

## **Student Code of Conduct Policies and Procedures**

### **I. Mission Statement and Values of the Office of the Dean of Students and Purpose of the Student Conduct Code.**

The mission of the Office of the Dean of Students is to establish an ethic of care at the University of Colorado Colorado Springs (“University” or “UCCS”), through preventive, behavioral, and accountability practices. The Office of the Dean of Students is committed to providing a positive and respectful living and learning environment. The values, functional practices, and programs of the Office of the Dean of Students support this holistic model, and demonstrate an effort to aid in student development and contribute to the University community.

The values of the Office of the Dean of Students are: civic responsibility and student involvement; education and development of all students; respect, dignity and equity; a socially just community; responsibility; accountability and critical thinking; fairness; honesty; and integrity.

The purpose of the Student Code of Conduct (“Code”) is to maintain the general welfare of the University community, and support community safety and student growth by helping students. The University strives to make the campus community a place of study, work, and residence where people are treated with respect and civility. The University views the student conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within both the University community and the greater community.

The Office of the Dean of Students wants all students to fully understand their rights and responsibilities throughout the student conduct process. The Office of the Dean of Students offers education on the Code during student orientation and throughout the academic year. At all conduct meetings, students are presented all necessary information for them to make informed decisions about the process.

### **II. Authority.**

Article 7, Part B, of the Laws of the Regents requires each campus to develop a Student Code of Conduct. The Office of the Dean of Students is authorized to establish and administer this policy. Any questions regarding the interpretation of this Code or any of its provisions should be directed to the Vice Chancellor for Student Affairs or designee. Questions or concerns regarding behavioral or conduct issues should be directed to the Office of the Dean of Students.

### **III. Jurisdiction.**

1. The Code governs individual and organizational behavior including:
  - A. Student conduct that occurs on or as it relates to the University property, or at official functions and University-sponsored programs conducted away from the campus. Student conduct that occurs off University property is subject to this policy if it: 1) adversely

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affects the health, safety, or security of any member of the University community; or 2) adversely affects the mission of the University; or 3) involves any records or documents of the University.

- B. Actions which lead to aiding, abetting, or contributing to the commission of conduct prohibited by this Code.
2. Proceedings initiated under the Code are separate from civil or criminal proceedings that may relate to the same incident. The University's jurisdiction does not depend on whether a student is criminally charged through the criminal justice system. Conduct proceedings by the University are not postponed while criminal or civil proceedings are pending unless determined by the Office of the Dean of Students. Dismissal of criminal charges or acquittal in a criminal case does not prevent the Office of the Dean of Students from investigating and adjudicating the incident.
  3. The Code does not displace the authority of other appropriate UCCS officials to establish standards of conduct for particular setting and activities. For example, students who reside in residence halls may also be subject to standards of conduct established by the Offices of Residence Life and Housing.
  4. Prohibited Conduct Handled Outside of the Office of the Dean of Students. There are instances where the Office of the Dean of Students may not investigate or adjudicate allegations of misconduct. These include:
    - A. Sexual Misconduct and Protected Class Discrimination and Harassment: The UCCS Office of Institutional Equity receives complaints of responds to all allegations of sexual misconduct and protected class discrimination and harassment. If allegations of sexual misconduct and protected class discrimination and harassment are accompanied by other violations of the Code, then the matters may be investigated separately, and outcomes may be independent.
    - B. Academic Misconduct: Cases involving academic misconduct are heard through the individual college or school in which the allegation of misconduct occurred. Colleges may refer a case to the Office of the Dean of Students. The UCCS Student Academic Ethics Code Policy is available at [https://uccs.edu/vcaf/sites/vcaf/files/inline-files/2017-JUN-27\\_200-019%20Academic%20Ethics%20Code-APPROVED.docx.pdf](https://uccs.edu/vcaf/sites/vcaf/files/inline-files/2017-JUN-27_200-019%20Academic%20Ethics%20Code-APPROVED.docx.pdf). Each college and school have their own processes available. For information about classroom behavior, see the Student Academic Behavior Policy, available at <https://dos.uccs.edu/sites/g/files/kjihxj1566/files/inline-files/Disruptive%20student%20behavior%20policy%202019.pdf>.
    - C. Club and Organizational Violations: Cases involving club or organizations are managed jointly by the Student Life and Leadership Department and Office of the Dean of Students utilizing the Club and Organization Conduct Procedures available at <https://dos.uccs.edu/sites/g/files/kjihxj1566/files/inline-files/Club%20and%20Org%20Conduct%20Procedures%20Approved%203.18.18.pdf>.

#### **IV. Advisors.**

Any student involved in the conduct process has the right to be accompanied by an advisor during the conduct process. Advisors are not permitted to speak for, or on behalf of, the charged student or the alleged victim during any phase of the conduct process. However, with permission from the conduct officer(s) or the Conduct Appeal Board, advisors may make a statement and/or ask questions of the responding student to present relevant information. If a student chooses to bring an advisor to the meeting, it is the student's obligation to select an advisor whose schedule allows attendance within the

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time frame designated in the student conduct notice. The Office of the Dean of Students or conduct officer(s) is not obligated to reschedule the meeting to accommodate an advisor's schedule.

## V. Duties and Expectations of Students

It is the duty of all students involved in the conduct process to participate honestly and conscientiously. Students are expected to read this Code, make a timely report of an incident, and file all necessary complaints through the Office of the Dean of Students. Students have a duty to cooperate and discuss relevant information with a conduct officer over the telephone, remotely, or in person, adhere to stated deadlines, attend scheduled meetings, participate in all proceedings, and complete all sanctions as assigned. Knowingly providing false or misleading information to the Office of the Dean of Students is a violation of the Code. This provision does not apply to reports made or information provided in good faith, even if the facts alleged are not later substantiated. Failure to meet these duties and expectations may result in a decision being made without the benefit of the student's participation or may result in a student being charged with failing to comply with the student conduct process.

## VI. Prohibited Student Conduct

The conduct listed below is prohibited, as are attempts to commit conduct prohibited by the Code. Prohibited conduct may be committed via electronic means, including but not limited to, computers (such as with use of the Internet for email or social media), any type of phone (such as calls, text messages, instant messaging, or the Internet), or any other means of electronic communication. These provisions should be not construed, and will not be implemented, to deny any student any rights protected by the United States and/or Colorado Constitutions.

1. Physical Misconduct. Any intentional or reckless physical force causing or likely to cause bodily harm upon any person including, but not limited to, assault, fighting, brawling, or restraining someone against their will.
2. Threats to or Endangerment of Person(s). Threatening or endangering the health or safety of another person.
3. Threats to or Endangerment of Animal(s). Threatening or endangering the health or safety of an animal.
4. Harassment. Intentionally harassing, annoying, or alarming another person. Harassment may be:
  - A. Striking, shoving, kicking, or otherwise touching a person.
  - B. Directing obscene language or making an obscene gesture to or at another person in a public place.
  - C. Following a person in or about a public place.
  - D. Directly or indirectly initiating communication with a person or directing language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network, computer system, or other interactive electronic medium in a manner intended to harass or threaten bodily injury or property damage, or making any comment, request, suggestion, or proposal by telephone, computer, computer network, computer system, or other interactive electronic medium that is obscene.
  - E. Making a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation.
  - F. Making repeated communications at inconvenient hours that invade the privacy of another and interfere in the use and enjoyment of another's home or private residence or other private property.

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- G. Repeatedly insulting, taunting, challenging, or making communications in offensively coarse language to, another in a manner likely to provoke a violent or disorderly response.
5. Abusive Conduct. May include verbal abuse, threats, intimidation, coercion, or other conduct which has caused a person substantial emotional distress and where the circumstances would cause a reasonable person to suffer substantial emotional distress.
  6. Sexual Misconduct. Sexual misconduct is defined by CU Administrative Policy Statement (APS) 5014 and includes sexual-assault (including: fondling; rape; incest; statutory rape); dating violence; domestic violence; Title IX stalking; stalking; sexual exploitation; Title IX hostile environment; hostile environment; Title IX quid pro quo sexual harassment; quid pro quo sexual harassment; and retaliation as related to any form of sexual misconduct described. See University of Colorado Administrative Policy State 5014 – Sexual Misconduct, Intimate Partner Violence, and Stalking Policy  
<http://www.cu.edu/ope/aps/5014>  
 UCCS Policy 300-017 Discrimination and Harassment,  
<https://uccs.edu/vcaf/sites/vcaf/files/inline-files/300-017.pdf>  
 UCCS Office of Institutional Equity Process and Procedures,  
[https://equity.uccs.edu/policies\\_procedures](https://equity.uccs.edu/policies_procedures)
  7. Stalking. Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.
  8. Hazing. Any activity by which a person recklessly endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization regardless of their willingness to participate. Hazing includes, but is not limited to:
    - A. Forced and prolonged physical activity.
    - B. Forced consumption of any food, beverage, medication or controlled substance, whether or not prescribed, in excess of the usual amounts for human consumption, or forced consumption of any substance not generally intended for human consumption.
    - C. Prolonged deprivation of sleep, food, or drink.
    - D. Humiliation and degradation.
  9. Interference, Obstruction, Disruption of University Activity. Materially and substantially interfering with, obstructing, or disrupting a University activity.
    - A. University activities include, but are not limited to, all normal university activities, such as teaching, research, Residence Life activity or operations, recreation, meetings, public events, and disciplinary proceedings. University activities include off-campus University programs or activities.
    - B. This prohibition includes, but is not limited, interferences, obstruction, or disruption of the freedom of expression of movement of students or other members of the University community and their guests.
  10. Interfering with, Obstructing or Disrupting Police or Fire Response. This includes but is not limited to:
    - A. Resisting arrest.
    - B. Failing to abide by the directions of a peace officer.
  11. University Property. Harming, damaging, or tampering with any UCCS property. This also includes unauthorized entry into, exit from, or presence on University property.
  12. Violation of University Policy or Regulation. Violation of any University system or campus policy or regulation. This includes, but is not limited to:
    - A. Misuse of any UCCS computer resource. All student use of University computing and/or network resources must be in compliance with University policy, or local, state, or

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federal law, including UCCS Policy 700-002 Responsible Computing, <https://uccs.edu/vcaf/sites/vcaf/files/inline-files/700-002.pdf>.

13. **Violation of Law.** Violating any federal, state, or local law, as determined by the Office of the Dean of Students.
14. **Aiding and Abetting.** Contributing to the commission of conduct prohibited by this Code.
15. **Academic Misconduct.** Engaging in any form of academic misconduct, including plagiarism, fabrication, falsification, and other forms of cheating on examinations, tests, quizzes, research projects, and assignments. Plagiarism is portraying another person's intellectual property as one's own. Fabrication is making up data, notes, or other research information and reporting them. Falsification is manipulation of the research process, or altering data, such that the reported results are not accurate.
16. **Theft.** Knowingly obtaining or exercising control over anything of value without authorization or by threat or deception.
17. **Illegal Drugs.** Possessing, using, manufacturing, distributing, or selling illegal drugs or drug paraphernalia, including the misuse of prescription and/or over the counter medications. Although possession and use of marijuana is no longer a crime under Colorado law, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, the use and/or possession of marijuana in any form is prohibited on campus and/or on any property owned, leased or operated by UCCS, including UCCS residence halls.
  - A. Misuse of legal substances; use of general products as intoxicants or “means to get high”; and inhaling or ingesting a substance (including but not limited to nitrous oxide, glue, paint, gasoline, solvent, etc.) other than in connection with its intended purpose is also prohibited.
  - B. Use of a prescription drug other than by the person to whom the drug is prescribed and in accordance with the prescription is prohibited. This includes sharing drugs such as Ritalin or Adderall.
18. **Alcohol.** Possessing, using, manufacturing, distributing, or selling alcohol in violation of law or University policy. This also includes driving while under the influence of alcohol and/or drugs.
19. **Weapons Control.** Possessing or using any weapon or firearm in violation of law or University policy. See Regent Policy 14I, <https://www.cu.edu/regents/policy/14>.
20. **Providing False Information.** Providing any false information to a University Official. Including, but not limited to:
  - A. Providing false medical documentation.
  - B. Knowingly reporting or providing false information in a University investigation.
  - C. Impersonation of another, using another person’s identity, or furnishing materially false information to law enforcement or any University official, including manufacturing, use or possession of false identification. This section prohibits use of false identification or the identification of another person to gain entrance to any facility or business.
  - D. Forging or altering another person’s signature or any official university document.
21. **Retaliation.** Retaliating against or discouraging, directly or through third parties, an individual from participating in a University process, including the conduct process. To be considered retaliation there must be a causal connection between a materially adverse action and the act of reporting a violation or participating in a conduct process. A materially adverse action is one that would dissuade a reasonable person from reporting a violation, and includes, but is not limited to intimidation, threats, or coercion. A determination of whether an action is materially adverse is a fact dependent inquiry made on a case-by-case basis by the conduct officer(s).
22. **Fire Safety.** Violation of local, state, federal or campus fire policies including, but not limited to:
  - A. Intentionally or recklessly causing a prohibited fire;

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- B. Failure to evacuate a University controlled building during a fire alarm;
  - C. Improper use of University safety equipment;
  - D. Tampering with or improperly engaging a fire alarm or fire detection equipment while on University property.
23. Riots. Engaging in, inciting, or arming someone for a riot or public disturbance.
  24. Student Conduct Process. Failing to comply with the student conduct process. This includes, but is not limited to, failing to comply with a conduct investigation, or failing to abide by or complete a University sanction in a satisfactory manner.
  25. Residence Life and Housing. Violating any Residence Life or Housing policy. This includes any policy appearing the Residence Life Handbook or provision in the Housing Contract.
  26. Responsible Conduct. Failure to engage in responsible conduct that reflects credit upon the UCCS community or to model good citizenship in any community.
  27. Violating University requirements or public health orders in place to reduce the risk of spreading infectious diseases.
    - A. Failing to follow any and all applicable federal, state, and/or local public health orders. If multiple orders apply or in the event of conflict between or among them, students are required to follow the most restrictive public health order.
    - B. Failing to follow University policies, procedures, and any other requirements in place to help reduce the risk of contracting or spreading infectious diseases.
    - C. To the extent consistent with University policy, failing to comply with any additional or more specific actions required by a campus department, unit, or building proctor, to limit the spread of infectious disease, while participating in a program or activity, utilizing a service or benefit, or using University facilities.
    - D. Failing to abide by applicable face covering or gathering requirements. See <https://returnto.uccs.edu/>.

### *Government Mandate*

All University of Colorado Colorado Springs students are expected to adhere to any Public Health Order issued by the Colorado Department of Public Health and Environment or other state, regional or local authority. In addition to a Public Health Order, students must also adhere to any campus policy put in place by the Chancellor or designee.

Students are expected to take personal responsibility for the health and safety of themselves and other by following these recommendations:

1. Educate oneself about infectious disease and follow all CDC guidelines. Information about the COVID-19 pandemic can be found here:  
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>
2. Understand the local, regional and statewide recommendations. These can be found here:  
<https://www.visitcos.com/coronavirus-colorado-springs/>  
<https://www.elpasocountyhealth.org/>  
<https://www.colorado.gov/cdphe>
3. Understand campus expectations. These can be found here:  
<https://returnto.uccs.edu/>

### *Good Samaritan Provision*

The University cares about the health and safety of our students. There may be times when students face medical emergencies involving alcohol or drug use. In these situations, the University expects students to request emergency medical assistance for oneself or someone who may be suffering from a serious medical situation. Thus, the University has enacted a “**Good Samaritan Provision**.” Students who seek

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medical assistance for themselves or another person who is intoxicated due to alcohol or other drugs will not be subject to University disciplinary action, except when it has been determined that another violation of University policy has occurred.

In order for this provision to apply:

1. The reporting party must contact appropriate officials and be cooperative. If the reporting party is seeking assistance on another student's behalf, the reporting party must remain with the intoxicated/impaired student.
2. All intoxicated/impaired student(s) must agree to a timely conversation or evaluation of their alcohol/drug use with the Office of the Dean of Students or the Office of Residence Life.
3. If it is determined by the conduct officer(s) that education activities, assessment, and/or treatment are necessary to address the concern for student health and safety, the student must complete such action. Likewise, student organizations involved in an incident must complete required steps to address concerns.

This provision may only be invoked by a student at the time when the student is being heard or investigated by a conduct officer(s). Based on the totality of the incident, the conduct officer(s) will make the final determination as to the applicability of this provision and reserves the right to reduce sanctions or dismiss charges. If a student has been found to have repeatedly engaged in prohibited conduct, then the student is less likely to receive an exemption from disciplinary action granted under this provision.

This provision only applies to disciplinary action and/or sanction under the Code and does not apply to any criminal action taken by law enforcement, such as issuing a citation or making an arrest. This provision does not limit the authority of University staff to take such action as required by University standards or state or local laws.

## VII. Definitions

Unless the context requires a different meaning, the following definitions should apply.

1. Acceptance of Responsibility. The responding student agrees that the facts contained in the notice and related documents do constitute a violation of the Code of Conduct.
2. Aggravating Factor. Any circumstances accompanying the commission of misconduct that adds to its seriousness. Examples may include violence, violation of trust or duty, premeditation of an incident, use of force, a previous conduct violation, and elements of hate or bias.
3. Conduct Appeal Board. Appointed by the Vice Chancellor for Student Affairs charged with reviewing cases that have been sanctioned for appellate review.
4. Conduct Officers. Includes any University staff member who is designated by the Vice Chancellor of Student Affairs or designee to investigate and make decisions about facts in student conduct cases. Conduct officers have the authority to determine sanctions including, but not limited to, exclusion, no-contact orders, administrative moves, residence hall termination, probation, suspension, expulsion, and educational sanctions.
5. Designation. A student's classification; i.e., graduate, undergraduate, continuing education, degree seeking or non-degree seeking.
6. Mitigating Factor. Extenuating circumstances that may be considered to reduce a sanction. They do not constitute a justification or excuse for the offense in question.
7. Parent. A student's parent or legal guardian.
8. Peace Officer. A person designated by the University of Colorado or the state or federal government with the responsibility of enforcing laws or policies.

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9. Student. Any undergraduate, graduate, or non-degree student who is admitted, enrolled, or registered for the current or any future term, or who was registered at the time of the alleged incident. This also includes individuals admitted to programs and attending orientation sessions.
10. University Official. A University employee working in the performance of their duly authorized duties. University officials may be full or part time, or may be student staff members.
11. University Property. Land, buildings, and facilities in possession of, owned by, used by, or controlled by the University or funded by University budgets.
12. Witness. Any individual with information relating to a conduct case.
13. Working Day. Monday through Friday, except for official University holidays.

## VIII. Conduct Procedures

1. Commencement of Process. A conduct officer may initiate a conduct process on the basis of a complaint or report received from any source, including, but not limited to an individual, a residence hall official, or a law enforcement agency. Upon receipt of the complaint or report, the conduct officer may review the information to decide whether the allegations fall within the jurisdiction of this policy and determine 1) whether conduct proceedings should occur 2) resolution through an informal process, or 3) behavior does not constitute a policy violation.
2. Notice.
  - A. The conduct officer shall initiate the conduct process by notifying the student who is the subject of the report or complaint. The student shall be contacted at the phone number or mailing address appearing in the University's student information system or through the student's assigned University email. The University will use the permanent address on file if neither the phone number nor mailing address are current. Notice to the student will be considered furnished on the date of hand-delivery, on the date emailed, or three days after the date the notice is placed in the U.S. mail.
  - B. The notice should include:
    - 1) A sufficient factual description of the alleged misconduct;
    - 2) The conduct Code provisions that are alleged to have been violated;
    - 3) The requirement that the student must set up a conference with the conduct officer within the time frame designated in the letter.
  - C. If the student does not schedule or attend a conference by the date specified in the notice, or if the student schedules a conference, but does not attend, the conduct officer can decide the outcome of the case in the student's absence. Unless unusual circumstances beyond the control of the student arise, a delay in the process will not be granted.
3. Resolution Process.
  - A. Informal Resolution. Certain first-time violations of the Code may not warrant conduct proceedings. At the discretion of the assigned conduct officer an informal resolution may be utilized. Informal resolutions may include letters of notice, group conversations, or one-on-one educational meetings. Incidents are documented, but sanctions are never assigned with an informal resolution. Additionally, Residence Life may give a resident a written notice for lesser violations such as but not limited to presence of alcohol, empty alcohol containers, vaping and other residential specific violations.
  - B. Conduct meeting. A conduct officer will meet with the charged student to explain the conduct process, to answer any questions the student may have, and choose a preference for one of the two resolution options:
    - 1) The Administrative Review process is between the student and at least one conduct officer.

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- 2) The Administrative Hearing process is between the student and at least two conduct officers.

C. Resolution.

- 1) Resolving an allegation of a violation of the Code generally includes written notice of the factual allegations and alleged violations of the Code, the opportunity to meet with at least one conduct officer in either the administrative review or administrative hearing format to address the allegations and provide information, the conduct officer(s) reviewing the allegations and making factual determinations based on a preponderance of the evidence, and written notice to the student of the determination of the conduct officer(s).
- 2) In making the determination, the conduct officer(s) will consider: a) the allegations contained in the notice and any response provided by the student; b) any relevant documents that are contained in the file or provided by the student, any alleged victim, or any other interested party; c) the oral or written statements of any witnesses with relevant information, as supplied by the parties to the case or as requested by the conduct officer; d) the credibility of any person providing information; and e) any aggravating or mitigating factors.
- 3) If the student selects an Administrative Hearing or is facing expulsion, the student may identify witnesses whom the student believes have relevant information to the conduct officer(s). The conduct officer(s) will make a good faith effort to contact such witnesses to obtain a statement. However, the University cannot guarantee the participation of an identified witness. The conduct officer(s) may decline to contact a witness if the conduct officer(s) believes that the witness does not have relevant information. Although the student may request that the conduct officer(s) ask specific questions of a witness, the student is not entitled to be present during the meeting between the witness and the conduct officer(s). Further, it is within the discretion of the conduct officer(s) to decide whether to ask the witness any question(s) submitted by the student.
- 4) The student may request to know the names of any witnesses or reporting parties. The student may have access to review and respond to relevant information that any such individual has provided to the conduct officer(s).

D. Expedited Administrative Review. When the conduct officer determines that a prompt review is essential (e.g. end of the semester, the student is graduating, or there is substantial concern for the health, safety, or welfare of a member of the University community), the conduct officer may require that the student meet with the conduct officer within 24 hours if the student is a campus resident, or 48 hours if the student resides off campus. In addition, notice may initially be given in these instances by telephone, or through University e-mail. If the student fails to attend the conference in the time specified, the conduct officer can decide the outcome of the case in the student's absence.

E. Recording. All student conduct proceedings are closed. The University reserves the right to audiotape any conduct proceeding or investigative interview. Further, the student must obtain permission from the conduct officer to audiotape the conduct proceeding. The student may not record the conduct proceeding in any other medium other than audiotape with permission. Any audiotape that is made by the University may be listened to by the charged student, but not copied, and will be kept for as long as required by the Code and University policy based on the nature of the case and its outcome.

4. Standard of Proof and Process.

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In order to find that a student has violated a standard of conduct, the burden of proof required is a preponderance of evidence. To support a finding of violation, the information provided must demonstrate that it is more likely than not that the student violated the Code.

The resolution process need not be conducted according to technical rules of evidence. Any relevant evidence may be considered if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. No evidence other than that received in conjunction with the conduct process shall be considered.

5. Rights of Accused Students. Throughout the disciplinary process the accused student has the following rights:
  - A. To receive a written notice of the complaint.
  - B. To be accompanied by an advisor during any conduct meeting or hearing. The advisor is subject to the restrictions contained in the Code.
  - C. To request statements from any witness for an Administrative Hearing or if the student is facing expulsion.
  - D. To be notified in writing of any disciplinary sanctions imposed.
  - E. To request an appeal by the Conduct Appeal Board (CAB) when appropriate criteria has been met (see Article X. Appeals).
  - F. To review, upon request, the contents of the disciplinary file, with the exception of police reports.
  - G. To have information relating to the disciplinary proceedings be kept confidential, as provided for in the Family Educational Rights and Privacy Act of 1974, and in the Campus Security Act as Amended by the Higher Education Amendments of 1992. The amendments require that both the accuser and accused be informed of the outcome of any campus disciplinary proceedings resulting from alleged sexual misconduct.

## **IX. Sanctions**

- A. Overview.
  1. After hearing the case, the conduct officer(s) may find by a preponderance of evidence that the student is not responsible for violating the Code, or may find the student responsible for violating the Code and issue a sanction(s) based on that finding.
  2. Sanctions imposed for misconduct must be based upon a consideration of all the circumstances in a particular case. Mitigating and aggravating circumstances may be considered. Repeated violations are likely to result in progressively severe sanctions. One or more of the sanctions below may be imposed. It is important to note that in all cases, the conduct officer(s) reserve the right to use their discretion in determining the appropriate sanction for a case, which could include lower or higher sanctions than the prescribed guidelines. All decisions regarding responsibility and appropriate sanctions will be given to a student in writing.
- B. Educational Sanctions. The student may be required to perform a specific number of hours of community service, complete a reflection or research paper, attend a class, workshop, program, or lecture, or be involved with the community in a way that brings about a new understanding of the community and how behavior may have impacted others. This is not an exhaustive list, but should serve as a reference for the types of educational sanctions that may be levied.
- C. Letter of Notice. Policy reminder.
- D. Written Warning. A written statement that the behavior was inappropriate and more serious conduct action will be taken should subsequent infractions occur.

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- E. Formal Reprimand. More serious than a Written Warning, a student receives a formal reprimand, any future violations of the Student Code of Conduct will likely result in more severe disciplinary actions.
- F. Disciplinary Probation. Probation for a designated period of time in which specific sanctions or restriction may be imposed as part of this probation. Further prohibited conduct is likely to result in suspension. The student on disciplinary probation is not in good standing with the University. Loss of good standing may prohibit or impact a student from:
  - 1. Representing the University through official events
  - 2. Studying Abroad
  - 3. Serving in a leadership position or on a University committee
- G. Residence Hall Reassignment. The student is assigned to a different residence hall on campus. If there is a room type change, the student's bill will be adjusted accordingly.
- H. Residence Hall Termination. The student's residence hall agreement is terminated through the conduct process and the student is prohibited from residing in any University residence hall on either a permanent or temporary basis. Specific exclusion from the residence halls may also be imposed. Termination may occur in cases where a student appears to be involved in violations of the Code and the behavior or pattern of behavior has a significant negative impact on their living community. Students whose housing contract is terminated through the conduct process are financially responsible for all charges associated with housing for the remainder of the academic year. Parents or guardians of housing residents under age 21 will be notified of residence hall termination as a result of suspension or expulsion.
- I. Restriction or Denial of University Services. The student is restricted from using or is denied specific University services, including participation in University activities.
- J. Suspension. The student is required to leave the University for a specific period of time. An indication of suspension appears on the student's transcript. After the period of suspension has expired, the transcript notation will be removed upon request of the student. The student is required to apply for readmission to the University after the suspension period through the Office of Admissions. Suspension from the University includes an automatic exclusion from campus property during the period of suspension. A suspension decision results in the student being suspended from all campuses of the University of Colorado System.
  - 1. Suspension in Abeyance. The student is suspended from the University, but due to mitigating circumstances, the suspension is deferred, allowing the student to continue with daily University activities and providing a student with one final opportunity to prove they can operate responsibly within the community. If the student, through the conduct process, is found to have violated the Code during the period of the suspension in abeyance, the student will be immediately suspended from the University for the duration of the abeyance, as well as given additional sanctions, including an extension of the suspension, or expulsion.
- K. Expulsion. The student is required to permanently leave the University. A notation of expulsion keeps the incident on file in the Office of the Dean of Students indefinitely. Expulsion from the University includes an automatic exclusion from the campus property. An expulsion decision results in the student being expelled from all campuses in the University of Colorado System. An indication of expulsion appears on the student's transcript.
- L. Exclusion. The student is denied access to all or a portion of campus. Student exclusions will be issued in coordination with the UCCS Police Department. When a student is excluded from University property, that student may be permitted onto University property for limited periods and specific activities with the permission of the UCCS Chief of Police and the Dean of Students or designee. Should the student enter University property without permission, the student is subject to action taken by law enforcement for criminal trespass.
- M. Delayed Conferral of Degree. The issuance of a student's diploma is delayed for a specific period of time.

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- N. Recommendation for Revocation of Degree. The conduct officer(s) may recommend to the Regents of the University of Colorado revocation of an earned degree.
- O. Additional Sanctions. Additional sanctions may include, but are not limited to, requiring the student to compensate a victim for theft or damage, counseling assessment or referral, or community service.
- P. Alcohol and Drug Sanctions.
  - 1. Any student currently on University probation or who is found responsible for violating the University alcohol or drug policy is subject to suspension from the University for at least one full semester.
  - 2. If a student is found to be in violation of state laws or University policies governing alcohol or drugs, the student will be sanctioned according to the conduct officer's assessment of risk. First and second offenses may include the following:
    - a. Parental notification;
    - b. Probation for one semester; or
    - c. Attendance at a University sponsored alcohol awareness class.
  - 3. Sanctioning of alcohol and drug violations may be more severe if the incident includes any of the following aggravating factor(s): public intoxication, provision of alcohol/drugs to minors, driving a vehicle under the influence of alcohol/drugs, damage to property, and obstruction of a peace officer or failure to cooperate with a University official. Sanctioning may also be more severe if the violation is accompanied by other violations of the Code or multiple violations of the Code.

## X. Appeals

- 1. Introduction. A responding student may only appeal if the sanctions of disciplinary probation, residence hall termination, suspension, or expulsion were imposed. The appeal is the final step in the conduct process. An appeal does not provide a second hearing of the case. The review on appeal will be based on the existing record, or new information provided. The information provided to the Conduct Appeal Board ("CAB") in the student's request for appeal and information the conduct officer may present regarding the rationale for the decision. Deviation from the conduct procedures in this Code will not invalidate a decision or be a basis for appeal, except where such deviation has clearly resulted in significant prejudice to the student.
- 2. Appeals Criteria. A student may appeal upon one or more of the following grounds:
  - A. The established procedures were not followed, in a significant way, and as a result, the factual findings, the sanction, or both, were not correct.
  - B. The severity of the sanction imposed was not appropriate based on the nature of the violation or the circumstances.
  - C. There is new information that would have been material to the outcome, had the information been presented at the hearing or administrative review. The new information must be included with the student's request for appeal. Also, the student must show that the new information could not have been presented at the hearing or administrative review.
- 3. Appeals Process. If a case is appealed, and unless the welfare of a person or the community is threatened, all of the sanctions imposed in the case will not go into effect until either the deadline for filing an appeal passes and no appeal is filed or, if a timely appeal is filed, the appeal is decided, whichever comes first. An appeal must be filed by the date specified by the conduct officer(s) in the conduct decision letter. If a student files an appeal, the student will be informed of the outcome when the appeal process has been completed. An appeal will only be considered if it includes a written appeal letter, the student's criteria for appeal, and rationale for appeal. It is

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the student's obligation to provide any and all materials the student wishes to have considered at the time of appeal submission. Subsequent information and/or revisions to the appeal will not be accepted. The Conduct Appeals Board will make the decision as to whether these conditions have been met. A student may file an appeal by delivering the appeal in person to the Office of the Vice Chancellor for Student Affairs.

4. Conduct Appeal Board Membership.

- A. The Vice Chancellor for Student Affairs, or designee, upon the recommendation from the Dean of Students, shall appoint the CAB members at the beginning of the academic year. In cases involving residence hall termination, one of the CAB members shall be the Director of Residence Life or Director of Housing or their designee. The CAB members shall have no prior involvement with the case. The CAB shall only consider information contained in the record of the case that is transmitted to the appeal officer; however, the CAB may request clarification of the decision rendered by the conduct officer(s). Any CAB member who believes they are unable to be an objective participant for a given appeal is expected to remove themselves from the CAB for that particular appeal.
- B. The CAB shall consist of three members. One member of the CAB will serve as the Lead Appeal Reader (LAR). The LAR must be a staff or faculty member. They are responsible for management of the CAB.
- C. The CAB will review the student's appeal and decide on an action by a majority vote. The LAR will compose an Appeal Decision Letter to the student and submit it to the Office of the Vice Chancellor of Student Affairs. The Office of the Vice Chancellor of Student Affairs will provide a copy of the Appeal Decision Letter to the student and to the Office of the Dean of Students.

5. Conduct Appeal Board Authority. The CAB shall have the authority to:

- A. Affirm the initial decision.
- B. Find that: (1) the student has presented information that would have been material to the outcome of the case, had the information been presented at the student conduct meeting; and (2) the information was not known to the person appealing at the time of the original student conduct meeting. In this event, the CAB will refer the case back to the conduct officer(s) for reconsideration in light of the new information.
- C. Find that improper procedures were used, to the prejudice of the student. In this case, the CAB will refer the case back to the conduct officer(s) with a recommendation on how to correct the procedures. The conduct officer(s) may make a new decision on the case. The student may then submit another request for appeal if the student again has grounds to appeal after the new decision.
- D. Reduce or increase the sanction, if the CAB determines that the sanction imposed was too severe or too lenient, given the nature of the violation and/or circumstances. A sanction should not be increased or decreased unless there is a compelling justification to do so. Merely disagreeing with the decision of the conduct officer(s) is not a compelling justification.

6. Questions of Law. If questions of law arise during the appeal process, the CAB may consult with the Office of the University Counsel.

## **XI. Additional Information**

- 1. Record Retention and Review. The Office of the Dean of Students maintains student conduct records in accordance with federal and state law and University policy.

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- A. With the exception of cases in which the University has federally mandated reporting requirements and cases involving probation, suspension, or expulsion, records will be kept until the student has graduated from or permanently withdrawn from the University.
  - B. In cases involving probation, suspension, or in which the University has federally mandated reporting requirements, the University will keep the records for seven years after the responding student graduates or permanently withdraws from the University. If a student does not return after the suspension period, the seven year period will start at the end of the suspension period.
  - C. In cases involving expulsion, the University will keep the records indefinitely.
2. Pending Disciplinary Hold.
- A. While conduct proceedings are pending, the University may place a disciplinary hold on the student's records. The disciplinary hold is honored by the University, including Continuing Education, and prohibits the student from registering for classes until the conduct process, including the review procedure if requested, has been completed.
  - B. A disciplinary hold may also be placed if a student fails to complete assigned sanctions, which has the same impact on a student's records and registration as described above. The disciplinary hold will not be removed until all sanctions are completed.
  - C. In the case of formal student respondents, where the conduct process was started but not completed, University admission is contingent upon addressing the alleged conduct with the Office of the Dean of Students regarding possible pending sanctions before applying or registering for courses at the University.
3. Suspension/Expulsion Hold.
- A. A disciplinary hold shall be placed on a student's record if they are suspended as the outcome of the conduct proceedings. A disciplinary hold is honored by all University of Colorado campuses and prohibits a student from being admitted to any of the campuses and from registering for classes until the suspension period is over and the student has reapplied and has been re-admitted.
  - B. In the event of suspension or expulsion, a notation will be made on the student's transcript. A suspension notation will be removed upon completion of suspension terms, per student's request. An expulsion notation is permanent.
4. Refund Policy after Disciplinary Action. If a student is suspended or expelled from the University, assessment or refund of tuition and fees are made in the same way as when a student voluntarily withdraws. The date used for determining the amount due will be the first day of the suspension or expulsion, as decided upon by the Office of the Dean of Students. The policy for Residence Life and Housing Terminations can be found in the Housing Contract at: <https://residence.uccs.edu/current-resident/policies>.
5. Release of Conduct Information.
- A. Provisions of the Family Educational Rights and Privacy Act of 1974, as amended by the Higher Education Amendments of 1998, govern access to a student's academic transcript or conduct file. The student and/or those University officials who demonstrate a legitimate educational need for disciplinary information may have access to the student's conduct file. Parent(s) who provide proof that a student is a dependent as defined in Section 152 of the Internal Revenue Code of 1954 may access a student's conduct file. A copy of the last federal income tax return listing the student as a dependent will serve as proof of dependency and allow the parent(s) access to the student's conduct file without written consent of the student. In this case, parents may also have access to a conduct file even if the student has requested otherwise.
  - B. In addition, parent(s) may be notified if a student under 21 years of age is found responsible for a violation involving use or possession of alcohol or other drugs. All other inquiries, including, but not limited to, inquiries from employers, government agencies, news media, family, friends, or police agencies, require a written release from the student

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before access to University conduct files is granted. An exception to the foregoing is that information may be released pursuant to a lawfully issued subpoena and as otherwise provided by the Campus Security Act as amended by the Higher Education Amendments of 1992.

- C. The Campus Security Act permits higher education institutions to disclose to alleged victims of any crime of violence (murder, robbery, sexual assault, aggravated assault, burglary, motor vehicle theft, arson) the results of the conduct proceedings conducted by the institution against an alleged perpetrator with respect to such crime. The Campus Security Act also requires that both accused, and the accuser be informed of the result of campus conduct proceedings involving a sexual misconduct.
6. Re-Release of Information. Individuals who receive confidential information due to an exception to privacy laws, due to their participation in the conduct process, or due to the signed consent of the student whose records are in question are prohibited from further disclosing/releasing the confidential information, unless expressly permitted by law as in cases involving a crime of violence or non-forcible sexual offense. Violation of this prohibition could result in charges being pursued under this policy or other appropriate action.
7. Summary Suspension.
  - A. The Chancellor, Vice Chancellor for Student Affairs or their designee(s) have the authority to summarily suspend a student, pending final disposition of the case when, in the opinion of these officials, such a suspension is necessary to:
    - 1) Maintain order on the campus;
    - 2) Preserve the orderly functioning of the University;
    - 3) Stop interference in any manner with the public or private rights of others on University property;
    - 4) Stop actions or potential actions that threaten the health or safety of any person;  
or
    - 5) Stop actions or potential actions that destroy or damage University property, its students, faculty, staff, or guests.
  - B. Summary suspension includes excluding the student from campus.
  - C. Summary suspension begins immediately upon notice from the appropriate University official, without a conference with a conduct officer. A conference with a conduct officer is scheduled as soon as possible (usually within 10 calendar days) to determine how the case will continue and to begin the conduct process. A summary suspension may be put in place until a student receives a final disposition in a court process after having been charged with a serious crime.

## **XII. Campus Resources**

The following is a list of UCCS campus resources that may be applicable to the conduct process. You may also go to: <https://dos.uccs.edu/campus-resources>

*Resources that may also be confidential reporting resources:*

### **Student Mental Health Services**

Located inside the UCCS Recreation and Wellness Center  
719-255-4444

<https://uccs.edu/recwellness/mental-health-services>

Offers counseling programs and activities for all University students. Educational programs offered to all students, faculty, and staff. All contacts are confidential.

### **Student Health Services**

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Located inside the UCCS Recreation and Wellness Center  
719-255-4444

<https://uccs.edu/recwellness/health-services>

Offers affordable, quality health care, and personalized health education, so that students can make informed choices regarding their health. All contacts are confidential.

### **Ombuds Office**

Cragmor Hall, Room 003  
719-255-3304

<https://www.uccs.edu/ombuds/>

Assists students, faculty, and staff in resolving complaints or disputes with other individuals, offices, or departments within the University. Does not maintain records and is independent of any department or office. All contacts are confidential.

*The following resources, although not confidential, are available to students:*

### **University of Colorado Colorado Springs Police Department**

Gateway Hall  
719-255-3111

<https://police.uccs.edu/>

Maintains a full-service police department. Officers, who are state certified, respond to reports of criminal acts and emergencies both on and off campus.

### **Office of the Dean of Students**

Main Hall, Room 202  
(719) 255-3091

[dos@uccs.edu](mailto:dos@uccs.edu)

<https://dos.uccs.edu/>

### **Office of Residence Life**

Summit Village  
719-255-6288

<https://residence.uccs.edu/current-resident>

### **Office of Housing**

The Village at Alpine Valley  
719-255-4042

<https://residence.uccs.edu/current-resident>

### **MOSAIC, Office of Student Multicultural Affairs**

University Center, Room 110  
719-255-3040

<https://uccs.edu/mosaic/>

Offers a wide range of services for students of diverse backgrounds, including information on scholarships, job opportunities, mentoring opportunities, and other services.

### **MOSAIC LGBT Resource Center**

University Center, Room 110  
719-255-3040

<https://uccs.edu/lgbtresourcecenter/>

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Provides resources and information to LGBT students, advocate for LGBT interests throughout campus, conduct outreach and education, and to ensure LGBT voices are represented among the campus at large.

**Office of Institutional Equity**

719-255-4324

[equity@uccs.edu](mailto:equity@uccs.edu)

<https://equity.uccs.edu/>

Investigates allegations of discrimination or harassment against members of the campus community.

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