

The Code of Student Conduct

Denison University is dedicated to student learning and to the development of ethically responsible persons who contribute to the development of strong communities, including on our own campus. Inherent in this is the requirement that community members act not merely in response to their individual inclination, but also in accordance with shared values and principles. Every student who accepts the invitation to join the Denison community is expected to abide by the University's policies and rules, and to report to the University when they observe others violating those rules. The purpose of the Code of Student Conduct is to provide general notice of the expectations Denison has for its students and to articulate the University's procedures for resolving violations. It is not written with the specificity of a criminal statute, but is instead rooted firmly in the core values articulated by our Campus Compact and based on the premise that each student should act with unconditional respect toward other persons, their property, and the environment in which we co-exist.

General Authority

Integral to the development and maintenance of a positive social code for the community is agreement about shared values and principles that should guide behavior, as well as how the community will respond when those principles are violated. Denison values a conduct system that is community-based, where expectations, procedures, and practices are developed through collaborative engagement by students, faculty and staff. Rules and policies come from within the community, and community members participate in making decisions about violations and how community harm should be redressed.

The Student Code shall apply to all students, defined for this document as including persons taking or auditing classes at Denison, or who have matriculated in any university program. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University or who have been notified of their acceptance for admission are considered students, as are persons who are living in university residence halls although not enrolled in this institution. For the purposes of this disciplinary policy, persons who withdraw after allegedly violating the Code of Student Conduct shall be considered students.

The jurisdiction of the University relative to its policies and student discipline shall include behavior: (1) that occurs on university premises, (2) that occurs at university-sponsored or university-supervised events regardless of where they occur, (3) that occurs off university premises (including behavior reported through off-campus study programs) when the behavior may adversely affect the Denison community and its interests as an academic community, or (4) which relates to any facet of the relationship between the student and Denison.

Denison University reserves the right not to award a student a degree if it determines that charges against the student cannot be resolved prior to commencement exercises. At the discretion of the Vice President for Student Development (or the Provost, when allegations may involve academic dishonesty), a student who has been charged may be permitted to participate in commencement exercises without receiving a diploma or being considered a graduate of Denison. In this circumstance, a valid diploma will be sent when the conduct matter has been resolved and the student has been deemed eligible to receive a degree from Denison.

The governing documents of the University provide that the President be responsible for the general well-being of the University, including the resolution of all disciplinary matters. While the President retains the authority to intervene in the conduct process at any time, the Vice President for Student Development (VPSD) is delegated oversight of the Student Code and its operation. Should situations arise that are not explicitly addressed by the Student Code, the VPSD is granted the authority to exercise her or his judgment in a manner consistent with the Code; this may include the issuance of temporary regulations. The university also reserves the right to make permanent amendments or rules as deemed necessary for the protection of property and/or the general welfare of students. Unless otherwise specified by the VPSD, the Director of the Office of Student Conduct and Campus Values shall be in charge of the operation of the student discipline process. Changes to the Student Code are

made by the Division of Student Development in consultation with the Campus Affairs Council and the Denison Campus Governance Association.

Expectations for Students

As articulated in our Campus Compact, Denison University is a community where individuals respect one another and the environment. To support these core values, individual students and campus organizations are expected to know and abide by all the policies and rules the University has in place (including those not articulated specifically under this Student Code), and may be held individually and collectively responsible when violations occur. Where a campus organization may be responsible for a violation, the officers of the group may also be held individually accountable.

The University is not a legal sanctuary and cannot protect students who violate public laws from action by law enforcement agencies. As members of the Denison community, students are expected to conduct themselves according to U.S. federal law, the statutes of Ohio, and local Granville ordinances. The University will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and will report all felonies to the Granville Police Department and to the office of the Licking County Prosecuting Attorney, as required by law. Incidents involving students driving while under the influence of alcohol or other drugs (OVI) will also be reported. Law enforcement officers have the authority to pursue legal violations on campus within the constraints of the law. Individual students, faculty and staff members, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate. Arrests for illegal behavior, which the University determines may adversely affect the Denison community or the pursuit of its objectives, will be considered violations of university expectation.

Four expectations serve as the foundation for Denison’s rules and policies. Students are expected to:

- **Protect the health, safety and well-being of the community**
- **Treat one another with respect**
- **Care for our campus environment**
- **Act with integrity, both academically and socially**

The policies and regulations that follow delineate the specific behaviors expected of all students and those things prohibited by the University.

Alcohol and Other Drug Use Policy. The misuse of alcohol and other drugs has a profound impact on the health and safety of the community. Denison University values an environment of legal and responsible alcohol use and supports alcohol-free living environments. The university does not believe that the use of illicit drugs contributes positively to our students or our learning environment. Denison must comply fully with local, state, and federal regulations regarding alcohol and other drugs and must hold community members responsible for their alcohol and drug-related behavior. Students are expected to abide by all federal and Ohio State laws regarding the purchase, use, and distribution of alcohol and other drugs.

Alcoholic beverages may be possessed and consumed on campus only by students and visitors of legal drinking age (21). The carrying of open containers of alcohol in any common areas of university premises, including lobbies, lounges, stairways, parking lots, walkways or residential quads, is not permitted. University staff may require students to dispose of alcohol when observed in public areas.

Denison expects that students who choose to consume alcohol will do so in appropriate and healthy ways. It is a violation to drink in a manner that impairs one’s physical health or safety. Conditions such as vomiting, loss of balance, unresponsiveness, or other conditions that may require medical intervention may be construed as violations. The university prohibits engagement in activities and drinking games (including but not limited to “beer pong” or other games that contribute to and promote high-risk drinking behavior). Bulk alcohol-source containers,

including but not limited to kegs and insulated coolers from which beer or punch of unknown ingredients (such as “jungle juice” or “crack juice”) can be dispensed in an unauthorized and unregulated manner, are not permitted on university premises,. The possession or use of alcohol-related paraphernalia, such as beer funnels, is also prohibited. All such items will be confiscated.

The University responds assertively to students whose alcohol behavior may violate the rights of others or lead to disorderly or dangerous behavior. Behaviors include, but are not limited to, operating a vehicle under the influence (OVI), damaging property, engaging in threatening behaviors, and failure to comply with directions. Impairment of a student’s judgment as a result of alcohol use shall not relieve a student of responsibility.

Denison will also respond assertively to students found to be possessing, using, selling, manufacturing or distributing narcotics or other controlled substances. Possession of drug-related paraphernalia (including pipes, bongos, grinders, etc, whether used or not) also violates this policy. Students prescribed controlled legal pharmaceutical medications are expected to use and store them appropriately. Students who are found to be misusing or distributing prescribed legal pharmaceuticals may be subject to severe sanctions.

Hazing Policy. Hazing, by its nature, relies on the exertion of power over another by a person or group, and the submission by or inability of the receiver to confront that wrongdoing. It shows reckless disregard for persons’ dignity and may be injurious, both emotionally and physically. At Denison, hazing is contrary to our shared value that each person be treated with unconditional respect.

Consistent with the Ohio Revised Code, Denison does not condone hazing behaviors of any kind by any individual, organization or group. No Denison University student or campus organization shall conduct or condone hazing activities. Hazing activities are defined as any action taken or situation created, directly or indirectly, whether on or off university premises, which results in or has the potential to result in mental or physical injury, discomfort, embarrassment, harassment, or ridicule. Such activities may include, but are not limited to, the use of alcohol, paddling in any form, creation of excessive fatigue, mutilation or alteration of the body, physical and psychological shocks, quests or road trips, engaging in public stunts of misbehavior, degrading or humiliating games and activities; and any other such activities that are not consistent with academic achievement, fraternal or organizational rituals or policies, or State of Ohio law. Arguments that the participant took part voluntarily in the behavior, that he or she voluntarily assumed the risks or hardship of the activity, or that no injury (physical or mental) in fact was suffered shall not constitute justification under this hazing policy.

Fire Safety Policy. The University understands that fires present a real and possible danger in our residence halls and other campus facilities. Students are expected to adhere strictly to all fire safety regulations and to be aware of our collective responsibility to promote fire and life-safety on our campus.

Students will not engage in any open burning without appropriate authorization from the university. The university will respond assertively to students who start a fire, provide conditions that would make it likely for a fire to occur or continue, and/or engage in arson.

The university is compliant with fire safety regulations and will treat seriously any tampering with fire or other life-safety equipment (e.g., smoke detectors, alarm horns, fire sprinklers, fire extinguishers), intentional activation of any alarm or safety system, or intentional false report, warning or threat of fire or other life safety emergency. During fire or other life safety emergencies or drills, or upon receipt of a DU alert notification, students are expected to cooperate with regulations and authorities by evacuating buildings immediately upon alarm and/or proceeding to designated areas.

General Safety Regulations. The University expects students to make safe choices while attending Denison and to protect their own health and safety, and the welfare of others. To support a safe environment, the University tasks campus officials with maintaining safety and security. Students are expected to comply with the authorized directions of university officials (including Security staff, campus administrators, and Residential Education personnel), law enforcement officers, and fire fighters who are acting in performance of their duties. Each student

is issued a Denison ID card and should expect to present that card to officials when requested to do so. Security officers will contact Granville police when the identification of a student or guest may be in question or when a student fails to cooperate.

The University has in place a number of regulations intended to protect the general health and well-being of the community. Students will not engage in unauthorized activities on premises that are deemed unsafe or unhealthy, which include but are not limited to accessing building roofs, ledges and/or fire escapes, climbing on buildings, walls or bridges, swimming or entering Ebaugh Pond, and sledding on campus hills. Students will not throw objects in, at, or out of university buildings. In recognition of the varied health and wellness needs of a large residential community, the presence and housing of pets or other animals on premises is prohibited in all university buildings, with the exception of fish (as articulated by housing policy) and guide dogs approved by the University. The University has determined it to be unsafe to possess or use dangerous chemicals, or any such item, in university buildings and/or on university premises without authorization, even if the item may be legal to possess. Such items will be confiscated.

Safety and privacy within living and work spaces is important at Denison. While the University reserves the right to enter and/or search student rooms under certain circumstances (e.g., to perform maintenance tasks, to close buildings at holiday breaks, or to investigate significant policy violations), the University supports these values and expects student members to uphold them as well. Students will not enter other students' living spaces without permission or appropriate authorization, nor will they access or use university spaces without authorization (examples include offices, closets, or other restricted areas). This includes entering or using public bathrooms of the opposite gender. It is also a violation of university expectations to engage in the unauthorized use of electronic or other devices to take pictures or make audio or video recordings of any person while on university premises without his or her prior knowledge, or without his or her effective consent, when such a recording is likely to cause injury or distress.

All students are issued university keys (e.g., residence hall room, other keys as appropriate) and are expected to sign for them. Students will not possess or use any university keys (including room keys belonging to others) to enter buildings or rooms without authorization from the University, and will not duplicate or attempt to duplicate any keys.

Weapons Policy. The possession of firearms, other weapons, or explosives on university premises or at any university-supervised or –sponsored event is strictly prohibited. Dangerous weapons include, but are not limited to, firearms, air guns, BB guns, paintball guns, ammunition, knives, fireworks, other explosives, or harmful chemicals. Weapons shall include also ceremonial and/or decorative weapons. Any item brandished for the purpose of causing harm to another person or to protect oneself from harm shall be considered a weapon.

Academic Integrity. In accordance with the University's Code of Academic Integrity, all students are expected to abide by the academic regulations of the college and engage in and complete all course requirements according to the standards set forth in the Code of Academic Integrity. Academic dishonesty includes, but is not limited to: failure to appropriately cite consulted academic resources (plagiarism) and/or providing or receiving academic assistance in a manner that is not authorized by an instructor in the creation of work to be submitted for evaluation. Alleged violations of this expectation are not resolved under the procedures of the Code of Student Conduct. The University's full definition of academic dishonesty and the procedure followed to resolve alleged infractions is outlined in the Code of Academic Integrity.

Honesty. To act with integrity means to be honest in our interactions with others. Students are expected to provide truthful information when engaging with the University and during investigations of alleged behavior. The furnishing of false or misleading information to any official, faculty member, or office would violate this expectation. The forgery, alteration, or misuse of any university document, record, or identification is also a violation. Possession of any false identification or identification belonging to another person is prohibited. Additionally, students will not attempt to conceal their identity individually or collectively for the purpose of avoiding the consequences of illegal, irresponsible or inconsiderate behavior.

Violence Toward Others. All members of the University and surrounding community should have the right to be free from violence of any kind. Students will not engage in any behavior that endangers others, threatens or causes physical harm to any person, or causes a person reasonable apprehension of harm.

Harassment. As articulated in our Campus Compact, we respect individuality in our community and celebrate diversity as a strength from which we can grow and learn. Subject to the provisions of the *Denison University Anti-harassment and Free Speech Policy*, it is a violation for any student to subject any person to harassment. Harassment occurs if an individual engages in conduct (physical, verbal, graphic, or written) on the basis of race, sex, color, ethnic or national origin, religion, age, sexual orientation, disability, or Vietnam-era status that is sufficiently severe, pervasive, or persistent so as to interfere unreasonably with or limit the ability of another individual to participate in or benefit from the services, activities or privileges provided by the University, or has the purpose or effect of creating an intimidating or hostile environment.

Sexual Assault and Other Sexual Misconduct. Sexual assaults and other sexual misconduct have a profound impact on both assault survivors and our community. Our community expects that students who choose to engage in sexual activity do so safely, appropriately, and in a manner that does not violate the law. Students who attempt or engage in sexual activity must have effective consent from the other person. Violations may vary in severity and consist of a range of behavior, including but not limited to: non-consensual sexual touching, non-consensual sexual intercourse, and/or forced sexual intercourse. Allegations of sexual misconduct are subject to the Policy on Sexual Assault and Other Sexual Misconduct, which also outlines the University's definitions of consent, sexual misconduct, and sexual assault.

Damage and Theft. The University strives to provide students a well-groomed campus with facilities and amenities that can serve the needs of our students as they learn and live. The University expects all students to help maintain our facilities and grounds. Students will neither misuse nor attempt or cause actual damage to any property at the University, including but not limited to property belonging to the University or to a member of the university community, or other personal or public property. Signs, notices, banners, etc. may not be posted on trees, light fixtures, life-safety equipment, fire doors, or on other doors or windows. Items found in these locations without authorization may be removed by the University. Students are expected to place trash in appropriate trash receptacles.

The theft of property violates the honesty and integrity of our community. Students will neither attempt theft nor steal any property of the university, of a member of the university community, or other personal or public property, on or off campus. Examples include but are not limited to: merchandise from the bookstore or snack shop, library books, items belonging to athletics, lounge furniture, vending machine products, and unattended property. Students will not embezzle, defraud or use false pretenses to procure property or services, or knowingly purchase or possess stolen property.

Disruptive Behavior. The University expects students to preserve an environment conducive to studying, teaching, research, administration, and other activities that are central to the University's mission. In support of each other, students will behave in ways that are not excessively noisy; that is, in ways that will allow students to sleep and study (where they choose), and that does not disturb other members of the community. Students will comply with requests by others to reduce volume (e.g., music) or crowd noise. Community members are responsible for understanding the local Granville ordinance regarding noise and that they can be cited by law enforcement when behavior may violate this law.

The University will respond assertively to students whose behavior seriously infringes on the rights of others, especially when those acts are intimidating, disturbing or irritating to others, and repeating. Student will refrain from conduct that is disorderly, lewd or indecent.

Students may not participate in campus demonstrations which infringe on the rights of other members of the University community, or lead or incite others to disrupt scheduled and/or normal activities. It is a violation to

breach the peace, or aid, abet, or procure another person to breach the peace on university premises or at university functions. Students will allow pedestrian and vehicular traffic to flow freely and will stay clear of fire, police, or other emergency services who are performing their public-service functions, whether on or off-premises.

No person or group will engage in any selling or solicitation of any kind on campus, or electronically, without prior approval from the Campus Operations Office. Door-to-door solicitation is not permitted in any residential facility at any time, and the commercial stuffing of student mailboxes is strictly prohibited.

Computer Use. Students will utilize Denison's computer resources appropriately. The University provides a rich technology environment for students to support both academic and co-curricular activities. Students will not steal or abuse computer time, passwords or computer accounts, or use any part of the computer network for a purpose inconsistent with the Acceptable Use Policy or other policies set forth by Information Technology Services. The University complies with the requirements and provisions of the Higher Education Opportunity Act of 2008 and responds assertively to students who engage in peer-to-peer file sharing, which includes the downloading and provision of copyrighted material such as music and movies. Such behavior can result in Information Technology Services administratively suspending a student's access to the Denison network.

Smoking. Denison expects the community to respect that the University is a smoke-free environment. While students may choose to smoke cigarettes or tobacco, smoking is prohibited in any interior areas of the university, including classrooms, labs, private offices, restrooms, hallways, dining rooms and residential facilities, including students' assigned rooms.

Housing Lottery Expectation. Given the variety of housing options offered at Denison, the University recognizes the importance students place on where they reside and their opportunity to have access to desirable living locations. Denison has in place a reasonable lottery process to provide everyone a chance to secure these options. Students are expected to follow all rules set forth by the Office of Residential Education and Housing pertaining to lottery and room selection. The misuse or abuse of the housing lottery process, such as securing of space for another student through misuse of lottery numbers, unauthorized moves or trades, and/or discouraging any other student from his or her right of room selection, is considered a violation.

Resolution of Behavior

While Security staff and residence hall staff members submit a majority of conduct-related reports, any member of the Denison community may file a complaint that alleges misconduct by a student or campus organization. Complaints must be prepared in writing and directed to the Office of Student Conduct and Campus Values (OSC). Any complaint should be submitted as soon as possible after the alleged violation occurs.

The University will reasonably protect complainants and witnesses from retaliation, harassment, and intimidation. Denison University will take disciplinary action against any student who may be attempting to discourage or influence a person using or participating in the conduct process. Students will not abuse or disrupt the conduct process by falsifying, distorting, or misrepresenting information before a conduct educator or the Student Conduct Board, or by interfering with any conduct proceeding. To initiate conduct action knowingly without cause shall also be considered a violation.

Violations of the law may result in action through the university discipline process. Prosecution in the criminal and/or civil courts, which are separate and independent processes from the University's process, may also result from a student's violation. When a student is charged by federal, state or local authorities with a violation of law, the University will not request or agree to special consideration for that individual because of his or her status as a student. The University may advise off-campus authorities of the existence of the Code of Student Conduct and of how such matters will be handled internally within the university community. Proceedings under the Student Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

The OSC routinely reviews incident reports/complaints received by the University and shall determine the method of resolution. At the discretion of the Director of the OSC, some incidents are most appropriately resolved without formal disciplinary charges. Upon such a decision, resolution may require the student to meet with a conduct educator, the Dean of Students, members of the Residential Education staff, or some other designee as deemed appropriate by the Director.

Accused students who have a disability that necessitates assistance may seek assistance and request accommodation through the Academic Support and Enrichment Center.

Preliminary investigations of conduct matters are conducted by the Office of Security, Safety and Risk Management, and/or by members of the Division of Student Development. At the discretion of the Director of the OSC, a designee may be assigned to conduct a supplemental investigation of the incident prior to its resolution. The duty of this person shall be to investigate the matter further and present those findings to the hearing body. During a proceeding, this person may be questioned by the hearing body, the accused student and/or the complainant about her or his investigation. This investigator has the authority to summon community members to appear for an interview. A student who would fail to appear for an interview may be charged with violation of the Student Code. The community member may refuse to answer questions and will be informed of this person's authority as described.

Interim Suspension

In certain circumstances following an incident of misconduct by a student or campus organization, the President, or his or her designee, may impose an interim suspension prior to resolution of an incident through the conduct process. Interim suspension may be imposed if there is any reason to believe that it is necessary (a) to ensure the safety and well-being of members of the Denison University community; (b) to ensure the student's own physical or emotional safety and well-being; (c) if the student poses a threat of disruption of or interference with the normal operations of the college; or (d) when a felonious act has been committed. The imposition of an interim suspension does not replace the regular conduct process, which shall proceed on its normal schedule, up to and through a conduct hearing and appeal, if required.

During an interim suspension, a student shall be denied access to residence halls and/or to the campus (which can include classes) and/or all other Denison activities or privileges for which the student might otherwise be eligible, as deemed appropriate.

In addition to interim suspension, the President shall also have the right to immediately invoke a sanction of Disciplinary Probation or other discretionary sanctions, as deemed appropriate, pending a hearing before the appropriate hearing body. The president may authorize notification to the parents or legal guardians of a student when a sanction issued to the student includes Disciplinary Probation or Disciplinary Suspension, unless the student is on record with Denison as an independent student for tax purposes.

Conduct Meetings and Hearings

When formal charges are made, the accused student or campus organization shall be required to attend a conduct meeting with a conduct educator to resolve the matter. If the student or organization fails to appear, then the conduct process may proceed despite the absence, and any determination shall be based on the information available. However, no student or organization shall be found to have violated the Code of Student Conduct solely because of a failure to appear.

At a conduct meeting, a student may choose to withdraw from the University prior to resolution of an alleged infraction. When this happens, the accused student agrees not to reenroll at Denison and the conduct matter becomes inactive. Disciplinary files for students who withdraw from Denison in this way are maintained indefinitely. If the student seeks enrollment at another institution and the institution requests information

regarding the student's disciplinary history, Denison will share information in accordance with its obligations under the federal Family Educational Rights and Privacy Act (FERPA). However, the University will limit disclosure of the inactive matter to the allegations and that the student withdrew prior to its resolution. If an accused student is charged with a violation and withdraws or attempts to withdraw from Denison prior to or having failed to attend an appropriate conduct meeting, the University may resolve the matter and impose a sanction if one of the possible sanctions includes Disciplinary Probation, Suspension or Expulsion.

If charges can be resolved administratively by mutual consent of the involved parties and on a basis that is acceptable to the conduct educator, the case shall be considered finally decided and there will be no subsequent proceeding or appeal. Where the accused denies responsibility or if charges cannot be resolved by mutual consent, the student or organization has the opportunity to be heard prior to the University making a determination. Students may request either **administrative resolution**, which will normally occur with the conduct educator with whom they are meeting, or **resolution before the Student Conduct Board (SCB)**. Hearings before the SCB are limited to violations of the Student Code when the outcome of the case could result in the student being suspended or expelled from Denison. Although a student may request administrative resolution, the OSC may elect not to honor the request if there is an actual or perceived conflict of interest or if the OSC believes the incident would be better resolved through broader community participation. Such cases shall be referred to the SCB. Cases involving student organizations are always resolved administratively with a conduct educator.

If a student or organization admits to violating the Student Code but does not agree to sanctions that may be assigned by the conduct educator, subsequent process will be limited to determining appropriate sanctions.

All conduct hearings shall be closed private proceedings. Parents, guardians, attorneys, or other persons that do not meet Denison's definition of a procedural advisor (see section on Procedural Advisors below) are not permitted to attend or participate in any part of a conduct proceeding. Admission of any other person will be at the discretion of the hearing body. Where a reported incident may result in more than one accused student, the hearing body has discretion to conduct one hearing for all accused students or to have separate hearings for each student. When the University is not in session, all cases will be resolved administratively, but may require modification of the administrative resolution format. Any modified details will be communicated to the accused student prior to resolution. If a case may potentially result in the accused student being suspended or expelled from Denison, the University may elect to postpone its resolution until the university resumes its normal session.

During hearings, complainants, accused students and campus organizations have the privilege of presenting witnesses, who may be questioned. Witnesses shall be called forward in a manner deemed appropriate by the hearing body. Students and organizations must notify the OSC as to the witnesses being called no less than twenty-four (24) hours prior to the hearing. All procedural questions are subject to the final decision of the Director of the OSC, or his or her designee.

Responsibility for violation of the Code of Student Conduct or other college policies shall be determined on the basis of a preponderance of evidence, that is, if it is more likely than not that the evidence supports that the student violated the Student Code. Accused students or organizations will be informed in writing of the resolution of the matter. In cases where a violation involves an allegation of sexual misconduct or other violence, and a student is determined to be a victim of that act, the hearing body will also inform the victim, in writing, of the determination and any sanctions imposed.

The University may make a record of conduct proceedings, such as an audio recording or written summary, for the purpose of review during deliberations or appeal. This record shall be the exclusive property of the university and shall be maintained for one year after a decision has been finally decided by the University.

Additional Provisions Applied to Cases Alleging Sexual Misconduct or Other Acts Violence

Student complainants who allege sexual misconduct or other acts of violence by another student shall have additional procedural rights. They will have the right to provide information in limited privacy, provided it does not compromise the conduct process or the accused student's right to challenge information through the presentation of witnesses and documents. Requests regarding changes to the hearing setting must be made to the OSC at least two (2) regular business days in advance of the hearing. In general, previous unrelated behavior shall be explicitly excluded from the hearing. Should such information enter the proceeding, the hearing body will decide if it is relevant to the resolution of the case. Complainants shall also have the right to submit a written impact statement to the hearing body. This written statement will only be entered at the sanctioning phase of deliberations, at which time it would become part of the case record. Impact statements may include recommendations for sanctioning. The hearing body is not bound by any recommendations.

In accordance with the Higher Education Amendments of 1998, Denison University will disclose to an alleged complainant of any crime of violence or a non-forcible sex offense the final results of any disciplinary proceeding conducted by Denison University against the alleged perpetrator of such crime or offense with respect to such crime.

Procedural Advisors

Those charged with violations of the Student Code and those bringing forward allegations may seek assistance from a procedural advisor. The role of a procedural advisor is to assist students or organizations in their case preparation prior to a conduct proceeding. While procedural advisors may be present during the proceeding, they are not permitted to speak or to participate directly in any way; students and organizations are responsible for presenting their own case. Where a student or organization may desire an advisor but have difficulty identifying one, the OSC can, upon request, assist in providing names of community members who may be able to serve in that capacity. Choice of a procedural advisor is limited to the immediate university community and might include a faculty member, administrator, or student. When a student or organization chooses not to be assisted by a procedural advisor, the University reserves the right to appoint one when it is clear the incident involves serious community issues.

The Student Conduct Board (SCB)

The Student Conduct Board shall include a minimum of six students, two members from the teaching faculty, and one member from the administrative or supportive operating staff of the university. Student members shall serve for one year, and faculty and administrative/supportive operating staff shall serve for two years. All members may have their appointment renewed. Student members shall be appointed by the DCGA President upon the recommendation of the Office of Student Conduct. It shall be the responsibility of the OSC to ensure that the composition of the SCB is reflective of the University's commitment to diversity; the overall board shall include at least one woman, one man and one person of color. Student members appointed to the SCB must be in good academic standing and have no active conduct status with the university. Conduct Educators and other persons designated with responsibility for determining violations of the Student Code may not serve on the SCB or be a member of the Appeals Board. No member of the SCB may participate in a proceeding regarding his or her own alleged misconduct.

In order to proceed with any hearing before the SCB, there must be a quorum of no less than five (5) board members. The quorum must include three (3) student members and one (1) faculty member. Prior to any hearing, the advisor to the SCB shall assign one board member to serve as the presiding chairperson, whose role shall be to oversee and direct the proceeding. During the board's deliberation, and in the event a vote would become necessary to determine a student's responsibility, the presiding chairperson will have no vote except to break a tie.

Submitting an Appeal

Findings and sanctions resulting from a conduct proceeding may be appealed by the accused student to the Appeals Board (AB). If the case involves a student complainant, that person may also appeal, but only if that person was determined to be a victim. Appeals shall be submitted in writing to the Office of Student Conduct and Campus Values. To receive consideration, the student's appeal must be full and complete upon its submission and submitted by the deadline specified in the original outcome letter. Deadlines for appeal shall be no less than five (5) business days after the date of the conduct decision. A student's submission of an appeal suspends the imposition of any sanctions until the appeal is finally decided.

Except as required to explain the basis of new information, an appeal review shall be limited to examination of the written case record and verbatim record of the conduct proceeding, if there is one, and any appropriate supporting documents, for one or more of the following purposes:

To determine if the conduct process was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures set forth by the Student Code, giving the accused student a reasonable opportunity to prepare and present a response to the allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless prejudice results;

To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the hearing body, were sufficient to establish that a violation of the student code occurred;

To determine whether the sanction(s) imposed were appropriate relative to the violation(s) for which the accused student was found responsible; and/or

To consider new information, sufficient to alter the decision, or other relevant facts not brought out in the original hearing because such information and/or facts were not known to the accused student appealing at the time of the original hearing.

The President shall appoint a body of students, teaching faculty and administrators to serve as members of the AB. Students shall be appointed for one-year. Administrators and the teaching faculty shall serve for two years. All appointments from the university president are renewable.

To proceed with an appeal review, quorum shall be no fewer than three AB members. Normally, however, the review panel shall consist of two students and either one teaching faculty member or administrator. Where the appeal relates to academic misconduct, the makeup of the panel must include the teaching faculty member, who would also serve as the chairperson. All appeals are reviewed and considered by the Appeals Board in a closed session. No testimony is given during an appeal review, unless it would be requested by the Appeals Board.

Students who have a disability that necessitates assistance in the appeal process may seek assistance and request accommodation through the Academic Support and Enrichment Center.

The AB has the authority to modify a decision of the hearing body and shall review the record of the original proceeding, at its discretion, or rehear the case themselves before making any modifications. If the AB agrees with any part of the accused student's appeal, the panel can decrease the original sanction, refer the conduct matter back to the original hearing body for reconsideration of the original finding or sanctions, or reverse the finding of responsibility on any charge. If any part of the accused student's appeal is denied, the AB also has the authority to increase the original sanction of the hearing body. In instances where the AB may vote on a matter, the presiding chairperson shall only vote in the case of a tie.

When the appeal review has concluded, the AB shall notify the student who appealed, in writing, of the decision. If applicable, any complainant or student who was determined to be a victim will also be informed of the results of the appeal review. At that time, the conduct matter will have been finally decided and shall not be subject to further review or appeal. If no appeal is made or if the AB concludes the appeal process with no reconsideration or decision modification, the original outcome shall then become final and will not be subject to further review or appeal.

Conduct Education and Sanctions

Any student or campus organization found responsible for violation of the Student Code may expect to receive conduct sanctions. The following sanctions may be applied singularly or in combination, and can be influenced by the student's or organization's previous conduct history. A student or campus organization that fails to obey the direction of a hearing body or that fails to abide by or complete a sanction may be found to have violated the Student Code solely because of that failure.

Letter of Warning. This is an official notice to the student who violated the Student Code that further violation could result in additional disciplinary action.

Warning Probation. A student on warning probation may continue to participate fully in the life of the community with the understanding that further violations could result in the student being deemed "not in good standing." Warning probation may include requirements and restrictions as circumstances warrant.

Disciplinary Probation (DP). Disciplinary Probation is the highest conduct status imposed before Disciplinary Suspension or Expulsion is considered by the University. Student organizations on DP risk being suspended or dissolved if further violations would occur. The DP status designates a specified period of time during which the student or organization is not in good standing with the University. When imposed, the conduct educator or SCB has the authority to declare the student or organization ineligible to represent Denison in any official capacity during the period of probation. While the student/organization may continue to participate in team practices, group meetings, etc, the ineligibility would restrict representation such as holding an office in a campus organization, joining a fraternity or sorority, and competing in varsity athletic competition or club sports. Additionally, DP often impacts students' eligibility to participate in study abroad programs through Denison.

Disciplinary Suspension. This status separates a student from the University community for a designated period of time, after which the student becomes eligible to return. Suspended students are prohibited from university premises and may not participate in any university-sponsored activity without advance authorization from the OSC or from the Dean of Students. When suspended, a student may not continue academic work at Denison and may not earn credits at Denison. Additionally, a student may not graduate from Denison while serving a suspension. Reinstatement following the suspension period is automatic provided the student has met all conditions stipulated by the hearing body to be completed during the suspension period. A student who is reinstated shall have a conduct status of Disciplinary Probation during the semester of reinstatement; in such a case, the conduct status will not normally carry any eligibility restriction.

Disciplinary Expulsion. This sanction permanently separates the student from the University. A student who is expelled may not earn any academic credit at Denison and may not graduate with a degree from the University. Expelled students are strictly prohibited from university premises and from participation or presence at any university-sponsored activity without advance authorization from the OSC or the Dean of Students.

Loss of Privileges. Students responsible for violations of the Student Code may be denied specified privileges as determined to be appropriate by the hearing body.

Restitution. In appropriate circumstances, students may be responsible for paying for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

Discretionary Educational Sanctions. These sanctions include reflective writing assignments, service to the University, alcohol and other drug education, letters of apology, participation in educational programs or other discretionary referrals

Housing Reassignment. The University reserves the right to reassign a student to another residence hall and/or living space.

Loss of Lottery Privileges. A student may have their lottery privileges revoked if he or she has been found responsible through the formal conduct process for abuse of the lottery system.

Revocation of Admission and/or Degree. Admission to or a degree awarded from Denison University may be revoked for fraud, misrepresentation, or other violation of Denison University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

Notification of Parents Regarding Drug and Alcohol Violations

In accordance with Family Educational Rights and Privacy Act (FERPA), Denison University has the authority to disclose information to a parent or legal guardian of a student regarding any violation of federal, state or local law, or any rule or policy of Denison University governing the use or possession of alcohol or controlled substances. Notification shall occur when

- The student is responsible for pattern of alcohol violations, even when those infractions may be minor. Two or more incidents in which a student is responsible shall be reasonable cause for notification;
- The student receives a sanction of Disciplinary Probation, Disciplinary Suspension or Disciplinary Expulsion;
- The incident was determined to be life threatening to the student, threatening to the community, or resulted in the student becoming physically ill and/or requiring medical intervention or transport as a result of consumption of alcohol and/or drugs; and/or
- The student is responsible for any violation of the University's policy regarding drugs.

The Director of Student Conduct & Campus Values shall be responsible for notification. Notification shall be made to the primary parent/guardian listed with Denison University when a student's parents are divorced or separated. The Dean of Students shall have the authority to exercise discretion regarding notification when it is determined directly and conclusively that extenuating circumstances exist that would negatively impact the situation. Notification shall not occur until a decision about a student's responsibility has become final.

This notification policy only applies to tax-dependent students under the age of twenty-one (21). Unrelated to the FERPA, the university has the authority to contact parents or guardians during health and safety emergencies regardless of the age or tax-dependency of the student.

Maintenance and Release of Student Disciplinary Records

All of a student's records pertaining to violations of the Code of Student Conduct, except those that resulted in a sanction of Disciplinary Suspension, Disciplinary Expulsion from the University, or where the student chose to withdraw from Denison prior to adjudication of the matter, shall be destroyed four (4) years after the student's graduation or withdrawal from the University. It is the policy of Denison University not to release any information related to a student's involvement in the conduct process without the express written consent of the student, except as noted above regarding notification to parents or legal guardians regarding the use or possession of alcohol or controlled substances.

Interpretation and Revision

Any question of interpretation of the Code of Student Conduct or other university policy shall be referred to the Vice President for Student Development or his or her designee for a final determination. The Student Code will be reviewed at least every three years under the direction of the Vice President for Student Development, or his or her designee.