Fall, 2012

Dear Howard University Students,

Please remember that at all times you are “the face” of Howard University with the responsibility of representing the name of Howard in the local community. For this reason it is your duty to conduct yourself in a civil manner in your off campus neighborhood, remembering that wherever you are, you are a Howard University student—subject to the policies and guidelines outlined under the “Student Code of Conduct.”

Your off-campus community is your new neighborhood with specific community codes and standards. The houses in and around the university are home to families with children, young professionals, retired couples and a variety of other types of neighbors. All of these people make up the rich fabric of the neighborhood. As a Howard University student, we expect you to be a good neighbor who participates in the life of the community by having positive interactions with your neighbors and working through differences with diplomacy and tact. Howard has been a good neighbor for more than a century and a half, and, with your help, we will continue to be good neighbors.

HU students, we need you to remember that moving off campus does not mean you are no longer a member of the university community. You are still a part of Howard University and should continue to take advantage of all that Howard has to offer. But you must also know that students who “disrupt” the peace and welfare of the community will be held in violation of the Student Code of Conduct as outlined in section, “Policies & Regulations” of the Howard University Student Handbook 2012 – 2013. Depending on the judicial findings, students may be subject to “suspension” or “expulsion.”
The campus is yours to enjoy! You are a BISON! However, please note that we share the community with our neighbors. Because we want to continue to do our part to enhance our local communities, Howard must be vigilant in safeguarding all matters related to community harmony. Should you have questions or concerns, please call the Office of the Vice President for Student Affairs at 202-806-2100. Have a successful and productive year.

Sincerely,

Barbara L.J. Griffin, Ph.D.

Vice President for Student Affairs
Dear Howard University Students,

**Off-Campus Parties – Code of Conduct**

Howard University is a community where students, teachers, and staff co-exist in a safe, healthy environment that encourages intellectual and social freedom. These rights are protected and sustained through the university’s ability to maintain a campus where self-respect and the respect for persons and property are highly valued. It is, therefore, expected that the conduct of all students align with the University’s continuing commitment to maintain the appropriate balance that ensures the highest quality of life for all.

As Howard University students and as members of the Howard University family, it is incumbent upon you to reflect the values of the University wherever you are. Whether you are **on campus** or **off campus**, we count on you to uphold the University’s reputation and legacy. The “community” is not “just” the campus. The community comprises the neighborhood—the businesses, residences, the schools—all those people who interact with the “Howard family” on a daily basis. As Howardites, we must keep “the community” safe and free from “invidious disruption.” To fortify this principle, the University has devised a **Student Code of Conduct**—a set of rules and regulations that provide guidelines for the identification of “disruptive” behavior considered violations of the Code. Depending on the severity of the nature of the charge, students who violate the Code are subject to a range of disciplinary actions up to and including suspension or expulsion from the University (See H-Book, 90-91). **Off-campus parties** that “disrupt” the peace and order of the neighborhood are examples of actions that are subject to disciplinary sanctions under the Code. The following non-exhaustive list may pose prohibitive behaviors that may result in student disciplinary action for Code violations:

- Attendees (invited or uninvited) spill into the street—“lurking” & blocking passageways
- Vulgar language, fighting, and other destructive and offensive behaviors occur
- Attendees and/or those “lurking around” the party drink alcohol on the street or openly indulge in other drug-related activities
- Offensive gestures, language, or threats are directed at members of the neighborhood or other passersby
- Police Departments (Metropolitan or Howard University) are summoned by neighbors
- The University receives calls from neighbors complaining of the noise and offensive behavior

Any “one” of the above examples would warrant consideration under the Code, prompting the identified “party host[s]” and other Howard University students “named” in the complaint to be subject to the disciplinary process that could result in a number of disciplinary actions, up to and including suspension or expulsion from the University. Any student receiving a sanction under the Code will have a written sanction letter permanently placed in his or her “disciplinary” file.

It is also important to note that students, not the University, are solely responsible for all of their actions at off-campus parties. The University cannot and will not assist students whose actions lead them to be questioned, apprehended or otherwise approached by law enforcement officials with the Metropolitan Police Department. The DC Code has explicit laws pertaining to Disturbance of the Public Peace and Disorderly Conduct and deems violations of the prohibitive activities to be criminal offenses and penalties (DC ST § 22-1321). Failure to abide by these laws may result in criminal prosecution, and creation of a criminal record. Please see Appendix A for the DC Code language.

The University and The Division of Student Affairs want all Howard University students to know that we celebrate and vigorously defend your right to a vibrant, productive social life. However, it is important to remember that, as you pursue your right to celebrate with friends, you must remember to set thoughtful, responsible boundaries that safeguard the rights of others with whom you share a community. Information related to off-campus parties can be found on the Student Affairs website.

Sincerely,
September 10, 2012

Dear Off Campus Howard Student:

When choosing to live off campus, it is important to identify and understand the responsibilities as both a tenant and a member of the community.

- Keep in mind that you live in a diverse neighborhood of professional people, families, children, singles and elderly people.
- Get to know your neighbors- it is the neighborly thing to do and you may need their help during the year.
- You are responsible for your guests’ actions. If your guests cause problems in the neighborhood, the problems ultimately become yours.
- Treat your neighbors as you would want to be treated.
- All neighbors must share the responsibility for keeping the neighborhood clean, safe, and peaceful.
- Everyone is subject to local and federal laws. Be aware of the local law ordinances that are stringently enforced in your neighborhood:

Residence off-campus by students of Howard University is a privilege which carries responsibilities. At the University's discretion, all complaints of alleged student misconduct will be reviewed by the appropriate University authority. Cases deemed as violations will be processed within the guidelines set forth in the Student Code of Conduct.

Throughout the semester, the Office of Residence Life and Student Services will review the behaviors of students residing off-campus. Reports generated by the neighbors, the Department of Public Safety and/or the Washington Metropolitan Police Department (MPD) will be forwarded to the Dean of Residence Life and the Dean of Student Services.

Depending upon the severity of the interaction, the first report will result in a fine and warning letter generated from the Office of Student Services. This letter, copied to Residence Life, parents/guardians, landlords/property managers, will outline the behavioral issues in question and the consequences of further action. This letter will be sent to all students who reside in the house in which the events occurred.

Action by neighbors or either police department, on a second occasion, depending upon the severity, will result in the revocation of off-campus housing privileges. This action will cause the student of said house to break their lease with the land-lord.
The following conditions of eligibility are required:

- The premises and the occupants must comply with all applicable laws, housing ordinances, zoning regulations and University policies.
- The University maintains the right as final authority on issues regarding the violation of University rules and regulations.
- Activities on the premises must not violate local or federal laws.
- Students residing in the off-campus property must register their residence with the Howard University Office of Residence Life and must keep the registration current. All parties must be registered with the Office of Residence Life forty-eight (48) hours prior to the date of the party. Failure to register the party, particularly when there is a disturbance constitutes a violation of the Student Code of Conduct and will result in sanctions.
- Students residing in a single family dwelling must attend mandatory off-campus orientation sessions.
- A community disturbance must not be created, for this purpose, a disturbance is defined as:
  - Noise that is unduly loud, continual or at late hours.
  - Vehicular congestion that would impede emergency vehicles.
  - Illegal parking in alleys and on street parking.
  - Lewd or indecent behavior that can be deemed as inappropriate.
  - Behavior that is disorderly in that it disrupts the regular or normal functions of Howard community, on or off-campus, including behavior which breaches the peace or violates the rights of others.
  - Illegal activity to include the use of drugs, dumping of rash and other violations.
  - Excessive use of alcohol.
  - Any violation of the Student Code of Conduct.

We wish you well during this academic year and are positive that you will abide by the rules that govern community life, as well as the policies that are applicable to Howard University students.

If you have any questions or concerns, please do not hesitate to contact Mr. Marc Lee, Dean of Residence Life. Be mindful, that the same policies that govern on-campus behavior govern off-campus behavior and the Offices of Residence Life and Student Services stand ready to assist you as you live in the Howard community.

Sincerely,

Elaine Bourne Heath, Ph.D.,
Dean, Student Services

Marc Lee, MA, Dean, Residence Life
§ 22-1321. Disorderly conduct.

(a) In any place open to the general public, and in the communal areas of multi-unit housing, it is unlawful for a person to:

(1) intentionally or recklessly act in such a manner as to cause another person to be in reasonable fear that a person or property in a person's immediate possession is likely to be harmed or taken;

(2) incite or provoke violence where there is a likelihood that such violence will ensue; or

(3) direct abusive or offensive language or gestures at another person (other than a law enforcement officer while acting in his or her official capacity) in a manner likely to provoke immediate physical retaliation or violence by that person or another person.

(b) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct, with the intent and effect of impeding or disrupting the orderly conduct of a lawful public gathering, or of a congregation of people engaged in any religious service or in worship, a funeral, or similar proceeding.

(c) It is unlawful for a person to engage in loud, threatening, or abusive language, or disruptive conduct, which unreasonably impedes, disrupts, or disturbs the lawful use of a public conveyance by one or more other persons.

(d) It is unlawful for a person to make an unreasonably loud noise between 10:00 p.m. and 7:00 a.m. that is likely to annoy or disturb one or more other persons in their residences.

(e) It is unlawful for a person to urinate or defecate in public, other than in a urinal or toilet.

(f) It is unlawful for a person to stealthily look into a window or other opening of a dwelling, as defined in § 6-101.07, under circumstances in which an occupant would have a reasonable expectation of privacy. It is not necessary that the dwelling be occupied at the time the person looks into the window or other opening.

(g) It is unlawful, under circumstances whereby a breach of the peace may be occasioned, to interfere with any person in any public place by jostling against the person, unnecessarily crowding the person, or placing a hand in the proximity of the person's handbag, pocketbook, or wallet.

(h) A person who violates any provision of this section shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than $500, imprisoned not more than 90 days, or both.

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STUDENT CODE OF CONDUCT FOR STUDENTS IN THE LOCAL COMMUNITY

The Student Code of Conduct applies to incidents occurring on and off campus. Judicial action against any student committing an off-campus violation of the Code will be considered on a case-by-case basis upon receipt of the filing of a Complaint of an Allegation of an Off-Campus Violation of the Student Code of Conduct. The complainant must obtain the form from the Student Affairs web-site and returned to the Office of Student Services. After review of the form, the Office of Student Services will make a determination of its appropriateness for University disciplinary action. Examples of off-campus matters that would typically be excluded from resolution under the Code are landlord/tenant disputes, certain personal business matters with off-campus entities, and non-violent domestic issues. Disciplinary action may be taken with respect to any student convicted of, or charged with, a felony or misdemeanor, as delineated in Section V: Special Provisions on Students Charged With Or Convicted of A Criminal Act.

Depending on the severity or nature of the charge, students who violate the Code are subject to a range of disciplinary actions up to and including suspension or expulsion and 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 of misconduct 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.

The University cooperates fully with law enforcement authorities and violations of the Code that are also violations of federal or local law may be referred to the appropriate non-University authority. Proceedings under the Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean for Student Services. Determinations made or sanctions imposed under the Code shall not be subject to change because criminal charges arising out of the same facts as a result of the violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

The Howard University Police Department (HUPD) works closely with area law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). HUPD 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.

With appreciation for the tradition of freedom of expression on campus, the University reasserts its commitment to fostering and tolerating different viewpoints. It acknowledges that points of view will diverge and that some students will believe it necessary to express themselves by
means of protest. However, the University will not tolerate disruption to its academic mission nor the means of protest that interfere with the legitimate rights of others.

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 accordance 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 and free of invidious harassment, discrimination, or intimidation.

C. Students have a right to privacy in accordance 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.

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 disciplinary process.

B. To be informed of and to have explained as required the pending charges.

C. To be free from intimidation by University employees in the resolution of disciplinary matters.

D. To face 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 by appropriate officials. 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 University Police.

F. To have a fair and impartial hearing before an appropriately appointed hearing board, appeal board, or Administrative Hearing Officer.

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 Student 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.

A student charged with a crime, either a misdemeanor or felony, by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Dean for Student Services.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code without regard to the pendency of the civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean for Student Services. Determinations made or sanctions imposed under this Code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the Code were dismissed, reduced, or resolved in favor of or against the criminal defendant.

Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines there is a risk of substantial harm to the health or safety of the student or other individuals or to prevent the threat of disruption of, or interference with, the normal operations of the University. An individualized assessment will be made after consultation with the Office of the General Counsel and after considering the best available objective information.

It is the University’s policy that a student convicted of a felony shall be expelled from the institution, irrespective of the student’s current enrollment status. A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by
The Dean for Student Services, which may be appealed through the Office of the Vice President for Student Affairs to the Office of the Provost.

The following is an illustrative list of the types of community conduct, including actual conduct and attempts to engage in such conduct, which are prohibited by this Code. A reasonable suspicion that a student has engaged in or attempted to engage in, such prohibited conduct will result in the immediate consideration of disciplinary action under this Code.

**Safety**

A. Causing any condition that jeopardizes the safety of individuals, groups of individuals, or the University community; participating in conduct or behavior that explicitly endangers the safety and well-being of oneself or others.

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 or interior 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 or threat of a bomb or any other dangerous device or condition.

E. Having the knowledge of and not reporting an event or act that would potentially endanger members of the University community.

**Weapons**

A. Possession of weapons including firearms, items that eject projectiles, knives, or any item that any reasonable person would consider to have the possibility of doing bodily harm.

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

**Sexual Abuse**

Sexual abuse occurs when the act is intentional and is committed either by:

A. Physical force, violence, threat, or intimidation;
B. Ignoring the objections of another person;
C. Causing another’s intoxication or impairment through the use of drugs or alcohol;
D. Taking advantage of another person’s incapacitation, state of intimidation, helplessness, or other inability to consent.

**Sexual Misconduct**

Sexual misconduct occurs when the act is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent.

**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.

**Alcoholic Beverages**

The University prohibits the unauthorized possession, use or distribution of alcoholic beverages. The University enforces all local and federal laws or regulations that regulate and control the sale or use of alcohol. The University limits on-campus use of alcoholic beverages to specified areas and to persons of legal age. Underage drinking is not permitted or sanctioned by the University. Violations of the University’s Alcoholic Beverages Regulations and Guidelines are violations of the Code as follows:

A. Under no circumstances will alcoholic beverages be provided to anyone under 21 years of age. The sale, service, possession, or consumption of an alcoholic
beverage is expressly prohibited, unless approved by the appropriate University official for students over 21 years of age.

B. Consumption and/or possession of alcoholic beverages in the residence halls are prohibited.

C. Aiding or abetting an underage person in the purchase of alcoholic beverages or providing an underage person with alcohol.

D. Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without the express written 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. Approval will be given only for those students over 21 years of age. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event. If violations occur, the student organizational leadership along with the coordinator(s) of the particular event may be charged under the Code.

E. Student organizations serving alcoholic beverages at off-campus events may not identify these events as University-sponsored or sanctioned events.

F. Disorderly conduct due all or in part to being under the influence of alcohol.

G. Providing alcohol to underage persons.

H. Possession of an open alcohol container in a public area.

I. Consumption of alcohol in a public area.

J. After consuming alcoholic beverages, students must assume full responsibility for their conduct as it relates to the need for the exercise of good judgment, moderation, respect for the rights of others, and the legal regulations of the jurisdictions involved.

Drugs/Controlled Substances

The University prohibits the possession, use, sale or distribution of illegal drugs or controlled substances and enforces all local and federal laws that prohibit the possession or sale of illegal drugs or drug paraphernalia. In addition, under federal and local laws, any student convicted of a drug-related offense must be denied all federal assistance, including Pell Grants. Information about remaining eligibility for federal financial aid may be obtained from the Office of Financial Aid.

The University has a “zero” tolerance policy on the improper use of controlled substances and expressly prohibits:
A. The possession, use, manufacturing, distribution or intent to distribute and/or sale of a controlled or illegal substance. Examples of these illegal substances are: crack cocaine, ecstasy, date rape drugs, marijuana, cocaine, heroin, or any other narcotic or controlled substance except as expressly prohibited by law.

B. The illegal possession, use, manufacturing, distribution or intent to distribute and/or sale of drug paraphernalia.

C. Aiding or abetting an individual or individuals who are in illegal possession, or who have an intent to use, sale, or to distribute or who use, sale, or distribute controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in their residence hall room, or to be in any University owned or operated property over which they have control.

D. Under federal and local laws, any student convicted of a drug-related offense will be denied all federal assistance, including Pell Grants.

Property Damage

A. The attempt of, or unauthorized removal, use of, or the defacing of University property, or property under University custody or control resulting in its destruction or damage.

B. Destroying, defacing, removing or damaging the property of others on University premises, at University-sponsored activities or in the community.

Disruptive Conduct

A. 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 or at any University-sponsored event.

B. Students whose behavior, communications, and/or attire may be considered disruptive while participating in academic programs, University activities, programs and general operations. Behaviors would include: use of electronic devices such as pagers, cell phones, video games, walkmans, personal music players, playing computer games during class sessions, laboratory or clinical practicum's or clerkships and periods of academic instruction, remediation, or tutorial assistance. Disruptive conduct would also include the wearing of apparel or clothing in class, or during academic instruction that is lewd, profane or sexually explicit; attire that conveys messages in print or in picture form that are profane, vulgar, patently offensive, racist or discriminatory, and this conduct
disrupts the instructor’s ability to maintain decorum or provide academic instruction in the classroom, laboratory, or other instructional environments.

This also includes students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, which impedes the ability of the instructor to present academic information in the classroom or laboratory, clerkship, conduct academic advisement, counseling, or tutorial assistance.

C. Students are required to carry the Howard University student identification card at all times and are required to surrender it upon reasonable request by any University Official, Faculty Member, Staff Member and all Residence Hall Personnel.

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 of any kind 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.

Established Policies And Procedures

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

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.
COMMUNITY RULES BYLAWS AND PROTOCOLS
COMMUNITY INCIDENT REPORT

Name ___________________________________________________________ 

Address ________________________________________________________ 

Telephone# ______________________ email ____________________________ 

Name/Address of Accused ____________________________________________ 

Date, time and location of incident ____________________________________ 

Student Code Violations: Section VIII: Prohibited Behavior(s) 

Violation: _______________________________________________________

Violation: _______________________________________________________

Violation: _______________________________________________________

Report Filed with University Police Yes_____ No_______ Date__________ 

Report Filed with Metropolitan Police ________ No______________ Date_ 

Complainant Signature/Date