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## **CODE OF STUDENT CONDUCT**

### **Preamble**

The University is a community in which intellectual growth, learning from others, mutual tolerance, and respect for freedom of thought and expression are principles of paramount importance. In an environment that promotes the free interchange of ideas, cultural and intellectual diversity, and a wealth of social opportunities, NewU students take advantage of the academic and non-academic opportunities available to them, deepening their intellectual insights through formal instruction, and expanding their educational experience beyond their academic programs. Members of the NewU community participate actively in the greater District of Columbia, state, national, and international communities in which they reside. “Citizens” of the University community include students, faculty, staff and those otherwise affiliated with the University.

Accepting membership into the University community as a student entails an obligation to promote its welfare by assuming the rights and responsibilities listed below. Each individual member of this community is responsible for his or her own actions and is expected to respect the rights of others.

### **Rights of Student Citizenship**

Membership in the University community affords every student certain rights that are essential to the University’s educational mission and its character as a community:

- a. The right to have access to and participate in the academic and non-academic opportunities afforded by the University, subject to applicable standards or requirements.
- b. The right to freedom of thought and expression.
- c. The right to be free from discrimination on the basis of race, color, gender, sexual orientation, religion, national or ethnic origin, age, disability, or status as a disabled person.
- d. The right to fair University judicial process in the determination of accountability for conduct.

## **Responsibilities of Student Citizenship**

Students are expected to exhibit responsible behavior regardless of time or place.

*Responsible behavior* includes but is not limited to the following obligations:

- a. To comply with all provisions of the University's Code of Academic Integrity.
- b. To respect the health and safety of others. This precludes acts or threats of physical violence against another person (including sexual violence) and disorderly conduct. This also precludes the possession of dangerous articles (such as firearms, explosive materials, etc.) on University property or at University events without University authorization.
- c. To respect the right of fellow students to participate in University organizations and in relationships with other students without fear, threat, or act of hazing.
- d. To refrain from conduct towards other students that infringes upon the Rights of Student Citizenship. The University condemns hate speech, epithets, and racial, ethnic, sexual and religious slurs. However, the content of student speech or expression is not by itself a basis for disciplinary action. Student speech may be subject to discipline when it violates applicable laws or University regulations or policies.
- e. To refrain from stealing, damaging, defacing, or misusing the property or facilities of the University or of others. This also precludes the disruption of University computing services or interference with the rights of others to use computer resources.
- f. To be honest and truthful in dealings with the University, about one's own identity (e.g., name or Social Security number), and in the use of University and other identification.
- g. To obtain and maintain adequate health insurance while enrolled at the University.
- h. To comply with policies and regulations of the University and its departments (e.g., the University's Guidelines on Open Expression, Drug and Alcohol Policies, Sexual Harassment Policy, etc.).
- i. To comply with federal, state and local laws.

## **Dress Code**

The dress code is casual. All students are expected to dress in a manner consistent with good hygiene, safety, and good taste. Please use common sense.

## **Procedures under which alleged violations of the University's Code of Student Conduct, and other policies, rules, and regulations are resolved**

The Code of Student Conduct sets forth the responsibility of all students at the University to exhibit responsible behavior regardless of time or place. This responsibility includes, but is not limited to, the obligation to comply with all provisions of the Code of Student Conduct; with all other policies and regulations of the University; and with local, state, and federal laws.

The University disciplinary process may involve the following stages:

- Bringing a Complaint to the Office of Student Journey
- Resolving a Complaint by Mediation
- Investigating a Complaint
- Resolving Charges by Voluntary Agreement to Sanctions
- Resolving Charges by Disciplinary Hearing
- Appealing the Decision of a Hearing Panel
- Imposing Sanctions on a Student
- Fulfilling Sanctions Imposed by the University

The Office of Student Journey (OSJ) is the central office responsible for resolving alleged violations of University policies by students. The duties of the OSJ include determining whether complaints warrant action by the OSJ, referring complaints for mediation or resolution by other University offices, investigating complaints, determining whether to charge a student with violations of University policies, resolving complaints by voluntary agreements to sanctions, bringing charges of violations to a disciplinary hearing, presenting evidence at hearings, monitoring and enforcing the fulfillment of sanctions imposed pursuant to voluntary agreements or after disciplinary hearings, maintaining records of all disciplinary matters, providing administrative support for all aspects of the disciplinary process (including hearings), and preparing reports and compiling statistics.

### **Procedure**

#### **A. Bringing a Complaint to the Office of Student Journey**

1. Any member of the University community, who believes that a student has violated University rules, regulations or policies may file a complaint, which must be in writing, with the OSJ. Complaints made to other University offices or personnel also may be referred to the OSJ.
2. The OSJ promptly evaluates each complaint it receives to determine whether the University's Code of Student Conduct, or other applicable rules, regulations or policies may have been violated. When the OSJ determines that no such violation

may have occurred, it may dismiss the matter without further investigation. When the OSJ determines that a violation may have occurred, it may refer the matter for mediation or undertake an investigation that may lead to the filing of formal charges against a student or students.

3. A complaint is not a charge that a student has violated University regulations. Charges against a student are only made by the University (not by complainants) following an investigation. Until there is a determination to the contrary by voluntary agreement to sanctions or by a Disciplinary Hearing Panel, there is a presumption that an accused student has not violated University rules, regulations, or policies.
4. When a complaint is filed, the OSJ promptly gives written notice of the complaint and its allegations to the student(s) alleged to have violated University rules.

### **Resolving a Complaint by Mediation**

1. The University encourages informal mediation whenever practical and appropriate.
2. It is within the sole discretion of the OSJ to determine whether a complaint is suitable for mediation. If mediation fails or new information comes to light about an unresolved matter then in mediation, the OSJ may proceed with an investigation and the filing of disciplinary charges. The OSJ may also set a date after which it will begin to investigate the original complaint or file charges if a matter has not been successfully mediated.
3. If the OSJ refers a complaint for mediation and both parties to the dispute agree to participate, the OSJ will assign a trained mediator and advise the complainant(s) and respondent(s) in advance of the date, time and place set for mediation. In order to resolve a disciplinary matter by mediation, both the complainant and the respondent must agree, first, to participate in the mediation and, second, to the proposed resolution.

### **Investigating a Complaint**

1. If, after a preliminary evaluation of a complaint, the OSJ determines that a violation of the Code of Student Conduct may have occurred and if the complaint is inappropriate for mediation or mediation fails, the OSJ then will investigate the complaint and determine whether to bring charges of a violation.
2. In the course of its investigation, the OSJ may interview any witnesses, including the respondent(s) or potential respondent(s). The OSJ will inform each witness that anything they say in such interviews may be introduced as evidence at a hearing.
3. Except in extraordinary circumstances, or if the complainant makes a request of the OSJ to delay the investigation based on good cause, the OSJ will make every effort to complete its investigation within 60 days of the filing of the complaint.

## **Resolving Charges by Voluntary Agreement to Sanctions**

1. Following the notice that charges have been filed against a student, the OSJ may discuss with the respondent and the respondent's advisor what disciplinary sanction(s) would be appropriate to resolve the matter by voluntary agreement to sanctions. The respondent may accept, reject, or propose an alternative to the proposed sanction(s) and may be accompanied and assisted by an advisor, who may participate in these discussions. Statements made during discussions about whether a respondent will enter into a voluntary agreement to sanctions may not be introduced as evidence at any subsequent hearing, but may provide a basis for further investigation by the OSJ.
2. A resolution by voluntary agreement to sanctions may be entered into by written agreement at any time after a complaint has been filed and prior to a disciplinary hearing. By agreeing to such a resolution, a respondent waives further proceedings.
3. Complainants and complainants' advisors are not parties to voluntary agreements to sanctions.
4. If, in the judgment of the OSJ, a voluntary agreement to sanctions is not reasonably in prospect, or if the respondent(s) reject(s) a proposed sanction, the OSJ may bring the disciplinary matter to a hearing.

## **Resolving Charges by Disciplinary Hearing**

1. Scheduling Disciplinary Hearings
  - a. If disciplinary charges are not resolved by a voluntary agreement to sanctions, the OSJ will appoint a Disciplinary Hearing Officer (DHO) who will be responsible for the process of scheduling a Disciplinary Hearing, with due regard for the time required for all parties to prepare for the hearing. The DHO will provide reasonable advance notice in writing to the complainant(s), respondent(s), and witnesses of the date, time, and place of the hearing.
  - b. Hearings normally take place as soon as possible after the filing of charges, ordinarily within 30 days of the respondent's request for a hearing or OSJ's decision to bring the matter to a hearing. Upon a showing of good cause by a party, the DHO may grant a reasonable extension of any time limit relating to a disciplinary hearing.
  - c. The DHO may expedite a Disciplinary Hearing in appropriate circumstances, including disciplinary matters involving students who have been placed on mandatory temporary leave of absence or conditional attendance, graduating students, or students who are about to take a leave of absence or to leave campus to study elsewhere.
2. Conduct of Hearings

- a. Disciplinary hearings are not trials, and they are not constrained by technical rules of procedure, evidence, or judicial formality. They are designed to encourage open discussion among the participants that promotes understanding of the facts, the individuals involved, the circumstances under which the incident occurred, the nature of the conduct, and the attitudes and experience of those involved. The rules of evidence applicable to legal proceedings do not apply to disciplinary hearings. Information, including hearsay evidence, may be considered if it is relevant, not unduly repetitious, and the sort of information on which responsible persons are accustomed to rely in the conduct of serious affairs.
- b. The DHO presides over all hearings and decides all questions about the admissibility of evidence and the conduct of hearings. While the DHO may be present for the Hearing Panel's discussions to answer procedural questions, the DHO does not deliberate or vote with the Panel regarding its findings or its recommendation of sanctions.
- c. Upon a showing that the required notice was provided, the hearing against a respondent(s) may proceed in her or his absence.
- d. At the hearing, the OSJ presents the results of the OSJ's investigation of the complaint, calls witnesses to testify and presents the University's evidence against the student(s).
- e. A respondent is responsible for presenting his or her own case before the Hearing Panel.
- f. Complainants may attend the hearing, testify if they wish to do so, and may be accompanied by an advisor.
- g. The OSJ will arrange for a verbatim transcript or recording to be made of all disciplinary hearings. The transcript or recording is the property of the University and becomes part of the record of the disciplinary proceedings.

3. Findings and Recommendations of the Hearing Panel

- a. Only evidence presented at the hearing will be considered by the Hearing Panel. The Hearing Panel will presume a respondent innocent unless proven responsible for a violation by clear and convincing evidence. All decisions of the Hearing Panel require a majority vote.
- b. Before the Hearing Panel makes its recommendation on sanctions, it will review any previous disciplinary offenses by and sanctions against the respondent(s) and sanctions imposed in other similar cases.
- c. If the Hearing Panel determines that the respondent(s) is not responsible for a violation, no sanction may be recommended against the respondent(s) and the respondent may not be subject to further proceedings.
- d. If the Hearing Panel finds that a student is responsible for a violation of University rules or regulations, it will recommend to the Provost appropriate

sanctions. Only the Provost (or designee), acting on behalf of the University, may actually impose a sanction on a student.

4. Notice of Hearing Panel Decision

The Hearing Panel will promptly transmit its decision, including its findings and recommendation regarding sanctions, in writing to the DHO, the OSJ, the respondent(s) and the Provost as soon as possible after the end of the hearing.

### **Appealing a Hearing Panel's Decision**

1. The President has exclusive jurisdiction to decide appeals. Appeals are based solely on the record of the disciplinary hearing and the written submissions and responses of the respondent(s) and the OSJ.
2. Only respondent(s) may appeal the Hearing Panel's findings of responsibility except where applicable laws or regulations may extend this right to complainants. Both the respondent(s) and the OSJ may appeal the Hearing Panel's recommendation of sanction(s). An appellant must submit any appeal to the President in writing within 10 days after the Hearing Panel has rendered its opinion. The appeal must state in detail the specific grounds upon which it is based and must be sent to the OSJ and respondent(s), as appropriate.
3. Appellate review is limited to allegations of material and prejudicial procedural error in the conduct of hearings, error in the interpretation or application of relevant University regulations, consideration of new evidence sufficient to alter the Hearing Panel's findings or severity of the recommended sanctions.
4. After considering an appeal, the President will promptly issue a decision in writing and will provide copies to the OSJ, the DHO, the Provost, the respondent(s) and other appropriate parties.

### **Imposing Sanctions on a Student**

Sanctions recommended against a respondent by a Hearing Panel or the President are imposed by the Provost (or designee) and may include any reasonable sanction, including, but not limited to, the following:

Warning: A Warning is a written admonition given by the OSJ on behalf of the University in instances of minor misconduct.

Reprimand: A Reprimand is written censure for violation of the University's rules, regulations, or policies, given by the OSJ on behalf of the University, which includes notice to the student that continued or repeated conduct violations will result in the imposition of more serious sanctions.

Restitution: Restitution is reimbursement for the damage, loss, or misappropriation of University, private or public property or compensation for injury to individuals. Restitution may take the form of monetary payment, property, or appropriate service. (Not appropriate in cases of academic integrity violations.)

**Disciplinary Probation:** Disciplinary Probation may be imposed for a specified period or indefinitely (i.e., for as long as and whenever a student is a full- or part-time student at the University). Probation may be imposed for a single instance of misconduct or for repeated minor misconduct. Any future conduct violation by a student on Disciplinary Probation, found to have occurred during the probationary period, may be grounds for suspension or, in especially serious instances, expulsion from the University.

**Suspension:** Suspension is the termination of student status and separation from the University until a specified date. Suspension means the loss of all rights and privileges normally accompanying student status. Students are eligible to return to the University after the specified suspension term has elapsed. Suspension is imposed in instances of serious misconduct.

**Expulsion:** Expulsion is a permanent termination of student status and permanent separation from the University. Expulsion is imposed in instances of the most serious misconduct or in instances of continued serious misconduct following the imposition of probation or suspension.

### **Fulfilling Sanctions Imposed by the University**

1. Under the Code of Student Conduct, students are required to comply with all disciplinary sanctions. Failure to do so constitutes a violation of the Code and is itself subject to disciplinary proceedings by the OSJ.
2. The OSJ monitors the implementation and fulfillment of sanctions.

### **Disciplinary Records**

1. *Maintenance of Records*  
Except as may be otherwise provided by applicable law, records of all complaints, disciplinary proceedings, mediations, and voluntary agreements to sanctions are maintained by the OSJ in accordance with University policies on the confidentiality and maintenance of student records.
2. *Confidentiality*  
Except as may be otherwise provided by applicable law, all disciplinary proceedings, the identity of individuals involved in particular disciplinary matters, and all disciplinary files, testimony, and findings are confidential, in accordance with University policies and federal law concerning the confidentiality of student records.
3. *Policy Violation of Confidentiality*  
Failure to observe the requirement of confidentiality of a disciplinary hearing by any member of the University community, constitutes a violation of University rules and may subject the individual to the appropriate procedures for dealing with such violations.

**[End]**