODSSS.

Documents shall also be available to members of the boards or hearing officers for review prior to a hearing. The documents prepared by ODSSS and submitted during the hearing, as well as the statements given, will constitute the record of the board or of the hearing officer in an administrative hearing.

## 4. Briefings and Consultations

Board chairs, board members, and hearing officers may be briefed by ODSSS on factual and procedural matters. Legal advice will be provided to such individuals by the Office of General Counsel.

## 5. Failure to Attend

A student accused of violating the Code, who has received appropriate notification to attend a scheduled hearing but fails to do so, may be considered in contempt of the judicial process and subject to further judicial action by the Dean for Special Student Services. The board or hearing officer may elect to proceed with the hearing without the accused and render a decision based on the evidence presented.

A witness with evidence critical to the adjudication of a violation of the Code given reasonable notification of a hearing who refuses to attend may be considered in contempt of the judicial process and subject to possible judicial action.

## 6. Rules of Evidence and Legal Representation

Howard University judicial proceedings are not subject to standard legal rules of evidence or civil or criminal courtroom procedures and protocols. Rather, boards and administrative hearing officers shall make a determination based on whether the record makes it more probable than not that the charges are true.

The accused and the complainant may consult their personal legal counsel in preparation for a hearing, however attorneys are not allowed to attend a judicial hearing or to represent a student at a hearing. A student may, however, elect to have a peer advisor at a hearing, who shall serve in an advisory capacity only. Peer advisors must be students in good academic, disciplinary and financial standing with the University.

## 7. Scope of Evidence Considered in a Judicial Action

The Board Chair or Administrative Hearing Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

## SECTION XI: PROCEDURES FOR CONDUCTING A JUDICIAL HEARING

### 1. Closed Hearings

All hearings are closed, except to those persons directly involved (board members, complainant(s), the accused, and witnesses), unless the board determines otherwise.

### 2. Witnesses

In those situations when a Campus Police Officer(s) may have taken a report and/or investigated an incident relevant to the proceeding, the complainant or the accused may request the Officer to attend and/or participate in a hearing as a witness. Such attendance or participation will be permitted if it is determined by the Board or Hearing Officer that the CPO's presence will facilitate the finding of facts. The complainant or the accused should contact Campus Police directly to make such a request and, at the same time, notify ODSSS of the request.

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. No character witnesses are allowed.

### 3. Postponement

A one-time request for postponement by either the accused or the complainant(s) may be considered by ODSSS, and granted only when ODSSS determines that there is a compelling reason for the delay. ODSSS will set a new date for the hearing and notify all parties involved. Further requests for postponement do not have to be considered, and a hearing may be held in the absence of either party.

### 4. Quorum Requirement

A two-thirds majority of appointed board members is considered a quorum necessary to conduct business, including receiving evidence and rendering a decision. Only members present may vote.

### 5. Role of the Chair

The Chair of a judicial board has the responsibility of conducting the hearing in a fair and equitable manner, and of taking such action as necessary to sanction or mitigate disruptive or inappropriate behavior.

### 6. Burden of Proof

The complainant carries the burden of proof to establish the guilt of the accused. The accused should be prepared to respond to charges against him/her with witnesses and/or documents, as appropriate.

### 7. Steps In the Hearing

Each hearing shall follow a standardized format. Copies of the Procedures for Conducting a Judicial Hearing may be secured from ODSSS.

### 8. Deliberation, Decision Making and Reporting Results to ODSSS

- A. Deliberations shall be conducted with only board members, University Counsel, and ODSSS staff present.
- B. Boards shall consider only such information as may constitute the record.
- C. Verdicts as to guilt or innocence and recommended sanctions shall be determined by a simple majority vote of the Board, except that recommended sanctions of suspension and expulsion require a two-thirds vote.
- D. The Chair of the board shall prepare a written report of the hearing's finding(s), including the basis(es) for the finding(s) and shall submit it to ODSSS. For those findings of "Guilty" there shall be recommendations for sanctions. The Chair signs the report on behalf of the board. ODSSS will provide notification to the accused and complainant of the board's determination.

## SECTION XII: PROCEDURES FOR CONDUCTING A HEARING BY AN ADMINISTRATIVE HEARING OFFICER

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### 1. Closed Hearings

All hearings are closed to anyone other than those persons directly involved (ODSSS staff, University Counsel, the complainant, the accused, and witnesses), unless the hearing officer determines otherwise.

### 2. Witnesses

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. Those attesting to character alone are not allowed to serve as witnesses. A list of any witnesses speaking on behalf of the accused or complainant must be submitted to the Office of the Dean of Special Student Services not later than two (2) days prior to the hearing.

### 3. Postponement

A one-time request for postponement may be considered and granted by ODSSS only when it determines that there is a compelling reason for the delay. In that event, ODSSS will set a new date for the hearing and notify all parties involved.

### 4. Role of the Administrative Hearing Officer

The Administrative Hearing Officer is responsible for conducting the hearing in a fair manner and for recommending such action(s) as necessary to sanction or control disruptive or inappropriate behavior.

### 5. Burden of Proof

The complainant has the burden of proof to establish the guilt of the accused. The accused should be prepared to respond to charges and evidence presented against him/her with documents and/or witnesses, as appropriate.

### 6. Steps in the Hearing

Hearings shall follow a standardized format. Copies of the procedures may be obtained from ODSSS.

### 7. Deliberation, Decision Making, and Reporting Results to ODSSS

- A. The Administrative Hearing Officer shall consider all information in the record.
- B. The Hearing Officer shall prepare a written report including any recommended sanctions, and submit the report to ODSSS. The ODSSS shall notify the accused and the complainant of the Hearing Officer's determination.

## SECTION XIII: NOTIFICATION OF HEARING OUTCOME

The Dean for Special Student Services shall review the recommendations of the Board or Hearing Officer and shall make a final determination on sanctions. ODSSS shall then prepare a written memorandum setting forth the decision and any sanctions and notify both parties within 20 twenty working days after receipt of the report. ODSSS reserves the right to delay notification when it determines that such delay is in the best interest of the University.

When deemed necessary or appropriate by ODSSS, it shall notify relevant University officers, officials, units and organizations of hearing outcomes and sanctions.

## SECTION XIV: DISCIPLINARY SANCTIONS

The purpose of disciplinary sanctions for violations of the Code is to educate students about responsible behavior as members of the Howard University Community, to maintain order, and to protect the rights of others.

Students found guilty of violating the Code are notified of any sanctions by ODSSS, which also monitors compliance with the sanction. There is no set sanction for any particular offense, with the exception of automatic expulsion for a felony conviction. Judicial Boards and Administrative Hearing Officers evaluate each case individually. Sanctions will be determined individually and will be consistent with the severity of the offense.

## 1. General Terms

- A. Parents of minor or dependent students who receive a disciplinary sanction may be notified of that action by the University.
- B. The University reserves the right to apply any sanction for a violation of the Code that, in its sole discretion, appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative, and any student found guilty of the same offense or a second offense of equal or greater magnitude, may be suspended or expelled from the University. Evidence of prior violations of the Code, however, may be considered after a determination of guilt has been made as part of the process of determining sanctions.
- C. Sanctions are imposed under the Code without regard to student classification, prospective graduation date, the time in the semester or term when the violation occurs, scholarship status, or any other factor.
- D. Students who have not completely fulfilled their sanctions may be allowed to participate in General Mandatory Registration for the subsequent semester if all other financial and academic conditions have been met. However, their registration will be canceled if they fail to comply with all the stipulations of the sanctions within the time limit set.
- E. The imposition of sanctions will be a matter of record in the ODSSS.

## 2. Types of Disciplinary Sanctions

One or more of the following sanctions may be imposed for any violation of the Code. The failure to perform a sanction, as directed, can lead to the imposition of more severe sanctions, including suspension or expulsion.

- A. Disciplinary Warning or Reprimand  
A disciplinary warning or reprimand is an official written statement of censure. It is used when a student's behavior is unacceptable but is considered to be minor and/or unintended. It includes a warning that any other violation of the University's Code for which the student is found guilty will result in more severe disciplinary action. The written statement shall be delivered to the student.
- B. Letter of Apology to the Aggrieved Party  
A student may be required to write a letter of apology to the aggrieved party. A draft copy of the letter must be provided to ODSSS for prior approval.
- C. Requirement to Seek Counseling  
This sanction may be imposed when a student was found guilty of engaging in disrupting or uncivil behaviors. In such case, the student shall be required to provide evidence to ODSSS of attendance and completion of counseling by a qualified professional.
- D. Participation In or Conducting Special Workshops or Seminars  
A student may be required to participate in, or to develop, advertise and present special workshops or seminars related to a Code violation. In such a case, the student may be required to present a typed, summary of the activity to the ODSSS.
- E. Research Assignments  
A student may be required to complete a research assignment on a topic related to the Code violation within a specified deadline.

## F. Mandatory University or Community Service

A student may be required to perform work assignments at the University or in the local community.

## G. Restitution

Restitution is reimbursement to compensate for personal injury, property damage, or misappropriation of University or other personal property. It may be in the form of money or services, subject to the discretion of the Hearing Officer or Judicial Board.

## H. Disciplinary Probation

Disciplinary probation may be imposed for a specified period of time. A student who is under disciplinary probation will not be permitted to participate in intramural, intercollegiate or club sports, or student clubs and organizations. Such a student may not represent the University in any public function, competition, or performance, hold office in a student organization, or be eligible to join a fraternity or sorority.

Students receiving scholarships for any activities enumerated above may have that scholarship suspended or terminated. Decisions regarding scholarships will be made by the Vice President for Student Affairs in consultation with the Dean for Special Student Services, and other appropriate University officials.

## I. Limited Term Suspension

Suspension is appropriate in cases of serious misconduct or in cases when a student has violated a condition of disciplinary probation, or has failed to meet the stipulations of lesser sanctions. A student may be suspended from the University for the remainder of the semester (or Summer session) in which the sanction is applied, or any portion thereof, for the next semester, or for any other additional periods determined appropriate by the University.

Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the University are required to return their student identification cards, room keys, and other University property and shall be barred from the campus for the duration of their suspension.

Exceptions may be granted to this prohibition by ODSSS if it first determines that the barred student must enter University property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, his or her eligibility to be readmitted to Howard University is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.

## J. Indefinite Suspension

Indefinite Suspension provides for all conditions described in Limited Term Suspensions but does not give a specific date for the consideration of readmission of the suspended student. This sanction is used in cases of extremely serious misconduct when evidence of rehabilitation must be presented by the student and accepted by the Vice President for Student Affairs before the student is readmitted.

## K. Expulsion

Expulsion is the most severe sanction that the University may impose. Expulsion is permanent dismissal from the University. In addition, the student is not eligible for readmission to the University and permanently barred from Howard University owned or operated property and from all University- sponsored events. Expulsions are recorded on the student's permanent record (official transcript). Students expelled from the University are required to return any student identification cards, room keys and other University property and must leave campus immediately upon notification of being expelled. An expelled student may not return to the campus and is permanently barred from Howard University owned and operated buildings or property and from all University-sponsored events. If an expelled student returns to the campus, he or she will be charged with unlawful entry and may be arrested. An expelled student's relationship with the University is severed permanently.

## SECTION XV: PROCEDURE FOR READMISSION AFTER JUDICIAL SUSPENSION

A student temporarily suspended will be considered for readmission only after filing a Request for Readmission After Judicial Suspension form with the Office of the Dean for Special Student Services.

ODSSS shall inform University officers or officials, including the appropriate academic and administrative deans, the Vice President for Student Affairs, the Office of the President, and the Office of the General Counsel of the disposition of the matter.

## SECTION XVI: APPEAL OF A JUDICIAL HEARING DECISION

### 1. Criteria for an Appeal

A "Guilty" verdict and/or the sanctions imposed may be appealed. However, an appeal will reverse or modify a decision only if one of the following criteria is met. It should be noted that an appeal is not an opportunity to have a new hearing on the matter. As described below, an appeal can only be used to reverse an error or to consider important information that was not available at the hearing.

#### A. Process

An important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.

#### B. Substantive Error:

There was an error in identifying or interpreting the controlling and relevant University policy or standard of conduct and this substantially affected the hearing and resulted in the accused being denied a fair hearing outcome.

#### C. New Evidence:

Relevant new evidence has surfaced that could have materially affected the decision or finding of the board or hearing officer. This evidence must be produced and substantiated or documented, and it is required that proof be provided that this information was not available at the time of the hearing.

#### D. Disproportionate Sanction:

The sanction levied is manifestly unjust because it is overtly disproportionate to the offense.

## 2. Process for Filing an Appeal of Judicial Action

An Appeal of Judicial Action form must be submitted to ODSSS by the student found guilty within five working days of receipt of the letter of notice of hearing outcome. The form should be typewritten or printed very legibly, with an attached statement not more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal is being made, and have attached any supporting documentation. Each case may be appealed only once.

## 3. Appeal Review Process

The written appeal must be submitted to ODSSS. ODSSS will forward the appeal to the Chair of the appropriate Appeal Board. The Chair shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Chair so rules, he/she will set up an appeal hearing and notify the parties of its date, time, and location. If ODSSS determines that an Appeal Board cannot be convened, (e.g., between semesters or at the end of a semester or lack of quorum), it will appoint an Administrative Appeal Officer to review the matter, determine if a hearing is warranted, schedule a hearing, and notify the student

## 4. Appeal Hearing

Appeal hearings will be limited to a presentation of evidence by the appellant that directly addresses the grounds for an appeal. The Chair of the University-Wide Judicial Board may be asked to attend, but no witnesses may be called. Appeal hearings will follow a standardized format.

## 5. Remedies on Appeal

The following actions may be taken by a majority vote of the Appeal Board members present and constituting a quorum:

- A. Affirm the findings of the original Board or Hearing Officer.
- B. Affirm the findings, but change the sanction(s) levied.
- C. Overturn the finding of the original Board or Hearing Officer and remand to the original Board for a new hearing.

## 6. Notification of Finding

The results of an appeal review will be sent directly by the Chair to the student who initiated the appeal, the original complainant, and ODSSS, within 20 working days of the Board's decision. For cause, the Dean may grant the Chair an extension. If the case is remanded for a new hearing, the ODSSS will contact the student about that new hearing. At the discretion of the Dean for Special Student Services, a different University-Wide Judicial Board may be asked to hear the case.

## 7. Limitations

- A. Each case may be appealed only once. Therefore the finding of the designated Appeal Board is final and binding.
- B. Only the accused may file an appeal.
- C. Appeals filed after the stated deadline will not be considered, except in compelling circumstances as determined by the Dean for Special Student Services.

## 8. Stay of Sanction(s) During the Appeal Process

The Dean for Special Student Services will determine if the sanction(s) imposed on an appellant will be stayed pending the appeal process.

## SECTION XVII: REVISIONS OF THE STUDENT CODE OF CONDUCT AND JUDICIARIES

### 1. Periodic Review

The ODSSS will conduct a full formal review of the Code at least every five years, or at such other times as it deems appropriate to determine if the Code should undergo a full revision process.

### 2. Procedure for Revision

If it is determined that the Code is in need of full revision, the procedure for developing a new document for recommendation to the Board of Trustees will be as follows:

- A. A committee composed of an equal number of faculty, administrative staff and students will be appointed by ODSSS to review the “Code” portion of the document and to make recommendations for changes. The pool of those eligible to serve will come from names submitted by University officers, deans of the schools and colleges, the Faculty Senate, the Howard University Student Association (HUSA), and other authorized and approved undergraduate and graduate student governing bodies using their own internal policies for such selections. In the event that, after at least two notices, names are not submitted, ODSSS shall make appointments.
- B. The draft of the revised Code is completed by ODSSS and forwarded to the Vice-President for Student Affairs, the Office of the Provost, and the Office of the General Counsel for review and comment.
- C. An open forum, appropriately advertised, will be held to allow for discussion of proposed changes to the Code. Comments and concerns will be considered in completing the final draft.

### 3. Forwarding for Approval

The final document will be authored by ODSSS and forwarded through the Vice President for Student Affairs to the President for final review and revisions and for presentation to the Board of Trustees for consideration.

### 4. Amendments

Amendments to the Code deemed necessary by the Dean for Special Student Services during periods between formal full reviews and revisions will be prepared by ODSSS and forwarded through the Vice President for Student Affairs, and General Counsel, to the President for approval and implementation.

*Approved by the Board of Trustees on June 2, 2000*