

# UNIVERSITY STUDENT CONDUCT SYSTEM

NOTE: The university student conduct system is regularly reviewed and amended. Please consult the Lehigh web site (<http://www.lehigh.edu>) for the most recent conduct information.

**Philosophy.** Intellectual honesty and mutual respect are not accidental values in a university. They are, for students and professors alike, a presupposition of the pursuit of truth, which brings universities into existence in the first place. It is essential that an academic community uphold these values through rules designed to protect the freedom to teach and learn. The student conduct system is one mechanism by which the university endeavors to develop in all students a sense of responsibility to the Lehigh University community. When students fail to act in accord with the rules and regulations of the community, the university must hold them accountable for their actions. The purpose of the student conduct system is not solely to punish students for transgressions, but to help them understand and accept their obligations as citizens of this academic community. This University Code of Conduct has been developed to promote student growth, to provide accused students with fundamental fairness and educate the University community about the meaning of that phrase, to protect the rights of individuals, and to uphold the educational mission of the university.

## ARTICLE I – Definition of Terms

### I. Definition of Terms

- A. The term “university” means Lehigh University.
- B. The term “student” includes all persons taking or scheduled to take courses at Lehigh University, both full-time and part-time, pursuing undergraduate, graduate, post graduate, or professional studies. Persons who are not enrolled at Lehigh University for a particular term but have a continuing relationship with the university are considered students.
- C. The term “course instructor” means any person hired by the university to conduct classroom activities and/or research.
- D. The term “university official” includes any person employed by Lehigh University, performing assigned administrative or professional duties. This includes student workers including but not limited to residence hall staff.
- E. The term “member of the Lehigh University community” includes any person who is a student, course instructor, faculty member, university official, or any other person employed by the university. A person’s status in a particular situation shall be determined by the Conduct Officer.
- F. The term “Dean of Students” refers to the person employed by Lehigh University to fulfill the duties of that position. Under this Code, the Dean may authorize other members of his/her staff to perform those duties.
- G. The term “Conduct Officer” means the person designated by the Dean of Students to be primarily responsible for the administration of the University conduct system.
- H. The term “hearing officer” shall refer to any person designated and trained by the “Conduct Officer” to manage disciplinary conferences and/or assist with hearings before the University Committee on Discipline.
- I. The term “Lehigh University premises” includes all land, buildings, facilities, and other property owned, used, or controlled by Lehigh University, as well as adjacent streets and sidewalks.
- J. The term “university housing” refers to any building in which students reside that is owned, operated, used and/or controlled by Lehigh University.
- K. The term “student organization” means any number of persons who are recognized in a formal manner by Lehigh University.
- L. The term “hearing” refers to any meeting, disciplinary conference, Dean’s hearing, University Committee on Discipline hearing, or hearing before a subsidiary hearing body in which decisions are made regarding disciplinary cases.
- M. The term “hearing panel” means any person or persons authorized by the Dean of Students or the Conduct Officer to determine whether a student has violated the Code of Conduct and to impose sanctions.
- N. The term “shall” is used in the imperative sense.
- O. The term “may” is used in the permissive sense.
- P. The term “policy” is defined as any written regulation of Lehigh University as found in, but not limited to, the student handbook.

- Q. Weapons include but are not limited to firearms, edged tools or utensils, clubs or bludgeons, explosives of any type, or any other object used to cause harm or threat of harm.

## **ARTICLE II – Authority and Jurisdiction and General Provisions**

### ***I. Authority***

- A. The authority for administering student discipline in accordance with the student conduct system is vested by the university charter in the faculty. The student conduct system described in this Code of Conduct has jurisdiction over all Lehigh University students and all student groups and organizations approved by or associated with the university.
- B. Jurisdiction of the Lehigh University Code of Conduct shall not be limited to conduct that occurs on Lehigh University premises. It will be applicable to any conduct which affects the Lehigh University community as a whole, its individual members, or the pursuit of its objectives.
- C. The Conduct Officer shall develop policies for the administration of this system and procedural rules for the conduct of hearings which are consistent with provisions of the Code of Conduct.
- D. Decisions made by a hearing body, the Conduct Officer or a case officer, shall be final, pending the normal appeals process defined below.
- E. All individual students who are accused of violating the Code of Conduct fall under the authority of the student conduct system, even when those students act as part of a group that is reviewed separately as a corporate entity.
- F. Campus groups and organizations that violate the Code of Conduct fall under the authority of the student conduct system, although the rights and the processes they are provided may differ from those afforded to individuals.
- G. Any group or organization may be held accountable for the actions of any of its members if the violation of the Code of Conduct is in any way related to the group or organization. Group misconduct need not be officially approved by the entire membership in order to be considered grounds for possible disciplinary action against the group. There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the entire group. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire group. An appropriate but not exhaustive test to determine whether a group may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals would have been involved in the incident if they were not members of the group or, if, by group action, the incident was encouraged, fostered, or might have been prevented.
- H. All students are expected to make themselves familiar with this code; unfamiliarity with the code is not grounds for failing to live up to the expectations set forth below.
- I. Because the university has an interest in inappropriate behavior separate from that of the civil authorities, it has the right and responsibility to exercise its jurisdiction and take such action as is appropriate to protect this interest. The university reserves the right to enforce this code whether or not civil authorities have acted. In those instances where civil authorities have acted, the university may also exercise its jurisdiction. When the university has jurisdiction in a matter subject to this code, it also has the right to report the matter, whenever appropriate, to civil authorities.

## ARTICLE III – Expectations of Conduct

Lehigh University is a community that has expectations of its student members. These expectations and a list of non-inclusive examples of behavior that might breach these expectations are below.

### ***I. Academic Integrity***

Lehigh University expects that all students will act in a manner that reflects personal and intellectual honesty.

#### Proscribed Conduct

- A. Cheating. This includes but is not limited to:
  - 1. The use of any unauthorized assistance in taking quizzes, tests, or examinations.
    - i. The possession at any quiz or examination of any articles which are prohibited will be regarded as evidence of responsibility.
  - 2. The dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports or homework, solving problems, or carrying out other assignments.
  - 3. The acquisition, without permission, of tests or other academic material belonging to a member of the university faculty or staff.
  - 4. Any attempt to falsify an assigned grade in an examination, quiz, report, program, grade book, or any other record or document.
  - 5. The creation and/or submission of falsified data in any experiment, research paper, laboratory assignment, or other assignment.
  - 6. Collusion occurs when students willfully give or receive unauthorized or unacknowledged assistance. Both parties to the collusion are considered responsible.
- B. Plagiarism. This includes but is not limited to:
  - 1. The direct use or paraphrase, of the work, themes or ideas, of another person without full and clear acknowledgement.
  - 2. Submitting the work of another as your own in any assignment (including papers, tests, labs, homework, computer assignments, or any other work that is evaluated by the instructor).

### ***II. Respect for Others***

Lehigh University expects that all students will act in a civil manner that reflects maturity, social responsibility, and respect towards others and the Lehigh Community.

#### Proscribed Conduct

- A. Physical Violence or Making Threats of Physical Violence
- B. Harassment
  - 1. As defined in the Lehigh University Policy on Harassment.
- C. Sexual Misconduct
  - 1. Sexual contact that occurs without the explicit consent of each student involved may be considered sexual misconduct. Consent must be clearly communicated, mutual, non-coercive, and given free of force or the threat of force. A student who is physically or mentally incapacitated by drugs, alcohol, or other circumstances is not capable of giving consent. A student must be fully conscious and awake in order to give consent.
  - 2. Conduct that exploits another student in a sexual and non-consensual way. This includes but is not limited to non-consensual voyeurism, non-consensual recording (audio or visual), non-consensual

dissemination of recordings, allowing others to view sexual activities without the consent of all of the participants.

3. Exposure of one's body in an indecent or lewd manner.
4. Sexual activity in public or semi public spaces.

D. Hazing

1. Hazing is any action taken or situation created, whether on or off campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Hazing includes but is not limited to any brutality of a physical nature, such as paddling, whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, or any other forced physical activity that would subject the individual to physical harm or mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which would adversely affect the mental health or dignity of the individual. Among prohibited activities are forced or coerced activities which create excessive fatigue; cause physical and psychological shocks; involve kidnapping; involve morally questionable quests, treasure hunts, scavenger hunts, or any other such activities; involve publicly wearing apparel that is conspicuous and not normally in good taste; cause students to engage in public stunts and buffoonery, morally degrading or humiliating games and activities, or late night activities which interfere with scholastic activities. Also prohibited are any activities that are in violation of federal, state, or local laws, this Code of Conduct, or accepted standards of good taste or propriety. For purposes of this definition, any activity described in this paragraph upon which the admission into or affiliation with an organization is directly or indirectly conditioned shall be presumed to be "forced or coerced" activity, the willingness of an individual to participate in such activity notwithstanding.

- E. Intentionally or recklessly interfering with the activities sponsored by, affiliated with or participated in by members of the university community, including but not limited to studying, teaching, research, administration, fire prevention, police activities, emergency services, and the activities of student organizations.

- F. Other conduct which threatens or endangers the health or safety of any person or group of people. This would include, but is not limited to, the possession or storage of weapons, explosives, fireworks, or other materials that could be harmful to the members of the community or the community as a whole.

### ***III. Respect for Property***

Lehigh University expects that its students will treat the property of Lehigh University and the property of others with the same respect that they would ask others to show to them.

#### **Proscribed Conduct**

- A. Intentionally or recklessly interfering with the property of another, including taking without permission, destroying, defacing, or damaging the property of another.
- B. The theft of services, such as telephone or computer services, including copyrighted computer programs, and other copyrighted material such as movies and/or music.
- C. Knowingly possessing stolen property.
- D. Entering, occupying, or using without authorization Lehigh premises, facilities, or property.
- E. The theft, mutilation, destruction, defacing, and/or gross disregard of any Lehigh property.
- F. Misuse of Lehigh University laboratory facilities.

### ***IV. Respect for the Lehigh University Community.***

As members of the Lehigh University Community, students are expected to serve as positive representatives. They are expected to know and follow the Code of Conduct, and show respect for the faculty, staff, community members and administrative processes that are in place to maintain and support our community standards.

#### Proscribed Conduct

- A. Intentionally furnishing false information to a university official, hearing panel, or Conduct Officer.
- B. Intentionally or recklessly causing an emergency or dangerous environment.
- C. Intentionally or recklessly initiating or causing to be initiated any false report including but not limited to false reports of fire, explosions, or other emergency or threats thereof.
- D. Forgery, unauthorized alteration or unauthorized use of any university document, record (including computer records), or instrument of identification.
- E. Failure to comply with the reasonable requests of university officials (including law enforcement) while acting in the performance of their duties.
- F. Failure to provide identification when asked by university officials while acting in the performance of their duties.
- G. Failure to complete any sanctions imposed by Lehigh University.
- H. Failure to appear before and cooperate with the University Committee on Discipline, or other hearing panels, hearing officers or conduct officials when called to do so.
- I. Violating any Lehigh University policies, rules, or regulations, including but not limited to, residential living policies (General Provisions for Occupancy) and policies related to the use of the university computer network.
- J. Encouraging or facilitating others in actions that violate the Code of Conduct.
- K. Filing false charges with the University Conduct System.

#### ***V. Respect for Self***

Lehigh University expects that its student members will act in a manner that respects their own health and well-being, especially concerning the use and or abuse of alcohol and drugs.

#### Proscribed Conduct

- A. The unauthorized or illegal consumption, distribution, or possession of alcohol.
- B. The consumption or distribution of alcohol in a manner detrimental to one's health and safety (or the health and safety of others).
- C. The unauthorized or illegal use, distribution, or possession of any controlled substance or illegal drug.
- D. The possession of drug paraphernalia.
- E. The possession of alcohol paraphernalia that encourages or promotes excess consumption of alcohol (for example, kegs, beer bongs, Beirut tables, etc.).
- F. Other conduct which threatens or endangers the health or safety of the individual.

#### ***VI. Respect for the Law***

Lehigh University expects that its student members will act in accordance with all applicable federal, state, or local laws.

### **ARTICLE IV – Emergency Situations**

***I. Emergency authority of the Dean of Students.*** Because situations may arise that may not be fully covered by this code, the Dean of Students is granted the authority to exercise his or her good judgment in emergency situations.

***II. Temporary rules and regulations.*** The Dean of Students shall have authority in emergency situations to issue temporary rules and regulations to uphold the behavioral expectations of Lehigh University. The Dean of Students shall report his or her actions and the reasons for them to the full faculty at its next meeting. Such emergency rules and regulations shall remain in effect until they are withdrawn by the dean or by action of the faculty.

***III. Interim suspension.*** The Dean of Students shall have the authority in emergency situations to suspend a student's (or student organization's) rights to be present on campus, or on other property owned, operated, or controlled by the university prior to a formal hearing. This authority may be invoked if the Dean of Students has a reasonable belief that a serious offense may have occurred, and/or that the continued presence of the student on campus may be dangerous to property, to the student involved, or to others. Subject to the emergency nature of the situation and the information available, the Dean of Students

shall permit a student to challenge the evidence presented. A formal hearing of the matter shall be held at the earliest feasible time.

IV. *Interim removal from housing.* In instances where there is a reasonable belief that a serious offense has occurred, the Dean of Students or his/her designee may require the immediate removal of the individual or individuals involved from university housing until a formal disciplinary hearing occurs.

## **ARTICLE V – Responsibilities and Fundamental Fairness**

### ***I. Responsibilities of Individual Students***

- A. As stated in Article II. Section I.H, students are responsible for knowing and adhering to the expectations outlined in the Code of Conduct.
- B. Students are responsible for cooperating with the University in investigations of violations of the Code of Conduct.
- C. Students are responsible for appearing before a hearing panel when called to do so and providing truthful and complete information to hearing panels and/or the Conduct Officer when asked. Students, who have been accused of violating the Code of Conduct, have the right not to answer questions.

***II. Fundamental Fairness for Individual Students.*** The University has an interest in providing fundamental fairness in all conduct matters. The University will strive to provide the following to students in relation to conduct violations.

- A. **Presumption of non-responsibility.** The hearing body shall consider all accused students not responsible until such time as sufficient evidence is present to the contrary. No accused student shall be found responsible for a charge unless a “preponderance of evidence” presented at the time of the hearing indicates his/her responsibility. This means that hearing panels must believe that it is more likely than not, based on the information presented at the hearing, that the student is responsible.
- B. **Written notification of charges and hearings.** Accused students are entitled to written notification of any charges brought against them and an outline of the disciplinary procedures. If additional charges are brought, a further written notice must be sent. These notices may be sent via campus mail, registered mail (to the last known address maintained by the University) or personally delivered to the accused student. Any of these methods of notification shall be considered sufficient. When and if a hearing is scheduled, the Conduct Officer shall notify the student at least seven days before the hearing of the time, date, and location of the hearing.
- C. **Review of available information.** Accused students are entitled to review the available information, documents, and a list of witnesses who have been called by the Conduct Officer to present information. Accused students must provide the Conduct Officer a list of witnesses they intend to present, along with information supporting the relevance of the witnesses. This list must be presented at least three days prior to the hearing. If the student fails to provide proper notification that they are bringing witnesses, the admission of his/her testimony will be at the discretion of the hearing panel and no appeal shall be granted for denying their admission.
- D. **Advisory assistance.** Accused students are entitled to advisory assistance by any member of the University community (current students, faculty, and staff, provided he/she is not an attorney). The advisor's role is to assist, support, and advise students at any stage of the conduct process. The advisor may not, however, ask or answer questions for students or make summation statements on their behalf. This person is an observer and will not be a participant in the hearing. Generally, legal counsel shall not be permitted to attend the hearing to represent the student. However, in cases where there are pending criminal charges, the accused student may have legal counsel present as an advisor. If present, the counsel may not participate in the hearing in any way except in advising the accused student. In these cases, the Conduct Officer may request that university counsel be present in a non-participatory role.
- E. **A pre-hearing interview.** For all hearings above the level of a disciplinary conference, the student shall have the right to a pre-hearing interview in which the Conduct Officer will explain the concepts of

fundamental fairness and the conduct processes. Failure to schedule or attend the pre-hearing interview is not grounds for a rescheduling of a hearing or for an appeal. For disciplinary conferences, an outline of the conduct process shall be considered sufficient to meet this requirement, and shall be supplied by the Conduct Officer.

- F. **Right to be heard.** Accused students shall have the right to hear all testimony, present relevant information on their own behalf, ask questions of witnesses, and ask questions of anyone present at the hearing. If individuals cannot be questioned at the hearing (by reason of health, absence from campus, etc.) the hearing panel has a special obligation to determine the credibility of any information that those individuals have provided. The student is also permitted to have persons submit written character statements directly to the Conduct Officer for review by the panel or hearing officer. Students may not bring character witnesses to a hearing or disciplinary conference.
- G. **Challenge of hearing body members.** Accused students shall have the right to challenge the presence of hearing body members for reasons such as a personal bias towards a participant or a preformed judgment in the particular case. In the case of hearings before the University Committee on Discipline or its subsidiary boards, the removal of a hearing body member will be by majority vote of the remaining members. In cases involving disciplinary conferences, the decision shall be at the discretion of the hearing officer.
- H. **Refuse to answer any question or make a statement.** Accused students are not required to make statements or answer questions. In this situation, the hearing body shall make its decision solely on the basis of evidence presented to it. It should be noted that witnesses do not have the right to refuse to answer questions.
- I. **Withholding of past record.** In hearings before the University Committee on Discipline, the past disciplinary records of accused students will not be disclosed until after a decision of responsibility is reached, except if introduced by the accused or in cases in which the accused is charged with failure to complete sanctions imposed by Lehigh University. If a student is found responsible for the charge(s), information concerning the accused student's past disciplinary record will be presented to the hearing body by the Conduct Officer in the presence of the accused, for consideration in determining appropriate sanctions. In cases in which the student chooses to self-disclose a past conduct record, this information will be admissible and considered relevant.
- J. **Notification of Outcomes.** Accused students have the right to be informed of the outcome of a case.
  - 1. Oral notification. Immediately after the hearing, the head of the hearing body will notify the student of the finding, including any sanctions imposed. At this time the Conduct Officer shall inform students found responsible for their rights of appeal.
  - 2. Written notification. The Conduct Officer shall forward the written decision of the hearing body to accused students within a reasonable time, no longer than 10 days. The written decision shall include: (i) a statement of the charges; (ii) a summary of the information presented at the hearing; (iii) the findings of the hearing body and key facts used in making those findings; (iv) the sanctions and the rationale for them; and (v) a statement regarding the right to request an appeal and the procedures for making such an appeal.
- K. **Right of appeal.** As outlined in the Code of Conduct, students found responsible for a violation by any hearing panel shall have the right to an appeal before the Disciplinary Appeals Committee. Decisions of that committee are final.
- L. **Admission of relevant evidence.** Evidence is admissible when, in the opinion of the majority of the hearing body, it is shown to be relevant to the factual issues of the case. The hearing body shall determine the relevance and admissibility of all testimony, whether proposed or actual. Evidence obtained by a search of a student's person or property shall be admissible if that search was conducted by university officials while acting in accordance with their duties.

- M. **Closed Hearings.** Generally, all disciplinary hearings and conferences will be closed to the public. An accused student may request that a hearing be opened. This request must be in writing and be presented to the Conduct Officer three days prior to the hearing. The will be reviewed by the Conduct Officer, in consultation with the hearing panel. The Conduct Officer shall either grant or deny the request. If a request for an open hearing is granted, the hearing panel may order the removal of any individual not directly involved in the case at any time, and may close the hearing to the public at any time. Witnesses will not be permitted to be present at an open hearing except when they are giving testimony.

### ***III. Responsibilities of Student Organizations***

- A. Organizations are responsible for educating their members on the Lehigh University Code of Conduct as it relates to student organizations.
- B. Organizations are responsible for cooperating with University officials in investigations of violations of the Code of Conduct.
- C. Organizations are responsible for having a representative appear before a hearing panel when called.
- D. Organizations are responsible for insuring that their members provide truthful and complete information when providing information to a hearing panel or the Conduct Officer. Students representing organizations are required to answer questions asked by the hearing panel.

***IV. Fundamental Fairness for Student Organizations.*** The University has an interest in providing a fundamentally fair system to adjudicate student organizational conduct. With this in mind the University will strive to provide the following to student organizations in relation to conduct cases.

- A. **Presumption of non-responsibility.** The hearing body shall consider all accused organizations not responsible until such time as sufficient evidence is present to the contrary. No accused organization shall be found responsible for a charge unless a “preponderance of evidence” presented at the time of the hearing indicates its responsibility. This means that hearing panels must believe that it is more likely than not, based on the information presented at the hearing, that the organization is responsible.
- B. **Written notification of charges and hearings.** Accused student organizations are entitled to written notification of any charges brought against them and an outline of the disciplinary procedures. If additional charges are brought, a further written notice must be sent. These notices may be sent via campus mail, registered mail (to the last known address maintained by the University) or personally delivered to the accused student. Any of these methods of notification shall be considered sufficient. When and if a hearing is scheduled, the Conduct Officer shall notify the student at least five days before the hearing of the time, date, and location of the hearing.
- C. **Review of available information.** Accused student organizations are entitled to review the available information, documents, and a list of witnesses who have been called by the Conduct Officer to present information. Accused student organizations must provide the Conduct Officer a list of witnesses they intend to present, along with information supporting the relevance of the witnesses. This list must be presented at least three days prior to the hearing. If the organization fails to provide proper notification that it is bringing witnesses, the admission of that testimony will be at the discretion of the hearing panel and no appeal shall be granted for denying their admission.
- D. **Advisory assistance.** Accused organizations are entitled to advisory assistance by any member of the University community (current students, faculty, and staff or an alumnus/alumnae of the organization, provided that he/she is not an attorney). The advisor's role is to assist, support, and advise the organization at any stage of the conduct process. The advisor may not, however, ask or answer questions for the organization or make summation statements on its behalf. This person is an observer and will not be a participant in the hearing. Legal counsel shall not be permitted to attend the hearing to represent the student organization.

- E. **A pre-hearing interview.** For all hearings above the level of a disciplinary conference, the organization shall have the right to a pre-hearing interview in which the Conduct Officer will explain the concepts of fundamental fairness and the conduct processes. Failure to schedule or attend the pre-hearing interview is not grounds for a rescheduling of a hearing or for an appeal. For disciplinary conferences, an outline of the conduct process shall be considered sufficient to meet this requirement, and shall be supplied by the Conduct Officer.
- F. **Representation by a member.** Student organizations shall have the right to choose one student member to represent it before a hearing panel, if the organization chooses to appear at a hearing. Students who have had formal legal training are not permitted to represent organizations. The accused organization is also permitted to have 3 additional student members, witness the proceedings. These members may not be called as witnesses, may not participate in the hearing in any way, and may be removed by the hearing officer or the panel if they are disruptive or prove distracting or intimidating to any participant.
- G. **Right to be heard.** Accused organizations shall have the right to hear all testimony, present relevant information on their own behalf, ask questions of witnesses, and ask questions of anyone present at the hearing. If individuals cannot be questioned at the hearing (by reason of health, absence from campus, etc.) the hearing panel has a special obligation to determine the credibility of any information that those individuals have provided. The organization is also allowed to have persons submit character statements directly to the Conduct Officer for review by the panel or hearing officer. Organizations may not bring character witnesses to a hearing or disciplinary conference.
- H. **Challenge of hearing body members.** Accused organizations shall have the right to challenge the presence of hearing body members for reasons such as a personal bias towards a participant or a preformed judgment in the particular case. In the case of hearings before the University Committee on Discipline or its subsidiary boards, the removal of a hearing body member will be by majority vote of the remaining members. In cases involving disciplinary conferences, the decision shall be at the discretion of the hearing officer.
- I. **Withholding of past record.** In hearings before the University Committee on Discipline, the past disciplinary records of accused student organizations will not be disclosed until after a decision of responsibility is reached, except if introduced by the organization or in cases in which the accused organization is charged with failure to complete sanctions imposed by Lehigh University. If the student organization is found responsible for the charge(s), information concerning its past disciplinary record will be presented to the hearing body by the Conduct Officer in the presence of the accused organization's representative, for consideration in determining appropriate sanctions. In cases in which the student organization chooses to self-disclose a past conduct record, this information will be admissible and considered relevant.
- J. **Notification of Outcomes.** Accused organizations have the right to be informed of the outcome of a case.
1. Oral notification. Immediately after the hearing, the head of the hearing body will notify the organization of the finding including any sanctions imposed. At this time the Conduct Officer shall inform organizations found responsible of their right of appeal.
  2. Written notification. The Conduct Officer shall forward the written decision of the hearing body to accused organizations within a reasonable time no later than 10 days after the hearing.. The written decision shall include: (i) a statement of the charges; (ii) a summary of the information presented at the hearing; (iii) the findings of the hearing body and key facts used in making those findings; (iv) the sanctions and the rationale for them; and (v) a statement regarding the right to request an appeal and the procedures for making such an appeal.
  3. In cases involving organizations that are heard by subsidiary hearing panels, the accused organization has the right to be notified of the recommendations at the hearing and a right to be notified of the final decision of the Conduct Officer within a reasonable time, no later than 10 days after the hearing.

- K. **Right of appeal.** As outlined in this Code of Conduct, student organizations found responsible for a violation by any hearing panel shall have the right to an appeal before the Disciplinary Appeals Committee. Decisions of that committee are final.
- L. **Admission of relevant evidence.** Evidence is admissible when, in the opinion of the majority of the hearing body, it is shown to be relevant to the factual issues of the case. The hearing body shall determine the relevance and admissibility of all testimony, whether proposed or actual. Evidence obtained by a search of a student's person or property shall be admissible if that search was conducted by university officials while acting in accordance with their duties.
- M. **Closed Hearings.** Generally, all disciplinary hearings and conferences will be closed to the public. An accused student may request that a hearing be opened. This request must be in writing and be presented to the Conduct Officer three days prior to the hearing. The will be reviewed by the Conduct Officer, in consultation with the hearing panel. The Conduct Officer shall either grant or deny the request. If a request for an open hearing is granted, the hearing panel may order the removal of any individual not directly involved in the case at any time, and may close the hearing to the public at any time. Witnesses will not be permitted to be present at an open hearing except when they are giving testimony.
- N. **Organizational Accountability.** Any group or organization may be held accountable for the actions of any of its members if the violation of this Code of Conduct is in any way related to the group or organization. Group misconduct need not be officially approved by the entire membership in order to be considered grounds for possible disciplinary action against the group. There is no minimum number of group members who must be involved in an incident before disciplinary action may be taken against the entire group. In some instances, the conduct of a single member may provide sufficient grounds for action against the entire group. An appropriate but not exhaustive test to determine whether a group may be held accountable for the conduct of individuals is to ask whether it is likely that the individuals would have been involved in the incident if they were not members of the group or, if, by group action, the incident was encouraged, fostered, or might have been prevented.

## ARTICLE VI - SANCTIONS

***I. Primary Sanctions for Individuals.*** Individuals found responsible for a violation of this Code of Conduct will receive a sanction of disciplinary warning, disciplinary probation, disciplinary deferred suspension, disciplinary suspension, or expulsion. In certain specific cases the sanctions of disciplinary revocation of a degree or disciplinary withholding of a degree may be imposed. They may also receive additional sanctions as outlined below

- A. **Disciplinary Warning.** A disciplinary warning is a written statement of a student's responsibility for a violation of this Code of Conduct with the caution that any future violation may result in more serious sanctions. Other sanctions may be imposed along with the warning.
- B. **Disciplinary Probation.** Disciplinary probation is the imposition of a trial period in which students must show that they are willing to live up to the expectations in this Code of Conduct. This trial period may not exceed four semesters. This status implies that further violations of this code may result in disciplinary suspension or expulsion. Other sanctions may be imposed, and additional requirements may be imposed as conditions for reinstatement in good standing.
- C. **Disciplinary Deferred Suspension.** The sanction of disciplinary suspension may be placed in deferred status for a limited period of time. During this period of time, the student is on notice that **any** further violations of the Code of Conduct will result in the suspension that was originally defined becoming effective immediately without further review. Disciplinary Deferred Suspension may not be imposed for longer than one regular semester. If this sanction is imposed during a semester, it may be imposed for the remainder of that semester and one additional semester. Disciplinary Probation may be imposed for a period of time not to exceed three semesters after the period of Disciplinary Deferred Suspension.

Additional student conduct sanctions appropriate to a new violation also may be imposed. A student who is on deferred suspension is subject to the following restrictions:

1. Ineligibility to hold an office in any student organization recognized by the university or to hold any elected or appointed office of the university.
2. Ineligibility to represent the university to anyone outside the university community in any way, including representing the university at any official function or in any official manner.

D. **Disciplinary Suspension.** Disciplinary suspension is the temporary separation of the student from the Lehigh University Community, not to exceed seven consecutive fall and spring semesters. Students on disciplinary suspension are not permitted to participate in any university activities, academic or nonacademic. They may not take part in any official exercise, including graduation. They are not allowed on Lehigh premises during their suspension unless prior approval has been granted by the Dean of Students. Any request for the privilege of visiting Lehigh University during the suspension must be received by the Dean of Students in writing seven days prior to the date the privilege is desired. It should be understood that submission of a request in no way guarantees approval. Students requesting reinstatement upon passing of the suspension period must schedule a meeting with the Dean of Students prior to being granted approval for reinstatement. Additional requirements may be imposed at the time of suspension as conditions for reinstatement in good standing. For students who have been suspended, the Registrar will, during the period of the suspension, send with the transcript a letter stating the reasons and length of the suspension. Disciplinary Suspension must be applied for at least one full semester as defined above.

E. **Expulsion.** Expulsion is the permanent removal of a student from the university. All cases in which the sanction of expulsion is imposed shall be referred to the Disciplinary Appeals Committee to ensure that the sanction is not unduly harsh. If the student does not submit a letter of appeal, the Conduct Officer shall supply a summary of the case to the disciplinary appeals committee for review. The Disciplinary Appeals Committee is required to affirm or deny this summary. If it is denied, the student shall be suspended for seven semesters.

F. **Disciplinary Withholding of Degrees.** The conferring of an academic degree may be postponed as a disciplinary sanction if the following criteria are met:

1. The accused student is of senior standing.
2. The sanction of Probation, Deferred Suspension, or Suspension might otherwise be imposed.

The student may be allowed to remain on campus to complete academic requirements of degree status, but the conferring of that degree would be postponed until a regularly scheduled commencement exercise after the one in which the student would have participated in. Degrees may not be withheld for longer than 4 semesters.

A student who is subject to a pending disciplinary case is not eligible to receive a degree or participate in graduation until that case is resolved.

G. **Disciplinary Revocation of Degrees.** The University Committee on Discipline may recommend to the Board of Trustees the revocation of a degree if the following criteria are met:

1. The accused student has already been granted a degree by Lehigh University
2. The sanction of suspension or expulsion might otherwise be imposed
3. The information leading to the charges did not come to light until after the conferring of the degree in question, but occurred before the degree was conferred.

Only the Board of Trustees may revoke a degree. If the Board of Trustees does not uphold the sanction of Revocation, the case against the student will be considered dismissed.

**II. Secondary Sanctions for Individuals.** Sanctions in addition to the primary sanctions may be imposed to educate the accused student, or protect and educate the Lehigh University Community as a whole.

- A. This is a list of specific but non-restrictive examples of secondary sanctions:
  - 1. Restitution or replacement of lost, damaged, or stolen property.
  - 2. Suspension of privileges to participate in any activity sponsored by the university.
  - 3. Suspension of privileges to use or occupy certain facilities.
  - 4. Suspension of rights to represent the university.
  - 5. Suspension of rights to occupy a position or office in a group or organization officially recognized by Lehigh University.
  - 6. Referral for alcohol or drug abuse counseling; and mandatory periodic meetings with a dean or counselor.

Sanctions that suspend students' privileges shall have a set time of duration indicating when and under what conditions students may regain the privilege.

- B. **Sanctions related to academic integrity violations.** In addition, to the primary sanctions as listed in Section I, the hearing panel may impose a course grade of “**F**”, which would remain on the transcript permanently. In the event that the student had already voluntarily withdrawn from the course in question, the “**F**” grade would replace the “**W**”. If the hearing panel does not assign a grade of “**F**” in the course, it may provide recommendations to the course instructor regarding grading (e.g., lowering the course grade by some amount.). In any case in which a student is found responsible and a grade of “**F**” is **not** assigned, the grading of all exercises and the determination of the course grade are left to the sole discretion of the course instructor and could result in an **F** being assigned.

### **III. Sanctions for cases involving drugs and/or alcohol**

- A. In cases involving drugs and alcohol the following secondary sanctions will be imposed.
  - 1. **Counseling Center Interaction.** In all disciplinary cases involving drugs and alcohol in which the student is not suspended or expelled, a mandatory interaction with the Department of University Counseling and Psychological Services (UCPS) shall be imposed. The nature and content of these interactions shall be developed by the UCPS in conjunction with the Conduct Officer and the Dean of Students.
  - 2. **Parental Notification.** The parents of students under the age of 21 will be notified of all violations of the Code of Conduct as related to drugs and/or alcohol, as permitted by the Family Educational Rights and Privacy Act (FERPA).
- B. **Serious Offenses involving Drugs and/or Alcohol.** While disciplinary suspension is an option for any single serious alcohol/drug violation, individuals found responsible for two serious alcohol or drug violations (i.e., creating risk to self or others which includes, but is not limited to, physical violence, serious property destruction, or other serious infractions) will be suspended for a minimum of one regular semester.

**IV. Primary Sanctions for Organizations.** Organizations found responsible for a violation of this Code of Conduct will receive a sanction of disciplinary termination, disciplinary dissolution, deferred disciplinary dissolution, disciplinary probation, or disciplinary warning. They may also receive additional sanctions as outlined below.

- A. **Disciplinary Warning.** A disciplinary warning is a written statement of responsibility of a group or organization for a violation of this Code of Conduct, along with the caution that any future violation may result in a more serious sanction. Other sanctions may be imposed along with the warning.
- B. **Disciplinary Probation.** Disciplinary probation is the conditional continuation of a group or organization for a specified period of time not to exceed four semesters. This status implies that any further violation of this Code of Conduct may result in dissolution, termination, or other authorized sanctions. Other sanctions may be imposed, including limitations on social activities, and additional requirements may be imposed as conditions for reinstatement of recognition in good standing.

- C. **Disciplinary Dissolution.** Dissolution is the loss of university recognition for a period of time not to exceed 10 years. Dissolution is the loss of privilege to use the university's name or represent it in any capacity. In addition, the group or organization will lose all privileges to use university equipment or facilities. At the end of the dissolution period, the organization shall contact the Dean of Students Office and be required to follow any recognition processes in place at the time. Hearing panels shall impose dissolution for time periods of years, not semesters.
- D. **Disciplinary Termination.** Termination is the permanent loss of university recognition. Termination includes the loss of privilege to use the university's name or represent it in any capacity. The group or organization also loses all privileges to use university equipment or facilities. The hearing body shall make a recommendation for termination to the Vice-Provost for Student Affairs, who will normally implement the recommendation. If the Vice Provost for Student Affairs decides not to terminate the group or organization, the organization shall be dissolved for 10 years.

**V. Secondary Sanctions for Organizations.** Sanctions in addition to the primary sanctions may be imposed to educate the accused student, and/or protect and educate the Lehigh University Community as a whole.

- A. **Social Probation.** Social Probation is the loss of the organization's privileges to host social events with alcohol.
- B. **Alcohol-Free Housing.** The organization loses the right to have any alcohol present in the facility including in individual bedrooms/living areas.
- C. **Loss of University Housing.** The organization loses the right to organizational housing. An organization that has lost its right to University housing must follow any processes in place to reacquire group living rights.
- D. **Removal of specific Members or Officers.**
- E. **Other Sanctions.** The following are specific examples, but hearing panels are not limited to these:
  1. Restitution or replacement of lost, damaged, or stolen property.
  2. Suspension of privileges to participate in any activity sponsored by the university.
  3. Suspension of privileges to use or occupy certain facilities.
  4. Suspension of rights to represent the university.
  5. Requirement to hold educational programs for members.

Sanctions that suspend organizational privileges shall have a set time of duration indicating when and under what conditions students may regain the privilege.

**VI. Sanctioning guidelines of specific types of cases.**

- A. The Lehigh University Community has devised sanctioning guidelines for hearing panels in cases involving sexual assault or harassment, hazing, violence, and academic dishonesty. These guidelines can be found in appendix A of the Code of Conduct.

**ARTICLE VII – THE ROLE OF THE CONDUCT OFFICER**

**I. The Conduct Officer.** The Dean of Students, acting on behalf of the faculty, shall appoint a Conduct Officer who will be responsible for the administration of the campus conduct system.

- A. **Duties of the Conduct Officer.** The Conduct Officer will be responsible for the following functions in addition to other duties as defined by the Dean of Students:
  1. Coordinate all aspects of university disciplinary procedures, including informing students of charges lodged against them, investigating all charges, scheduling hearings, notifying all persons concerned, providing for a record of all disciplinary proceedings, providing secretarial assistance,

- providing all necessary forms, assisting with and forwarding appeals to the University Disciplinary Appeals Committee, and undertaking such other activities as may be necessary to implement the provisions of this Student Conduct System.
2. Coordinate the gathering of all facts regarding a violation of this Code of Conduct and see that all known relevant facts are presented at a hearing.
  3. Conduct pre-hearing interviews (when required) at which students charged should be (1) fully informed of the charges lodged and of their rights in the conduct system; (2) given an opportunity to discuss the matter; and (3) provided with information related to possible sanctions if the student pleads or is found responsible.
  4. Maintain confidentiality of disciplinary records in accordance with the university policy on maintenance, retention, and dissemination of confidential information and with the federal Family Educational Rights and Privacy Act and other applicable laws.
  5. Provide for training of all persons serving as hearing officers, serving on hearing panels, serving on the appeals committee, or other persons involved in the student conduct system as necessary.
  6. Provide for the publication of this student conduct system and for the recording of all decisions rendered and actions taken.
  7. Schedule all hearings, call appropriate witnesses, and tape-record the proceedings. Any audio tape recordings of hearings are the property of Lehigh University.
  8. Advise hearing panels regarding the meaning, interpretation, and application of the conduct procedures.
  9. Attend all hearings (or train and designate persons to be present) to present facts and to answer questions pertaining to conduct procedures or facts in the case being considered.
  10. Respond to appeals (either on the grounds that the disciplinary process was violated in a way that affected the outcome of a particular case, or for cases that were adjudicated through the disciplinary conference procedures).
  11. Other duties as described in this Code of Conduct or as assigned by the Dean of Students.

## **ARTICLE VIII – PROCEEDINGS AND PROCESS**

### ***I. General Information***

- A. Any group within the university, any individual member of the university community, or the Dean of Students acting for Lehigh University may report violations of the University Code of Conduct to the Office of Student Conduct. The complaint must be submitted in writing to the Conduct Officer.
- B. Proceedings related to non-academic violations may be initiated at any point during a student's career, which includes undergraduate and graduate careers. In cases in which the offense is allegedly to have occurred during the final semester of matriculation, the Conduct Officer may file charges in non-academic cases up to six months after graduation. There is no time limitation on proceedings related to academic dishonesty.
- C. In cases where multiple charges and/or multiple accused students arise out of the same event or series of related events, the Conduct Officer shall have the discretion to direct that a single hearing be conducted with respect to the multiple charges/students. Each accused student shall be entitled to be present for the testimony of all witnesses and shall be entitled to question each witness. Any opening or closing statements

shall be made to the hearing body by the accused student alone, outside the presence of any other accused student, unless the student waives this right.

- D. Any student organization involved in an academic dishonesty violation will have the case resolved by the University Committee on Discipline.

## ***II. Process for Non Academic Integrity Violations***

- A. After a review of the report, and if necessary, a preliminary investigation, the Conduct Officer determines if there is sufficient information to bring charges against a student or a student organization.
- B. Disciplinary proceedings are then initiated by the Conduct Officer sending a formal charge letter to the student or group. It shall be considered proper notice if the notice is sent to the email address and the campus mail box and/or the last known local address as maintained by the University.
- C. Students or organizations shall be contacted and asked to meet with a case officer to discuss the charges.
  - 1. If the charges in question do not involve serious offenses, the student or organization (at the discretion of the Conduct Officer) may take responsibility for the listed charges, and sanctions can be assigned by the case officer. Students who choose to accept responsibility for violations shall retain their right to appeal via the process listed below.
  - 2. If the student or organization chooses not to accept responsibility (or the Conduct Officer chooses to have the case resolved via a hearing), the Conduct Officer shall set a date for a disciplinary conference or formal hearing before the University Committee on Discipline. In the case of student organizations, a hearing before a subsidiary conduct board shall also be an option. Subsidiary boards may not hear charges against individuals. The method of resolution (either a disciplinary conference or a hearing before the University Committee on Discipline) shall be at the discretion of the student or student organization. In the case of student organizations a hearing before a subsidiary hearing board is an option at the discretion of the Conduct Officer if the organization chooses to have a hearing.
  - 3. Students/organization who fail to make or keep an initial meeting shall be assigned a hearing date at the discretion of the Conduct Officer.
- D. Disciplinary Conferences. Disciplinary Conferences are meetings between a student or organization and a case officer in which an alleged violation of the Code of Conduct is resolved in a less formal manner than a hearing.
  - 1. During a disciplinary conference, the student or organization shall retain all applicable rights as listed above.
  - 2. All hearing procedures shall be developed by the Conduct Officer. The student or organization shall be informed of those procedures when they receive the notification of the time, date, and location of the hearing. These processes will also be available online.
  - 3. Students /organizations who have cases resolved via a disciplinary conference shall retain their right to appeal as listed below.
- E. The University Committee on Discipline
  - 1. Role. The University Committee on Discipline is responsible for hearing cases to determine student or organization accountability for violations of this Code of Conduct in a manner that insures fundamental fairness, and to assign sanctions in cases where responsibility is determined.

2. **Composition.** The committee shall be composed of fifteen undergraduate students, (chosen by the Dean of Students Office in consultation with the current student members of the University Committee on Discipline and the faculty chairperson of the University Committee on Discipline), three graduate students (chosen by the Dean of Students Office in consultation with the Graduate Student Senate and the faculty chairperson of the University Committee on Discipline), twelve members of the faculty (four elected by the university faculty at large and two from each of the college faculties), and seven administrators (appointed by the Vice Provost for Student Affairs from the student affairs professional staff ). Faculty shall be elected for three-year staggered terms. Students shall be selected for one-year renewable terms. Administrators shall be appointed for three-year renewable terms. The Conduct Officer shall have the authority to appoint alternate members for student and administrative representatives to ensure the committee’s ability to function.
3. **Chairperson.** The chairperson of the Committee on Discipline shall be a faculty member elected by the committee for a one-year term.
4. **Hearing panels.** A Committee on Discipline hearing panel shall consist of two students, two members of the faculty, and an administrator. Undergraduate students shall sit on the panel when an undergraduate student is charged with a violation of this code, and graduate students shall sit on the panel when a graduate student is charged. Hearing panels shall be appointed from the committee by the Conduct Officer. The chairperson of a hearing panel shall be chosen from the two faculty members on the panel. A quorum of a hearing panel shall be any four members. The decision of a hearing panel shall be based on a preponderance of evidence as presented at the hearing.
5. All hearing procedures shall be developed by the Conduct Officer. The accused student or organization shall be informed of those procedures when they receive the notification of the time, date, and location of the hearing and reviewed at the pre-hearing interview. These processes will also be available online.

### ***III. Process for Academic Integrity Violations***

- A. **General Process for Handling Academic Integrity Violations**
  1. Students have the right to have any alleged academic integrity violation heard by the University Committee on Discipline.
  2. Cases in which the student accepts responsibility for the violation may be handled by an Academic Integrity Conference. A student may refuse this conference and ask for a hearing before the University Committee on Discipline.
  3. **Academic Integrity Conferences.**
    - a. **Composition.** An Academic Integrity Conference Panel shall consist of the Conduct Officer, one faculty representative of the University Committee on Discipline (generally the chairperson), and one student representative of the University Committee on Discipline.
    - b. **Attendance and process.** The accused student, the course instructor bringing the allegation, and any witnesses may be in attendance. The Conduct Officer may have other persons not directly involved in a case present for training and educational purposes.
    - c. **Authority.** The Academic Integrity Conference shall have the authority, in a particular case, to:
      - i. affirm or deny the students claim of responsibility.
      - ii. determine appropriate sanctions for the student involved.
      - iii. educate the student on issues related to academic integrity.

- d. A student appearing before an Academic Integrity Conference shall retain the right to appeal as outlined below.

#### ***IV. Subsidiary Conduct Boards***

- A. The Dean of Students in conjunction with the Conduct Officer may, on a year to year basis, establish subsidiary conduct boards made up of students to provide assistance and advice in handling organization or corporate discipline. These boards include, but are not limited to: The Interfraternity Conduct Council, The Panhellenic Conduct Council, and The Student Senate Conduct Council.
- B. These boards shall be constituted to hear cases involving their member organizations, or in the case of the Student Senate Conduct Board, student organizations that are recognized by the University and do not come under another subsidiary conduct board.
- C. The Conduct Officer in conjunction with the leaders of the parent organizations (IFC, Panhellenic, or Student Senate as examples) will determine the composition and selection for members of these subsidiary boards.
- D. The Conduct Officer shall be responsible for determining which cases are referred to these boards based on time constraints, the severity of the alleged violation, and the ability of the subsidiary board to handle a particular case.
- E. In cases in which these subsidiary boards are resolving alleged violations of the Code of Conduct, their role shall be to make recommendations to the Conduct Officer in both the determination of responsibility and the sanctions of a particular case. When the case involves internal rules of the parent organization, the decision of the subsidiary board shall be final, pending an appeal.
- F. The Conduct Officer shall be responsible for developing process and procedures related to these panels and for providing training to the members.

### **ARTICLE IX – APPEALS**

***I. The right to appeal.*** Any student found responsible for a violation of the Code of Conduct, shall have the right to appeal his/her case (based on the grounds below) to the Disciplinary Appeals Committee.

***II. Grounds for appeals.*** Students who have been found responsible for a violation of the Code of Conduct may request an appeal on the grounds that: (1) information was not available at the time of the hearing, is now available, and could reasonably be expected to have altered the outcome of the case; (2) the university disciplinary procedures were violated in a way that probably adversely affected the outcome of the case; or (3) the sanction was unduly harsh. In cases involving sexual harassment the victim is granted the right to appeal. These cases are covered in a separate section of this Code of Conduct.

***III. Disciplinary Appeals Committee.*** The University disciplinary appeals committee is a faculty committee set up to consider written appeals by students found responsible by any hearing panel.

- A. **Composition.** The Disciplinary Appeals Committee shall consist of five faculty members, two undergraduate students, and two graduate students. The undergraduate student members will hear appeals submitted by undergraduate students and the graduate student members will hear appeals submitted by graduate students. The students shall be chosen by the Dean of Students Office in consultation with the Student Senate and the Graduate Student Senate. Faculty shall be elected, one from each college and one at large. The faculty shall serve staggered three-year terms, and students shall be appointed for one-year terms. At the discretion of the Conduct Officer additional student members may be selected to serve as alternates.

- B. **Chairperson.** The Disciplinary Appeals Committee shall elect its own chairperson from the faculty members. The chairperson of this committee shall also serve on the Disciplinary Review Committee.
- C. **Role.** The Disciplinary Appeals Committee is responsible for reviewing any appeals by students or organizations that are properly submitted. It is also responsible for reviewing all cases involving disciplinary expulsion as described in Article VI Sec. I.E.
- D. **Process.**
1. **Submission of Appeal.** Students shall have seven days from the date of their outcome letter to submit, in writing, an appeal on one or more of the three grounds as listed in Art. IX, Sec. II. This letter should include specific details as to why an appeal should be granted. This letter is to be submitted to the Conduct Officer. The Conduct Officer is permitted to assist students in preparing appeals.
  2. **Response to Appeal.** The Conduct Officer shall present a copy of this appeal to the chairperson of the hearing panel or hearing officer that made the determination in the case in question. This person shall submit a written response to the appeal to the Conduct Officer in a timely manner. In cases that involve a violation of the conduct procedures, the Conduct Officer shall write the response. The Conduct Officer is permitted to assist in the preparation of all responses.
  3. **Disciplinary Appeals Hearing.** The Conduct Officer shall send copies of both the appeal and the response, as well as the contents of the case file to the members of the disciplinary appeals committee and schedule a meeting. The committee shall also have access to the recording of the hearing if requested. The Disciplinary Appeals Committee shall hold closed meetings and base its decision only on the information contained in the appeal, the response, the case file, and if requested, the recording of the hearing. The Conduct Officer may be present to assist the committee.
    - i. **Quorum.** Any five members of the committee shall constitute a quorum.
    - ii. **Options.** The Disciplinary Appeals Committee may grant an appeal and refer the case back to the Office of Student Conduct for re-adjudication, or they may deny an appeal and uphold the original findings and sanctions.
    - iii. **Decision.** A simple majority of the committee is required to grant an appeal.
    - iv. **Process.** The Conduct Officer shall develop any internal scripts or processes for the operations of the Disciplinary Appeals Committee.
    - v. **Notification.** The decision of the Disciplinary Appeals Committee, along with an explanation and rationale, shall be given to the Conduct Officer who shall notify the student within three days and implement the decision. The decision of the committee shall be final.
- E. **Sexual Misconduct and Harassment Cases.** In cases involving Sexual Misconduct or Sexual Harassment, either the complainant or the accused can appeal a decision. The appeal will be filed as above for either party.
1. **Grounds for appeals.** In these specific cases the following are grounds for appeal by either party: (1) information is available that was not available at the time of the investigation; (2) the University disciplinary procedures were violated in a way that may have adversely affected the outcome of the case; or (3) the sanction is inappropriate (i.e., unduly lenient or harsh) and not justifiable.

## ARTICLE X – REVIEW AND REVISION

***I. On-going Review.*** The Lehigh University Code of Conduct shall be reviewed on an on-going basis by the Office of Student Conduct.

***II. Disciplinary Review Panel.*** The Disciplinary Review Panel is charged with maintaining and preserving the integrity of the conduct system through the review of the processes, actions, and cases adjudicated through the university conduct system.

- A. **Composition.** The review panel consists of the Conduct Officer, the Dean of Students and the faculty chairpersons of the University Committee on Discipline and the Disciplinary Appeals Committee.
- B. **Chairperson.** The chairperson of the Disciplinary Appeals Committee shall serve as the chairperson of the Disciplinary Review Panel
- C. **Reporting.** Each year the chairperson of the Disciplinary Review Panel will present an update on the state of the university conduct system to the faculty.
- D. **Modification.** The chairperson in conjunction with the Conduct Officer shall present any changes to the Code of Conduct to the appropriate persons or bodies for approval prior to implementation.
- E. **Report by the Conduct Officer.** Each year the Conduct Officer shall present to the Disciplinary Review Panel a summary of all cases handled by the Office of Student Conduct, a review of all training sessions, and recommendations for modifications to the Code of Conduct. The Disciplinary Review Panel shall offer advice and guidance to the Conduct Officer on these matters.

***III. Code of Conduct Review.*** Every 4 years the Office of Student Conduct shall develop and execute procedures to review and if necessary revise the Code of Conduct.

#### **ACKNOWLEDGEMENTS**

The Lehigh University Office of Student Conduct would like to acknowledge the work of Mr. Edward Stoner II, and Mr. John Wesley Lowery. Their Model Code of Conduct was used as a basis for some material in this document.

Stoner III, E. N., Lowery, J.W. (2004). Navigating past the “spirit of insubordination”: a twenty-first century model student conduct code with a model hearing script. *The Journal of College and University Law*, 31(1), 1-78.

## APPENDIX A – SANCTIONING GUIDELINES

**A. Guidelines for sanctions in cases dealing with sexual assault or sexual harassment**

The following represents guidelines for sanctions in cases where a student is found responsible for sexual misconduct or sexual harassment. The sanctions demonstrate the seriousness with which Lehigh University considers these violations. Hearing panels are not limited to these guidelines in determining an appropriate sanction.

**B.**

Offenses	1st Offense	2nd Offense
	(minimum)	(minimum)
<del>Guidelines for sanctions in cases involving Physical assault</del>		
<del>Sexual Misconduct (Rape or assault)</del>	<del>Expulsion</del>	<del>--</del>
<b>Sexual Misconduct/other</b>	Suspension of at least two semesters.	Expulsion
<b>Sexual Harassment</b>	Suspension of one semester or two semesters of disciplinary probation and mandatory counseling	Expulsion or at least two semesters of suspension

The following represents recommendations for sanctions in cases where students are found responsible for violations of the Code of Conduct

involving physical attacks. The sanctions demonstrate the seriousness that Lehigh University attaches to these violations. Hearing panels are not limited to these guidelines in determining an appropriate sanction. Hearing panels may determine that a greater or lesser sanction is appropriate depending upon the individual circumstances of each case. Hearing panels may supplement the sanctions below with other appropriate mandates including, but not limited to, referral for counseling, educational workshops, written apologies, restitution for medical bills, etc.

Offenses	1st Offense		2nd Offense
	(minimum)		(minimum)
<b>Physical attack characterized by at least two of the following: 1) resulted in serious injury 2) was unprovoked 3) involved the use of weapon(s)</b>	Expulsion		--
<b>Physical attack resulting in serious injuries  OR Physical attack which involved the use of a weapon</b>	Suspension for two semesters		Expulsion
<b>Unprovoked physical attack, and/or attack with no resulting serious injuries  OR Physical attack or threat of violence in response to provocation, but disproportionate or excessive in degree</b>	Suspension for one semester		Suspension for two semesters

**C. Guidelines for sanctions in cases involving hazing.**

The following represents recommendations for sanctions in cases where students or student organizations are found responsible for violations of the Code of Conduct involving hazing. The sanctions demonstrate the seriousness that Lehigh University attaches to these violations. Hearing panels are not limited to these guidelines in determining an appropriate sanction. Hearing panels may determine that a greater or lesser sanction is appropriate depending upon the circumstances of each case. Hearing panels may supplement the sanctions below with other appropriate mandates.

<b>Offenses</b>	<b>1st Offense</b>	<b>2nd Offense</b>
	(minimum)	(minimum)
<b>Physical harm to student(s) as result of hazing<sup>1</sup></b>	Termination of the organization and/or expulsion of individuals	--
<b>Causing reasonable apprehension of physical harm (or creating a situation in which physical harm is likely to occur) or causing actual emotional distress<sup>2</sup> (or creating a situation in which emotional distress is likely to occur)</b>	Dissolution of the organization for no fewer than four years, and/or suspension of the individual for no fewer than four semesters.	Termination of the organization and/or expulsion of individuals.
<b>Objectionable Behavior<sup>3</sup></b>	Disciplinary probation for no fewer than 2 semesters, removal of officers, chapter review (with input from Lehigh University, the national organization, alumni Governing body or other outside advisory committee); loss of one week of new member education (for no fewer than 2 years)	Dissolution of the organization for no fewer than two years, and/or suspension of the individual for no fewer than two semesters.

Examples (not exhaustive)

<sup>1</sup> Paddling, whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug or other substance, attempts to control body weight and or appearance, or any other forced physical activity that would subject the individual to physical harm.

<sup>2</sup> Fear of those listed above, abandonment, restricting personal conduct, restricting hygiene, forced or coerced consumption of alcohol or other drugs, forced or coerced illegal acts, forced or coerced acts of a sexual nature, line-ups, insulting or derogatory comments, interruption of academic pursuits (i.e., restriction of adequate time to study, restriction of sleep, restriction of access to academic resources, forced or coerced missing of classes or other academic deadlines).

<sup>3</sup> Public buffoonery, other membership requirements that are in violation of the definition of hazing (i.e., requirements to carry objects, wear certain clothing, address members in a subservient manner, scavenger hunts, personal servitude). A non-exhaustive test to see if an activity is to be considered objectionable behavior would be to examine the goals and/or outcomes of the activity. If the primary goal or outcome of the activity is to cause public ridicule, embarrassment, disruption of normal activities, harassment by others or the denotation of a student in an objectionable manner, then it would meet the definition of this category. Additionally, if a reasonable person would consider the event to be objectionable, it would fall into this category.