



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

POLICY TITLE:

Behavioral Code of Conduct

VOLUME, SECTION & NUMBER:

6.1.3

ENTITIES AFFECTED:

Students

ADMINISTRATIVE AUTHORITY:

Division of Student Affairs

Office of General Counsel

APPROVED BY:

The Kentucky State University Board of Regents

EFFECTIVE DATE:

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REVISED FROM:

Behavioral Conduct Section of 2022–2023 K-Book

POLICY STATEMENT:

Kentucky State University is committed to fostering a nurturing and secure campus environment that benefits everyone. To ensure this, the University holds students to a high standard, as outlined in the Thorobred Creed, and mandates adherence to University policies and procedures. Students are charged with the responsibility to be well-informed about these policies and the potential disciplinary actions that could result from infractions. It is also critical for students to recognize that violations of University policies might also subject them to criminal statutes and penalties.

The University's Behavioral Code of Conduct explicitly outlines unacceptable behaviors and delineates the actions that are considered breaches of this Code. It further provides a comprehensive overview of the procedural steps and due process proceedings that are employed when dealing with alleged violations.

TERMS, ROLES, AND DEFINITIONS:

Advisor: A person who serves in a support capacity for a Complainant or Respondent. An advisor may be present during a hearing but may not participate in a hearing, discussion, or questioning.

All-University Court: The committee that adjudicates alleged violations of the Behavioral Code of Conduct that could subject a student to suspension or dismissal from the University or University Housing.

Alternative Resolution: A voluntary process to resolve a complaint or dispute without a hearing.

Complainant: A person accusing a student of violating the Behavioral Code of Conduct.

Counsel (legal): A person licensed in the Commonwealth of Kentucky to practice law.

Student Conduct Officer: The chief judicial officer for student conduct. The Student Conduct Officer is responsible for implementing the Behavioral Code of Conduct and the student judicial system.

Associate Director of Housing: The student affairs administrator who oversees Housing & Residence Life. The Director is the initial point of contact for behavioral concerns within University Housing.

Investigator: A University employee who is assigned to cases and responsible for investigating allegations of Behavioral Code of Conduct violations.

Medical Amnesty: A protocol in which students who violate the University's alcohol and drug policies are not subject to disciplinary sanctions. This protocol is only applicable for alcohol or drug use and not for any other prohibited behavior.

Participant: A Respondent or a Complainant.

Preponderance of the Evidence Standard: The standard used in evaluating culpability for an alleged violation. When determining whether a Respondent is responsible for violating the Behavioral Code of Conduct, an adjudicator will consider whether it is "more likely than not" that the Respondent committed the violation.

Respondent: A student accused of violating the Behavioral Code of Conduct.

Responsible/Not Responsible: The ultimate finding of an adjudication. A student may be found responsible if it is more likely than not that he or she violated the Behavioral Code of Conduct. A student may be found not responsible if there is insufficient evidence or information to determine that he or she violated the Behavioral Code of Conduct.

Sanction: A consequence or mandate imposed to address a violation of the Behavioral Code of Conduct. A sanction is intended to provide educational opportunities and accountability while also reducing the likelihood of prohibited conduct in the future.

Student: A person who has matriculated and financially enrolled in any class or program of instruction or training offered by the University, at any level.

Vice Provost for Student Affairs: The senior administrator who serves as the appellate judicial officer for cases heard by the Student Conduct Officer. The Vice Provost may exercise the authority of the chief judicial officer in the absence or recusal of the Student Conduct Officer.

VIOLATIONS OF THE BEHAVIORAL CONDUCT CODE:

The following constitute violations of the Behavioral Code of Conduct:

Aiding and Abetting

Assisting with, inciting, or failing to report violations of the Behavioral Code of Conduct or any other University policies and regulations.

Alcohol

It is a violation to:

- (1) possess or consume alcohol on University-owned or controlled property, or while participating in University-related activities, including student teaching, internships, and class trips, unless University administration grants an exception in writing for a particular event, course, or activity;
- (2) distribute alcohol to others on University-owned or controlled property, or while participating in University-related activities, unless University administration grants an exception in writing for a particular event, course, or activity;
- (3) possess alcohol-related paraphernalia (e.g., kegs, empty beer bottles, beer bongs, etc.) on University-owned or controlled property, or while participating in University-related activities, unless University administration grants an exception in writing for a particular event, course, or activity; or
- (4) exhibit behavior while under the influence of alcohol that constitutes a nuisance to others in the vicinity or that endangers oneself, others, or property

Note: Nothing in the foregoing passage shall be construed as preventing students from participating in any course or activities relating to the Fermentation and Distillation certificate program or any other similar programs.

Assault and Battery

Intentionally causing, or attempting to cause, physical injury to another person. Students can be disciplined for violations that occur on campus or during University-related events and activities and for violations that occur off campus. Off-campus violations can result in student discipline when:

- (1) all parties involved are KSU employees or students;
- (2) the behavior threatens the health, welfare, or safety of any member of the University community;
- (3) the behavior threatens the educational environment of the University community; or
- (4) the behavior reflects adversely on the reputation of the University or a student's character and fitness as a member of the University's student body

Commercial Solicitation

Engaging in unapproved commercial activity on University property or within University-owned facilities. Commercial activity includes the distributing, promoting, selling, advertising, or collecting of services or material goods.

Dangerous Behavior

Purposely, knowingly, or recklessly endangering or threatening to endanger the life, health, safety, or property of others, including, but not limited to, causing an object to fall from a building, refusing to follow University-mandated isolation/quarantine procedures, and physically abusing service/support animals.

Discrimination

Unlawfully discriminating against another person.

Disruptive Behavior

Disruptive behavior is intentional conduct that disrupts the academic environment and interferes with the ability of faculty members to teach or students to learn. Disruptive behavior includes, but is not limited to, “shouting down” a faculty member, student, staff member, or another speaker, and physically or verbally harassing an instructor, student, staff member, contractor, or visitor.

Drugs

It is a violation to:

- (1) possess or use illegal drugs/controlled substances, including controlled medications without a valid prescription, on University-owned or controlled property, or while participating in University-related activities, including student teaching, internships, and class trips;
- (2) distribute illegal drugs/controlled substances, including controlled medications without a valid prescription, to others on University-owned or controlled property, or while participating in University-related activities;
- (3) possess drug paraphernalia on University-owned or controlled property, or while participating in University-related activities; or
- (4) exhibit behavior while under the influence of illegal drugs/controlled substances that constitutes a nuisance to others in the vicinity or that endangers oneself, others, or property

Failure to Comply

Failure to comply can consist of any of the following:

- (1) failure to respond to the reasonable request of University officials or law enforcement officers acting in the performance of their duties;
- (2) failure to produce identification when requested to do so by University officials or law enforcement officers acting in the performance of their duties;
- (3) failure to abide by sanctions or interim measures; or
- (4) failure to abide by public or institutional health and/or safety mandates

False Identification

Falsifying one’s identity and/or the identifying information on University documents or records, producing fabricated identification, or failing to produce valid information when requested by University personnel.

Fire/Safety Hazards

It is a violation of University policies to create a fire or safety hazard, to abuse, misuse, or tamper with safety equipment, to transmit false fire alarms or warnings, or to assist or influence others in committing such offenses.

Fraud

Deceiving, tricking, or misrepresenting with the intent of defrauding or misleading another individual or the University.

Harm to the Facilities That Support the Campus Environment

This type of misconduct occurs when a student purposely harms University facilities. This conduct includes, but is not limited to, damaging books, laboratory equipment, and computers.

Harassment

Engaging in conduct intended to harass, intimidate, or unreasonably impair a person's ability to participate in, or fully benefit from, the campus environment.

Hazing

Any reckless or intentional act directed at another student that causes humiliation, embarrassment, or ridicule—or physical, mental, or emotional pain or discomfort—that is required or expected of new members of an organization, and which is not related to the mission of that organization. Hazing can occur on or off campus. It also includes any activity, whether presented as optional or required, that places any member in a position of servitude as a condition of membership or continued membership.

Misuse of Information Technology

Interfering with the use of, or abusing any part of, University computing services or facilities, or any other violation of the University's Information Technology policies and procedures. Students must also comply with the technology use policies established by their courses' faculty, which may include limitations on the usage of mobile devices.

Possession of Prohibited Animal

It is a violation of the Behavioral Code of Conduct to:

- (1) possess an animal in a University-owned non-residential facility that is not a service animal trained to provide assistance to a person with a disability;
- (2) possess an unauthorized animal in a University-owned residential facility that is not a service animal or an emotional support animal that has been approved as a reasonable accommodation by the University;
- (3) possess any animal on University property that damages property, substantially disrupts the University community, or exhibits aggressive behavior; or
- (4) fail to maintain any animal on a leash, maintain control of an animal, or properly dispose of animal's waste

Possession of Stolen Property

Receiving, retaining, storing, or disposing of property belonging to another person while aware that said property has been stolen, or while there is reason to believe that said property has been stolen.

Property Damage

Causing, or assisting with, the misuse, vandalism, defacement, disfiguration, or unauthorized use of property belonging to another person or the University or any other organization.

Retaliation

Retaliating, or encouraging others to retaliate, against another student for participating in an investigation, inquiring about an investigation, or making a reasonable, good-faith report of a possible violation of laws or University policies.

Sabotage

Sabotage is the intentional act of preventing others from completing their work. Sabotage includes, but is not limited to, stealing materials from any University facility, removing pages from University-owned books, and inhibiting a student from completing or turning in work. Disruptive behavior and harm to University facilities constitute acts of sabotage.

Sexual Misconduct

Subjecting another person to any form of sexual harassment or abuse. Sexual misconduct can be committed physically and verbally, as well as through visual communications and social media. Offenses of this nature, and the procedures for resolving them, are outlined in the University's Title IX Policy.

Theft

Unlawfully taking property belonging to the University, another organization, or another person. Attempting to take another's property also constitutes a violation.

Trespassing

Unauthorized entry into, or unauthorized use of, any University property or facility. This includes, but is not limited to, failing to comply with residence hall visitation policies and failing to comply with policies outlined in the University Housing contract.

Tobacco

Kentucky State University is a smoke-free and tobacco-free campus. Therefore, it is a violation to use tobacco products on all University-owned property. The University defines tobacco as any lit or unlit cigarette, e-cigarette, vape pen, cigar, pipe, bidi, clove cigarette, or any other smoking product. Smokeless or spit tobacco, dip, chew, snuff, or snus, in any form, are also prohibited. Property for the purpose of this policy includes buildings and structures, grounds, enclosed bridges and walkways, parking structures, parking lots, and vehicles, as well as personal vehicles in these areas.

Weapons

It is a violation of University policy to possess a deadly weapon on any University property. Weapons include, but are not limited to, firearms, tasers/stun guns, pellet guns, BB guns, airsoft guns, paintball guns, explosives, fireworks, and other deadly weapons or replica weapons.

Violation of University Policies

Violating—or encouraging or assisting someone in violating—any rule, regulation, or policy established by the Board of Regents, the President of the University, or an authorized representative within any college, division, department, office, or any other authorized University employee within the scope of his or her authority. Such rules, regulations, and policies will be published, posted, or otherwise publicized in a fashion that allows students the opportunity to attain adequate knowledge of such information.

Violation of Law

Committing any act, whether on campus or off campus, that adversely impacts or interferes with the University's normal function, or which endangers the general welfare of the University community, and that also constitutes a violation of federal, state, and/or local laws or regulations.

The foregoing examples are illustrative and are not to be considered an exhaustive list of possible violations. Any act that violates the principles of honesty and fairness, or damages the facilities that support the academic environment, including acts that do not fit neatly into any one of the aforementioned examples, may invoke the disciplinary process.

PROCEDURES RELATED TO BEHAVIORAL MISCONDUCT:

Introduction

The University has designed its Behavioral Conduct system to be educational, disciplinary, restorative, and fundamentally fair. All parties must receive equal and just treatment, with due respect for all individual rights and privileges. The University ensures that the Complainant alleging the policy violation has the same rights as the accused Respondent. Students are presumed innocent (not responsible) until they are proven guilty (responsible).

A student's silence will not be held against him or her. Further, the presumption of innocence shall not be grounds to construe that any Complainant or witness presented false testimony or evidence.

The University's jurisdiction over Student Conduct shall not be limited to conduct that occurs on the University's campus. The University shall also have jurisdiction for off-campus conduct in the following situations:

- student activity in direct connection with any credit-bearing experiences, including, but not limited to:
 - internships;
 - field trips;
 - study abroad; and
 - student teaching
- any activity supporting pursuit of a degree, including, but not limited to:
 - research at another institution or a professional practice assignment;
 - any activity related to an extracurricular activity in which a student serves as a representative of the University; and
 - conduct which adversely affects the University community and the pursuit of the University's objectives
- any activity that is considered a University-sponsored event, including, but not limited to:
 - away sporting events; and
 - performances (i.e., band, choir, debates)

Investigation and Determination

Allegations of misconduct may be initiated via several sources, including, but not limited to, law enforcement reports, incident reports, direct observations, and complaints. Any member of the University community may file a report against a student for misconduct. Reports should be prepared in writing and directed to the Student Conduct Officer or, in the case of infractions occurring in the residential community, to the Associate Director of Housing.

Reports not submitted in writing will be independently verified prior to initiating the conduct process. If a reporting party requests that his or her identity be withheld or that the allegation not be investigated, the University may consider if the request can be honored while still providing a safe and nondiscriminatory environment for the University. The reporting party should be aware that: (1) federal law mandates the University to report in certain cases, (2) the University cannot guarantee confidentiality, (3) honoring the request may limit the ability to fully respond to the incident, and (4) such request may limit the University's ability to carry out its conduct process.

The Behavioral Code of Conduct and its investigation/determination process are administrative functions, separate and distinct from local, state, and federal law. As such, the conduct process may proceed against students charged with a violation of the law when the alleged conduct is also a violation of the Behavioral Code of Conduct. The student conduct process may be carried out prior to, simultaneously with, or following any civil or criminal proceedings.

A student retains all rights and privileges of a student in good standing until he or she is determined to be responsible for violating a law or policy. However, in cases of emergency and necessity, such rights and privileges may be withheld or revoked to protect a student and/or to preserve the safety of the campus community.

Note: These procedures DO NOT apply to sexual misconduct, which is covered by Title IX.

BEHAVIORAL MISCONDUCT DISCIPLINARY PROCEDURES:

The University will use the disciplinary authority inherent in its responsibilities to protect its educational purposes and processes. In the exercise of this authority, the University shall ensure that the students alleged to have violated the Behavioral Code of Conduct shall receive adequate due process as prescribed by statute.

Standard of Evidence

The University uses the preponderance of the evidence standard to decide if a Respondent is responsible for a violation. This means that a determination is made based on whether it is “more likely than not,” or at least fifty-one (51) percent likely, that the Respondent committed a violation based on the available information.

Initial Process

After receiving a report, the Student Conduct Officer will review the circumstances of the incident and determine if the allegation represents a potential violation of the Behavioral Code of Conduct and if the potential consequence of the alleged violation could result in the Respondent’s dismissal or suspension from the University or from University Housing. The review may include a meeting with, or a request for further information from, any sources with knowledge of the incident for the purpose of determining if there is sufficient reason to believe that a violation occurred.

A report that alleges behavior not constituting a violation of the Behavioral Code of Conduct, or which lacks sufficient information, may be dismissed or otherwise not acted upon. If a Complainant disagrees with this decision, the Complainant may request a review by the Vice Provost for Student Affairs. If the Student Conduct Officer determines that the complaint/information merits further action, then a case file will be created and assigned to an investigator.

In the event, and at any time, the allegations constitute a potential violation of sexual misconduct, the matter will be immediately referred to the University’s Title IX Coordinator for review.

Investigation

An investigator will gather evidence, collect information, and/or meet with any Participant (i.e., any Complainant and Respondent) and any individual with knowledge of the complaint or incident (e.g., any witness) for the purpose of establishing the relevant facts of the case. Each Participant shall be provided with the following in his or her Charge Letter:

- (1) written notice of the Behavioral Code of Conduct violation or violations of which the Respondent is accused of violating;

- (2) specific details of the facts, as then known, upon which the alleged violation or violations are based;
- (3) the rights of the Participants in the conduct process; and
- (4) written notice of the time, place, and location of any investigative meeting/interview in which the Participant is scheduled or expected to appear

NOTE: The Participant shall be provided such notice at least three (3) business days prior to the scheduled event. If a Participant fails to attend or arrange a requested meeting, or otherwise disregards the written notice or request to meet, then a resolution may be made without his or her input.

Interim Measures

Pursuant to KRS 164.370, the Student Conduct Officer, or his or her designee, may issue interim measures at any point after the University becomes aware of an allegation or potential incident of misconduct and determines it necessary to enact the measures to protect the University, protect any member of the University community, or to mitigate the threat of disruption of, or interference with, normal University operations. Interim measures are not a determination of responsibility for misconduct, and the measures are limited in scope and time. Interim measures may include, but are not limited to, changes in a University Housing assignment, no contact orders, property restrictions, and changes to academic or employment arrangements/schedules.

If the Student Conduct Officer, or his or her designee, determines that a student's presence is of a serious or immediate threat to the University community, then the student may be suspended and/or immediately banned from University property. A student subject to interim measures shall receive written notice explaining the University's reasons for enacting the interim measures within twenty-four (24) hours of issuance. The student shall have the right to an interim measure hearing with the Vice Provost for Student Affairs to determine whether there is substantial information to believe that the student poses a risk to the University community and that any interim measure is appropriate to mitigate that risk.

The student will receive notification of the date, time, and location of the interim measure hearing, which shall occur within three (3) business days of issuance of the written notice, unless the student chooses to waive the hearing. If the student waives the interim measure hearing, the student's waiver does not constitute an admission of responsibility or a waiver of any other student rights. The student shall have the right to be represented by counsel at the interim measure hearing, at the student's own expense. If the student elects to be represented by counsel, the student should provide prior notice to the University through the Student Conduct Officer.

It should be noted that measures necessary to effectuate a judicial order shall not be subject to an interim measure hearing.

Evaluation of Report/Investigation

The Student Conduct Officer will review the results of the investigation to determine if the alleged behavior meets the elements for a violation of the Behavioral Code of Conduct and the seriousness of the alleged violation. If the investigation clears the Respondent of responsibility for an alleged violation, or if there is insufficient information, then charges against the Respondent may be dismissed. If the investigation discovers additional evidence that indicates a new or different violation of the Behavioral Code of Conduct, then charges may be added and/or amended. Charges and/or circumstances that are not serious enough to result in the Respondent's dismissal or suspension from the University or University Housing shall be resolved by the Student Conduct Officer. Charges and/or circumstances that are serious enough such that a finding of responsibility could result in the student's dismissal or suspension from the University or University Housing shall be referred to the All-University Court for an adjudication.

Adjudication Hearing With the Student Conduct Officer

If a substantiated charge is not serious enough such that it could result in the Respondent's dismissal or suspension from the University or University Housing, then the Student Conduct Officer may resolve the case. The Student Conduct Officer shall notify the Respondent in writing of the charges, the facts upon which the charges are based, and the date, time, and location of the hearing with the Student Conduct Officer. The hearing will be held no earlier than ten (10) business days from the date of notification, unless waived by the student in writing. If waived, the student may request an earlier hearing or accept responsibility for the charges without a hearing.

The hearing with the Student Conduct Officer is an informal discussion in which a Respondent is expected to represent himself or herself. The hearing will include a discussion of the alleged violation or violations, a presentation of relevant evidence, a discussion to establish any other relevant facts (including any mitigating or extenuating circumstances), and/or any defense that the Respondent wishes to present. If the Respondent accepts responsibility for the misconduct, then the Student Conduct Officer will determine the appropriate sanction or sanctions. If the Respondent does not accept responsibility for the misconduct, then the Student Conduct Officer shall determine if there is sufficient information/evidence to make a decision of responsibility. If further information is needed, the Student Conduct Officer may delay the hearing for additional investigation. Once there is sufficient information/evidence to decide, the Student Conduct Officer shall determine if the Respondent is responsible or not responsible for violating the Behavioral Code of Conduct.

The Respondent may appeal the Student Conduct Officer's report and decision to the Vice Provost for Student Affairs under the conditions and stipulations outlined in the appeals section. If the Respondent fails to meet with the Student Conduct Officer, or otherwise disregards the notice of hearing, then a final resolution may be made without the Respondent's input.

Adjudication Hearing with the All-University Court

If a substantiated charge of misconduct is serious enough such that it may result in the Respondent's dismissal or suspension from the University or University Housing, then a hearing with the All-University Court shall resolve the case.

The All-University Court shall be comprised of five (5) members—two (2) faculty members, two (2) staff members, and one (1) student member—approved by the President of the University. The term of each appointment shall be for one (1) year, subject to renewal each academic year. Membership to the All-University Court shall exclude any individual who conducts an investigation or presides over an alternative resolution process related to a pending case.

The Respondent shall be provided with the following:

- (1) written notice of the Behavioral Code of Conduct violation or violations of which the Respondent is accused of violating;
- (2) the specific details of the facts upon which the alleged violation or violations are based;
- (3) the rights of the Participants in the conduct process; and
- (4) the date, time, and location of the hearing.

The hearing will be held no earlier than ten (10) business days from the date of notification. The Respondent shall be permitted reasonable continuing access to the administrative file for the case, with such access beginning at least seven (7) business days prior to the hearing. All evidence and/or lists of witnesses that the University and/or a Participant intends to introduce at the hearing are expected to be submitted to the

administrative file, through the Student Conduct Officer, at least three (3) business days prior to the hearing. Any evidence and/or lists of witnesses that are submitted fewer than three (3) days prior to the hearing shall only be admissible at the discretion of the All-University Court Chairperson. The Participants shall be immediately notified if evidence and/or witnesses are admitted within three (3) days of the hearing.

The hearing body shall create and maintain an administrative file of certain documents and evidence related to the disciplinary proceedings in transcript, audio, or video recording format, but shall not include privileged documents or internal memoranda that the institution does not intend to introduce as evidence at any hearing on the matter. The file shall be the property of the University and maintained by the Student Conduct Officer.

The Respondent shall have the right to be represented by counsel at his or her own expense. Written notification of representation shall be made to both the Office of the Student Conduct Officer and to the Office of General Counsel. Upon receiving the written notification of representation, the University will direct all correspondences related to the hearing to both the Respondent's counsel and to the Respondent. Counsel for the Respondent may represent the Respondent at each material phase of the conduct process, including any alternative resolution, meeting, hearing, or appeal on the matter.

The hearing will be closed to the public. The Respondent may also be accompanied by up to two (2) advisors, who may only serve in a support capacity and may not participate in the questioning or discussion. The Respondent will be given the opportunity to hear the evidence presented and to question witnesses who testify.

The Respondent shall have the right to:

- (1) make opening and closing statements;
- (2) present relevant evidence; and
- (3) cross-examine any witness, personally or through counsel, as permitted by law.

However, cross-examination of a student who is a victim or Complainant that is personally conducted by the Respondent shall require the Respondent to submit the questions to the All-University Court Chairperson. The Chairperson shall ask all the relevant questions to the Complainant, state the rationale for excluding any questions, and grant the Respondent the right to amend any excluded questions for resubmission. The Respondent may remain silent, which will not be adversely considered against the Respondent.

At the conclusion of the presentation of all evidence and closing statements, the All-University Court will move into closed session for deliberation. The All-University Court shall determine whether the Respondent violated each section of the Behavioral Code of Conduct of which the Respondent is charged. The determination will be made by a simple majority vote on the basis of whether it is "more likely than not" that the Respondent violated the Behavioral Code of Conduct. Only evidence in the case file determined by the Chairperson to be relevant and admissible may be considered in the determination of the Respondent's responsibility.

If the All-University Court finds that the Respondent is responsible for violating the Behavioral Code of Conduct, then it shall also determine the appropriate sanction or sanctions. Should the Respondent fail to appear, and the All-University Court determines that the notification process was reasonable and adequate, the case may then be heard *in absentia* and decided with the available evidence. If the Respondent withdraws or otherwise leaves the University, the All-University Court retains the option of conducting a hearing.

The Chairperson of the All-University Court will notify the Student Conduct Officer, in writing, of the Court's decision within ten (10) business days following the hearing. Within five (5) business days of receiving the decision, the Student Conduct Officer will provide the All-University Court's decision, in writing, to the

Respondent and any other appropriate individuals. The Respondent may appeal the decision to the President of the University under the conditions and stipulations outlined in the appeals section.

The hearing, except for the All-University Court's closed session, will be recorded and/or transcribed. The recording and/or transcription shall be added to the case file upon completion.

Alternative Resolution

Prior to a hearing, the participant may request an alternative resolution. Requests for an alternative resolution shall be made to the Student Conduct Officer, in writing, and may include the recommended mode of resolution (e.g., mediation, facilitated dialogue, restorative action). The mode of resolution must be agreed to by all parties (i.e., the Complainant(s), the Respondent(s), and the University). If one or more parties are not interested in attempting to resolve the matter through alternative resolution, the matter will proceed to a hearing.

If the parties agree to the alternative resolution, the Student Conduct Officer will make arrangements for the resolution. The Participants shall have the right, at any time before a resolution is reached, to stop the alternative resolution process and have the matter proceed to a Student Conduct Hearing. Failure by the Respondent to participate fully and actively in the alternative resolution, after agreeing to do so, may result in the matter being referred back to the Student Conduct Hearing. Alternative resolution may be offered and may begin before or after a charge letter is issued to the Respondent. Any matter resolved through alternative resolution is not subject to an appeal.

APPEALS:

Appeal of Decisions Made by the Student Conduct Officer

The Vice Provost for Student Affairs shall serve as the appellate judicial officer for student conduct decisions made by the Student Conduct Officer. A request for appeal must be in writing and submitted to the Student Conduct Officer within five (5) business days following written notification of the conduct decision. The appeal is not simply a second hearing; therefore, the request for appeal must clearly state the reason or reasons for seeking modifications to the decision. The reason or reasons stated must be stated under one or more of the following criteria:

- (1) whether the hearing was conducted fairly and in accordance with the procedures outlined in the Behavioral Code of Conduct;
- (2) whether there was sufficient information presented at the hearing to establish, by a preponderance of the evidence, that a violation of the Behavioral Code of Conduct occurred;
- (3) whether the imposed sanctions are appropriate; and
- (4) whether there is new information that was not known at the time of the hearing, which, if presented at the hearing, would more likely than not have altered the hearing decision

The Student Conduct Officer will forward the appeal letter to the Vice Provost for Student Affairs within five (5) business days of receipt. The Respondent may request, in writing to the Student Conduct Officer, suspension of all or part of the decision being appealed while awaiting the appeal process. The Vice Provost shall review the findings of the hearing, including the case file, hearing transcripts, and other evidence relating to the case. At the discretion of the Vice Provost, the review process may include a meeting with the Respondent. The Vice Provost shall issue a decision within ten (10) business days through written notification to the Student Conduct Officer and the Respondent. The Vice Provost may remand a case, dismiss some or all charges, affirm the original decision, or change the sanction or sanctions imposed. The decision of the Vice Provost is final.

Appeal of Decisions Made by the All-University Court

Decisions of the All-University Court may be appealed to the President of the University. A request for appeal must be in writing and submitted to the Student Conduct Officer within five (5) business days following written notification of the conduct decision. The Student Conduct Officer will then forward the appeal letter to the President of the University within five (5) days of receipt. The Respondent may request, in writing to the Vice Provost for Student Affairs, suspension of all or part of the decision being appealed while awaiting the appeal process.

The President shall review the findings of the hearing, including the case file, hearing transcripts, and other evidence relating to the case. At the discretion of the President, the review process may include a meeting with the Respondent. The President shall issue a decision within ten (10) business days through written notification to the Student Conduct Officer and the Respondent.

The President's decision is final. Notwithstanding the President's final order, the Respondent shall have the right to a hearing pursuant to Kentucky Revised Statute 164.370 and Kentucky Revised Statute 13B.140.

SANCTIONS:

The University has the authority to impose consequences and/or sanctions on students who violate University policy. In determining possible consequences and/or sanctions, the University shall consider the violation at hand, the welfare of the student and the campus community, and the prior disciplinary record of the student, with the goal of assigning the minimum consequence and/or sanction necessary to prevent recurrence of the behavior.

Ultimately, the University's approach to sanctioning behavioral conduct violations is informed by an educational, developmental, and restorative perspective. The BRED (Balance, Restitution, Education, Dignity) Approach incorporates accountability and aims to serve all students equally in a fair and unbiased manner.

- *Balance* – taking a level of responsibility and acknowledgement of the conduct violation after a comprehensive investigative process
- *Restitution* – providing a level of service as a means of amending the disciplinary violation that has taken place, inclusive of financial obligations or service work
- *Education* – engaging in a form of education training or programming that is inclusive of opportunities through educational enrichment or mental health support
- *Dignity* – transitioning to a sense of pride and reconnection with the campus culture and growth in community engagement

When a student has his or her rights violated, or when he or she violates the rights of others, the campus community is affected, and appropriate consequences will follow. By using restorative practices, the University encourages students to take active responsibility for their actions and work to repair and heal any harm created by misconduct, as well as seek to minimize the recurrence of the inappropriate behavior.

Disciplinary Sanctions

Administrative Loss of Privileges

Suspension of the privileges of a student prior to, or as a component of, the disciplinary process. The student will receive written notification of any loss of privileges, including, but not limited to, the activity/function, the

event, or the place/location. Loss of privileges will be imposed for a designated period of time, and the parameters will be given to students in written form.

Expulsion

Expulsion is for an indefinite period of time, and it may be imposed even though the violator has not received a previous sanction of suspension, warning, or probation. Only when the President of the University or his or her designees removes a sanction of expulsion/dismissal may a student apply for readmission. Normally, dismissed students must wait two (2) years before requesting removal of the dismissal/expulsion sanction from their records, and annually thereafter. Expelled students must meet all other University requirements before being reinstated.

Fine

A monetary penalty imposed on students for violations. If a student is unable to pay a fine, he or she may instead perform community service. The number of community service hours required will be determined based on how long it would take the student to earn the fine's amount if he or she were paid the prevailing hourly wage for student employees.

Interim Suspension

The Vice Provost for Student Affairs or the Student Conduct Officer may suspend a student on an interim basis when there is a determination that the student's presence is of a serious or immediate threat to the University community, or when under crisis or emergency circumstances. The student retains the right of a hearing as outlined in the *K-Book*. Under the terms of interim suspension, a student may be asked to leave the campus immediately.

No Contact Order

A directive to refrain from any contact, direct or indirect, with one or more designated persons or groups through any means, including personal contact, email, text messaging, telephone calls, social media, or third parties. A No Contact Order may be temporary or permanent.

Parent Letter

If a student is a dependent student, as defined under FERPA, a copy of the student's decision letter and sanctions may be sent to the student's parents or guardians.

Social Suspension

A limitation on a student's ability to attend and participate in various social programs and community activities. Social suspension includes, but is not limited to, denial of permission to attend campus-wide events, concerts, and athletic events. Students on social suspension are not permitted to participate in any Registered Student Organization (RSO) events, including NPHC events.

Suspension

Temporary removal of a student from campus for a specified period. Suspension may be imposed even though the violator has not received a previous sanction of warning or probation. Under the provisions of Kentucky Revised Statute 164.370, a student suspended for violations of the Student Conduct Code shall have the right of appeal to the Board of Regents or its designee.

University Housing Suspension

Removal and ban of student from University Housing for a specific period of time. The sanction of suspension from a residence hall may be imposed even though the student has not received a previous sanction of warning or probation. Only when the designated period of suspension has expired may a student apply to live in

University Housing. Students who have been suspended from University Housing must meet all other sanctioning requirements before being reinstated.

University Housing Eviction

An indefinite removal of a student and a ban from University Housing. The sanction of dismissal from a residence hall may be imposed even though the student has not received a previous sanction of warning or probation.

Warnings

Probation

Written notice advising that any further violation of the Behavioral Code of Conduct will result in more serious sanctions. Probation may include designated restrictions on the student.

Reprimand

Written notice advising that the student's behavior has been found to be in violation of the Behavioral Code of Conduct. In addition, the student is advised against recurrence of behavior in violation of the Behavioral Code of Conduct.

Restorative and Educational Sanctions

Alcohol/Drug Assessment

Requires a student to meet with a qualified substance use/abuse counselor for an initial evaluation and follow-through on any prescribed education or treatment program and provide proof of completion or continued treatment.

Community Service

Required performance of community service hours at a location on campus as determined by the Student Conduct Officer or his or her designee. Students who do not complete their community restitution hours will be subject to further disciplinary action. At the discretion of the Student Conduct Officer, community service hours may be assigned in lieu of a fine or restitution.

Financial Restitution

Reimbursement for damages, misappropriation of property, financial loss due to fraud or gross negligence, or for the cost of personal injury.

Referral to Counseling and Health Services

Requires a student to visit the University's Counseling & Health Services for an initial evaluation and follow-through on any prescribed treatment program. Although the content of sessions will remain confidential, the student will be required to sign a waiver allowing Counseling & Health Services to communicate with the Student Conduct Officer regarding the student's commitment to scheduling and attending required meetings. s

Multiple sanctions may be imposed for a single violation. Additionally, a student's conduct record is cumulative. Therefore, increased or progressive sanctions should be expected for those students who have committed multiple violations.

FINES:

Violation:	Fine:
Any Lockout After the First	\$25.00
Ashes (from Cigarettes, etc.) Found in Room	\$100.00
Covering/Removing Smoke Detector	\$500.00
Failed Room Inspection (Cleanliness)	\$50.00
Failure to Evacuate During Fire Alarm	\$250.00
Illegal Drug Paraphernalia Found in Room	\$250.00
Illegal Drug Possession/Use (First Offense)	\$500.00
Illegal Drug Substance(s) (Second Offense)	\$750.00
Illegal Entry into Building/Room	\$100.00
Damage to Key Entries	\$2,000.00
Illegal Room Change	\$200.00
Illegal Use of Thorobred ID Card/Room Keys	\$100.00
Possession of Alcohol (First Offense)	\$150.00
Possession of Alcohol (Second Offense)	\$300.00
Possession of candles, incenses, wax-burners, etc.	\$150.00
Providing Alcohol to Minors	\$250.00
Removal of Furniture	\$50.00
Smoking in Room (First Offense)	\$500.00
Smoking in Room (Second Offense)	\$750.00
Unauthorized Appliances	\$100.00
Unauthorized Discharge of Fire Extinguisher	\$200.00
Unauthorized Entry/Exit through Emergency Door	\$250.00
Unauthorized Parties	\$100.00
Unauthorized Pets (First Offense)	\$150.00
Unauthorized Pets (Second Offense)	\$200.00
Authorized Pets Untamed (Leash, Harness, Muzzle, etc.)	\$250.00
Violation of Noise Policy/Quiet Hours	\$25.00
Visitation Violation (First Offense)	\$100.00
Visitation Violation (Second Offense)	\$200.00

The foregoing list of fines is not exhaustive, and the University reserves the right to impose reasonable fines for any violations not listed in the table. Additionally, the University may impose another sanction in lieu of a fine. For example, the University may evict a student from University Housing for a smoking offense instead of assessing a \$500 fine.

ADMINISTRATIVE INFORMATION:

Student Conduct Records and Release of Information

Conduct records, except for Title IX records, are maintained by the Student Conduct Officer within the Office of Student Affairs. The Student Conduct Officer is responsible for safeguarding the conduct records and ensuring privacy.

Files documenting academic integrity code violations, suspensions, and expulsions, including any records of previous student conduct action, shall be indefinitely maintained by the Student Conduct Officer in accordance with KRS 164.370. The student's admission record will indicate any action that prohibits readmission as long as the suspension/dismissal is in effect.

Files documenting student conduct violations, other than those leading to expulsion/dismissal of a student, will be retained until either three (3) years after graduation, three (3) years after the last date of attendance, or three (3) years after all sanctions have been met, whichever is longer, in accordance with Kentucky Revised Statute 164.370.

If a student fails to complete a sanction, the student's record will be annotated so as to restrict that student from registering for new courses. Once the sanction has been completed or removed—either by expiration or by action of the Student Conduct Officer—the notation will be removed from the record by the Student Conduct Officer.

The Student Conduct Officer or his or her designee may place an administrative hold on a student's account in order to compel the student's compliance with a reasonable request, administrative protocol, student conduct process, or sanction.

The University shall electronically publish reports of student discipline in accordance with Kentucky Revised Statute 164.370.
