



Cheyney University of Pennsylvania

THE STUDENT CODE OF CONDUCT

Cheyney University of Pennsylvania strives to maintain an intellectual atmosphere that is designed to foster and support students' educational objectives and which protects the health, safety, and welfare of all members of the university community. Moreover, Cheyney University works in collaboration with numerous stakeholders to nurture responsible, conscientious, and contributing citizens. To enforce these standards, Cheyney University has adopted the Student Code of Conduct.

The Student Code of Conduct is Cheyney University of Pennsylvania's formal policy pertaining to the adjudication of violations of the standards of behavior and conduct expected of students enrolled at the university. Every student is expected to uphold high standards of conduct in their day-to-day contact with all members of the university community. Additionally, students must observe all established policies, procedures, rules, and regulations, which govern the institution, as well as all local, state, and federal laws. Reasonable efforts are made to foster the personal, educational, and social development of those students who are found in violation of the Student Code of Conduct.

The Office of Student Activities is responsible for providing oversight of the process for protecting students' rights to live and learn in a safe, orderly, caring, and crime-free environment. On-campus resident students may also be subject to disciplinary action by the Office for Housing and Residence Life.

STANDARDS OF BEHAVIOR AND CONDUCT

The following represent those standards of behavior and conduct, which are considered violations of the Student Code of Conduct. These acts, and in some cases, the failure to act, necessitates disciplinary attention and will subject students to disciplinary action through the student judicial process.

The policies and rules outlined herein are not exclusive; students are advised that they are subject to additional policies and rules by Cheyney University of Pennsylvania. Students who participate in the Residence Life program are reminded that, in addition to the policies and rules identified in the Student Code of Conduct, they must also adhere to the provisions of the Housing Contract, as well as other procedures and regulations as directed by the Office for Housing and Residence Life.

MAJOR VIOLATIONS

A. GENERAL VIOLATIONS

1. Non-Compliance

Gross disobedience manifested by any of the following, including:

- A. Failure to comply with established rules and regulations;
- B. Willful disregard of an official and proper order from a university official acting within the scope of his/her employment responsibilities;
- C. Failure to provide a valid Cheyney University of Pennsylvania student identification card or other acceptable form of photo identification upon request to a duly designated university official.

B. VIOLATIONS OF UNIVERSITY POLICIES AND RULES

1. Dishonesty

Lying or deceiving manifested by any of the following, including, but not limited to:

- A. Falsification, including by forgery;
- B. Tampering, including by alteration;
- C. Fraudulent use of, including transfer to another, of university-issued keys or identification cards;
- D. Destruction or misuse of any official university document;
- E. Use of the university's name or brand, without proper authorization.

In addition, the following are considered violations of Dishonesty:

- Misrepresenting oneself with the intention of obtaining a benefit or to injure or defraud another;
- Alleging to represent the university or any of its recognized student organizations without specific prior consent from authorized officials, with the intention of obtaining a benefit or to injure or defraud another;
- Providing false statements to any university official or before the University Disciplinary Committee, including knowingly misrepresenting in person or in writing, the nature of events.

Violations of the University's Academic Integrity Policy will be handled by the Office of the Provost and Vice President for Academic Affairs.

2. Disorderly Conduct

Any conduct, as defined by Cheyney University of Pennsylvania, which deviates from acceptable standards of appropriate behavior, that is unbecoming a student, or which impedes, hinders, or prevents the orderly functioning of any of the university's academic or administrative operations, including, but not limited to:

- A. Fighting or engaging in a brawl or riot, including instigation;
- B. Lewd or indecent conduct, including the use of obscenities and profanity for the purpose of offending another.

3. Housing Contract Breach

It is the expectation of the Housing and Residence Life staff at Cheyney University of Pennsylvania that once a resident student receives a room assignment and is issued room keys, they understand the procedures and regulations governing the residential community. These procedures and regulations apply to all Cheyney University resident students and their guests, while in the residence halls. Furthermore, resident students and their guests are also expected to treat the Housing and Residence Life staff with dignity and respect at all times.

The following are considered as Housing Contract Breaches:

- A. Preventing an authorized individual from residing in an assigned room through coercion, threats, intimidation, or harassment;
- B. Being found in a single-gendered residence hall or on a floor of a co-educational building beyond or prior to visitation hours;
- C. Being found in a restroom or shower area designated for the opposite sex;
- D. Failure to participate in fire drills or failure to exit the building during the activation and sounding of a fire alarm;
- E. Having animals in the residence hall;
- F. Hosting or participating in an unauthorized party or gathering;

NOTE: *Six or more people in a room at one time shall constitute an unauthorized party or gathering. Gatherings of six or more people in a room at one time require pre-approval from the Assistant Director for Housing and Residence Life of the residence hall or their designee.*

- G. Illegally entering or exiting emergency doors;
- H. Making an unauthorized room change;
- I. Possession or use of an unauthorized appliance or candles/incense;
- J. Smoking in the residence hall;
- K. Unauthorized cooking;
- L. Unauthorized selling or solicitation;

M. Violation of the Courtesy Hours/Quiet Hours Policy.

Breach of Contract, as evidenced by a violation of any of the terms and conditions outlined in the Housing Contract will result in disciplinary action at the discretion of the Assistant Director for Housing and Residence Life of the residence hall, in consultation with the Director for Housing and Residence Life.

Such action may include, but is not limited to referral to the Residence Hall Council, referral to the University Disciplinary Committee, immediate removal from the Residence Life program, or Housing Contract termination.

4. Hazing

The Pennsylvania Hazing Law mandates that colleges and universities across the Commonwealth adopt policies prohibiting hazing. Such policies are intended to ensure that students and other persons connected with organizations recognized by the institution do not engage in any activity that can be construed as hazing. Students and student organizations found to be in violation of this policy will be dealt with severely, both by judicial action and criminal prosecution.

“Hazing,” as defined by the Pennsylvania Hazing Law, is:

“Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of, or recognized as, an organization by an institution of higher education. The term shall include, but not be limited to, any brutality of a physical nature, such as 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 which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme 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 could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public property. ...Any activity...upon which the initiation or admission into or affiliation with or

continued membership in an organization is directly or indirectly conditioned shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.”

In addition to hazing, the following is considered to be a violation:

- A. Conducting or participating in unapproved membership intake activities, on-campus or off-campus.
- B. Participating in on-campus or off-campus membership intake activities by an approved or unrecognized Greek letter or social organization outside of the intake window approved by the university (pre-pledging).

Furthermore, any inductee (pledge) who willingly participates in any act of hazing will also be considered in violation of this policy.

5. Sanction Violation

Violation of a sanction imposed by the Residence Hall Council or the University Disciplinary Committee, including, but not limited to:

- A. Violation of the terms and conditions of a sanction;
- B. Failure to complete a sanction by the deadline;
- C. Committing violations of the Student Code of Conduct during a period when conduct probation, disciplinary probation, or interim suspension has been imposed.

Students who come before the University Disciplinary Committee in a recurring manner will be subject to sanctions being imposed that are greater in severity each time.

C. VIOLATIONS OF LOCAL, STATE, OR FEDERAL LAW

1. Acts of Intolerance

Hate crimes that show evidence of prejudice based on race, ethnicity, sexual orientation (known or perceived), or affectional preference.

Acts of intolerance, for the purpose of this policy, include, however, are not limited to physical, verbal, or written harassment or intimidation. Those found to be in violation of this policy will be dealt with severely and subject to harsh penalties.

2. Alcohol

Commonwealth of Pennsylvania law prohibits possession, consumption, and distribution of alcoholic beverages by, and to, those under the legal drinking age. Cheyney University of Pennsylvania is a dry campus; accordingly, the possession, consumption, or distribution of an alcoholic beverage on campus and in the residence halls is prohibited, regardless of an individual's age.

Underage students found to have consumed alcoholic beverages, as well as those who are publicly intoxicated, will be subject to disciplinary action. In addition, Cheyney University prohibits the display of empty containers of alcohol in the residence halls by resident students. Empty alcohol containers, including those with trace amounts, found in residence hall rooms as well as others places on campus will subject those students to disciplinary action. Furthermore, students found to be in possession of, consumption of, or who have distributed alcoholic beverages will also be subject to disciplinary action.

3. Civil or Criminal Statues

Any exclusive or independent violation of university policies and rules that are also a violation of the laws of the Commonwealth of Pennsylvania or of the United States of America that would have an adverse impact on the university.

In addition, students who are cited and/or arrested for violations of local ordinances or of State and/or Federal laws will be considered to have infringed this policy.

The sanctions to be imposed upon a student for a violation of this policy may depend upon charges brought against the student by outside agencies.

4. Environmental Health and Safety, including Fire Safety

Students are expected to observe environmental health and safety mandates, including fire safety guidelines by exercising prudence and adhering to the procedures and regulations established.

The following are considered to be violations:

- A. Setting or causing a fire, including arson;
- B. Tampering, including damage, destruction, misuse, or other inference with life-safety equipment. This includes, but is not limited to emergency exit doors, fire extinguishers, pull stations, smoke detectors, and sprinklers;

- C. Failure to exit a building upon the activation and sounding of a fire alarm, including failure to participate in a fire drill;
- D. Failure to secure a permit for outdoor cooking/grilling with the use of an open flame on university premises;

NOTE: *Effective with the fall 2008 semester, barbeques and cookouts, must be approved by the Office of Public Safety or the Office of Student Activities. For more information about the University's Outdoor Events Policy, please consult the Cheyney University Student Handbook or the Office of Student Activities, 108 Marcus Foster Student Center.*

- E. Any other violation of university procedures and regulations intended for the health, safety, and welfare of the university community.

5. Harassment, Intimidation, or Threats

Conduct by an individual or group, which creates or has the intended outcome of creating a hostile, intimidating, or offensive environment for another.

The following are considered to be violations:

- A. A course of conduct or repeatedly committed acts, which serve no legitimate purpose;
- B. Mocking, taunting, or the use of derogatory slurs and epithets towards another;
- C. Direct or indirect threats to commit any act of violence with the intent to terrorize another.

In addition, threats to individual or university safety and security are also, for the purpose of this policy, considered to be a violation.

Such behavior interferes with the ability of another to receive the tangible benefits of education and may impede one's performance. Those found to be in violation of this policy will be dealt with severely and subject to harsh penalties.

6. Infliction of Harm

- A. Battery/Fighting: the use of physical force of any kind on another person, including beating or touching without the person's consent;

- B. Simple Assault: causing bodily injury to another, intentionally or recklessly;
 - C. Aggravated Assault: causing serious bodily injury to another, intentionally or recklessly;
 - D. Indecent Assault: any unauthorized touching of the intimate parts of another person's body;
 - E. Sexual Assault: any unauthorized touching of the intimate parts of another person's body with the intent to commit a sexual act;
 - F. Rape: forcing or coercing another, regardless of gender, to engage in a sexual act (anal, oral, or intercourse) without that person's consent or when the act is deemed without the person's consent because the person was incapable of understanding the nature of the act for any reason.
7. Illegal Drugs (including Obnoxious Odors)

Commonwealth of Pennsylvania law, as does, Federal law, prohibits possession, consumption, and distribution of illegal drugs. This includes, but is not limited to depressants, hallucinogens, and narcotics. Cheyney University of Pennsylvania has zero tolerance for illegal drugs on campus and in the residence halls.

Students found to have consumed illegal drugs, as well as those students who are found to be in possession of, consumption of or distributing (including those with the intent to sell) illegal drugs, will be subject to disciplinary action, arrest, and criminal prosecution. Possession of drug contraband and paraphernalia is also a violation and will be subject to disciplinary action.

Additionally, the use of substances that give off obnoxious odors similar to illegal drugs (*e.g.*, marijuana), which cause university officials to respond because of suspected use, and which causes material and substantial disruption or interference with the day-to-day operations of the residence halls will also be considered a violation of this policy whether or not actual illegal drugs are recovered.

8. Sexual Harassment

Cheyney University of Pennsylvania prohibits sexual harassment of students, staff, faculty, or administrators in any form.

An individual engages in sexual harassment when he or she makes unwelcome sexual advances, makes requests for sexual favors, or engages in other verbal or physical conduct of a sexual nature, when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or matters related to student status;
- B. Submission to, or rejection of such conduct by an individual is used as a basis for employment or curricular/co-curricular/extra-curricular decisions affecting such individuals; or
- C. Such conduct is sufficiently severe or pervasive as to have the effect of unreasonably interfering with an individual's performance or creating an intimidating, hostile, or offensive environment.

Sexual harassment can occur under an array of different circumstances, including, but not limited to the following:

- The victim, as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be a university official or employee, a student or student staff member, or a non-employee of the university.
- The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to directly inform the harasser that the conduct is unwelcome and must stop. If such behavior does not come to an end, keep a record of the harassment, including dates, times, places, etc. Also, be sure to obtain witnesses, if possible. Moreover, it is important to keep copies of any notes, cards, etc.

Students who believe that they are victims of sexual harassment or who have witnessed sexual harassment are encouraged to discuss the matter with any Housing and Residence Life staff member, Director for Student Activities or the Office of Human Resources.

All complaints must be referred to the Assistant to the President for Internal Relations and Social Equity for investigation. For more information about the university's Sexual Harassment policy, please review the policy.

9. Theft

For the purpose of this policy, theft shall be defined as, “taking, receiving, or attempting to take or receive the property of an individual or of the university, without the expressed consent of the owner.”

Additionally, the removal of any university furniture from classrooms, the dining hall, lounges, or other public areas without the permission of a university official will also be considered a violation.

10. Trespassing

Entering, and remaining in an area, including university residence halls, when not authorized to be there by a university official, when the individual had knowledge, by actual communication, whether verbal or written.

11. Vandalism

Causing damage to, or destroying the property of the university or the belongings or possessions of an individual.

12. Weapons

Weapons are prohibited on campus and in the residence halls.

The term weapon is used to describe any item, which includes, however, is not limited to the following:

- Chemicals;
- Cutting instruments or Cutting tools;
- Firearms (BB guns, paintball guns, etc.);
- Handguns;
- Knives;
- Rifles; and
- Shotguns.

In addition, ammunition and explosives, including fireworks, will also be considered as violations.

In cases where the definition is unclear, the context in which a particular object was used will determine whether it is indeed a weapon. Items modified or adapted so that it can be used or was used as a weapon will, for the purpose of this definition, be considered as such. The use or intended use of a laser pointer, mace, or pepper spray when used to inflict serious bodily injury is considered in this definition.

Cheyney University of Pennsylvania has zero tolerance for weapons. Students who have used, or who are found in possession of a weapon will be subject to immediate disciplinary action. Furthermore, they may be subject to arrest and criminal prosecution.

MINOR VIOLATIONS

A. VIOLATIONS OF UNIVERSITY POLICIES AND RULES

1. Guest Policy Violation

Visitors to the residence halls are expected to adhere to the procedures and regulations established by the Office for Housing and Residence Life and the policies and rules established by Cheyney University of Pennsylvania.

Students who participate in the Residence Life program assume responsibility for their guests when they sign them in to the residence hall.

The following are considered violations of the Guest Policy:

- A. Hosting a guest in the residence hall who has failed to adhere to the procedures and regulations governing visitation;
- B. Housing or hosting guests of the opposite sex or same sex in the residence hall without prior approval from the Assistant Director or Designee;
- C. Hosting a guest of the opposite sex or same sex beyond or prior to visitation hours;
- D. Hosting a guest who is found to be in a restroom or shower area designated for the opposite sex.

2. Gambling

Engaging in any game of chance or that involves the exchange of money, goods, or services on university property or in university facilities is prohibited.

B. VIOLATIONS OF LOCAL, STATE, OR FEDERAL LAW

1. Smoking

On June 13, 2008, Pennsylvania Governor Edward G. Rendell signed the Pennsylvania Clean Indoor Air Act into law. The provisions of the statute are effective September 11, 2008. The statute prohibits smoking in a public place.

The Pennsylvania State System of Higher Education (PASSHE) prohibits smoking on the campuses of the fourteen universities and at the Dixon University Center in Harrisburg; this includes Cheyney University of Pennsylvania.

Definitions:

Smoking – the carrying by a person of a lighted cigar, cigarette, pipe, or other lighted smoking device.

Public Place – an enclosed area which serves as a workplace, commercial establishment, or an area where the public is permitted or invited. This includes facilities which provide education, food, or health care related services, as well as those to which the public is invited or in which the public is permitted.

Enforcement:

Students found to have violated the Act, in accordance with PASSHE policy, will be referred to the Pennsylvania Department of Health or the Chester or Delaware County Board of Health. In addition, students found to have violated the Act may be subject to administrative and criminal penalties by these entities ranging from a fine not to exceed \$250 to a fine not to exceed \$1,000.

Questions regarding this policy may be addressed to the Vice President for Student Affairs and Student Life. Students requiring additional clarification may also consult *Board of Governors Policy 1989-03: Smoking in State System Buildings and Facilities*.

SANCTIONS

Violations of the Student Code of Conduct will result in a sanction being imposed. Sanctions are intended to provide educational experiences that will develop behaviors and conduct demonstrative of responsible citizenship. For that reason, sanctions are levied relative to the nature and scope of the violation. Repeat offenders will be subject to greater penalties than a first-time offender.

To ensure that an educational environment characterized by collaboration, collegiality, and cooperation is maintained, Cheyney University of Pennsylvania has the right to levy sanctions against any student or student organization, including Greek letter and social organizations, found responsible for violating the standards of behavior and conduct established by the university. Students who aid, abet, encourage, request, initiate, assist, or have knowledge of any other student, non-student, or student organization in acts which violate this document or participates in a violation of this document will be subject to disciplinary action as if the student or student organization has actually committed the violation. Elected student officials, more specifically, class and Student Government Cooperative Association (SGCA) officers who are found responsible for a violation of the Student Code of Conduct by the University Disciplinary Committee may be subject to removal from the elected office.

Serious violations that threaten the health, safety, and welfare of individuals may result in immediate suspension or expulsion from Cheyney University.

Disciplinary Sanctions

The following are possible disciplinary actions (sanctions), which may be imposed for a violation. This list shall not be taken to be exhaustive and may be enlarged or modified to meet the particular circumstances in any given case:

Expulsion: Students subject to this sanction will be permanently separated from the University. This action involves the following: forfeiture of all rights and degrees not conferred at the time of expulsion; permanent notation of the expulsion on the student's academic and disciplinary records; withdrawal from all courses in accordance with university policy; and forfeiture of tuition and fees. See REFUND POLICY in the Student Handbook. ***Students expelled from Cheyney University must refrain from visiting university premises.***

Disciplinary Suspension: Students subject to this sanction will be involuntarily separated from the University for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. This action involves the following: loss of the privilege to be enrolled as a student at Cheyney University, from one to eight semesters; notation of the suspension on the student's disciplinary records; withdrawal from all courses in accordance with university policy; and forfeiture of tuition and fees. See REFUND POLICY in the Student Handbook. ***Students suspended from Cheyney University must refrain from visiting university premises except when engaged in official business approved by the Vice President for Student Affairs and Student Life.***

Residence Hall Suspension: Students subject to this sanction will be involuntarily separated from the Residence Life program at Cheyney University of Pennsylvania for a specified period of time with the understanding that the student may be returned to good standing at the completion of the suspension period. This action involves the following: loss of the privilege to reside in the residence halls of Cheyney University, as specified by the University Disciplinary Committee; and possible forfeiture of room and board. See REFUND POLICY in the Student Handbook. ***Students suspended from the Residence Life program must refrain from entering or visiting university residence halls.***

Deferred Suspension: Students subject to this sanction will be informed, in writing, that even though their conduct is unacceptable and the behavior displayed warrants suspension, a suspension is being deferred at this time. Students to whom a sanction of deferred suspension is imposed are not considered in good standing with the university.

Deferred suspension, like disciplinary probation, is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated. If during the period of deferred suspension, a student is again found responsible for a violation of the Student Code of Conduct or violating an order of the University Disciplinary Committee, the student can be immediately suspended from Cheyney University of Pennsylvania.

Disciplinary Probation: Students subject to this sanction will be informed, in writing that their conduct is unacceptable and the behavior displayed warrants probation for a specified period of time. Students to whom a sanction of disciplinary probation is imposed are not considered in good standing with the university.

Disciplinary probation is a period of review during which the student must demonstrate the ability to comply with university policies, rules, and all other requirements, as stipulated.

Disciplinary Reprimand: Students subject to this sanction will be informed, in writing, that their conduct is unacceptable and the behavior displayed violates one or more of Cheyney University of Pennsylvania's policies, procedures, rules, or regulations.

Restrictions: Students/student organizations subject to this sanction will be informed, in writing, that they are banned from specific activities for a specified period of time.

Restitution: Students subject to this sanction will be required to provide reimbursement for damage to or misappropriation of property. Restitution may take the form of appropriate service or other compensation.

Interim/Immediate Suspension: Students subject to this sanction will be informed, in writing, that they are suspended from Cheyney University of Pennsylvania, pending final disposition of the student's case. This action will be imposed if it is determined that the student's continued presence constitutes an immediate threat of harm to the student, other students, university personnel, or university property. If a student is suspended under these conditions, a hearing shall be convened within ten (10) business days, unless extenuating circumstances warrant an extension, in which case a hearing shall be provided at the earliest possible date. ***Students suspended from Cheyney University must refrain from visiting university premises or entering university facilities.***

Educational/Developmental Assignments: Students subject to this sanction will be given the responsibility of attending, hosting, or presenting an educational or developmental program or workshop.

Community Service: Students subject to this sanction will be given a specific number of hours to perform service for the Cheyney University of Pennsylvania community. The department supervisor must submit written approval for service, as well as confirmation upon completion.

DISCIPLINARY PROCEDURES

When a student is charged with a violation of conduct regulations, disposition of the student's case shall be according to constitutional regulations and due process as outlined below:

- All complaints of alleged violation by a student shall be made in writing and submitted to the Office of Public Safety or to the Office of Student Activities. Each complaint shall contain a statement of facts outlining each alleged act of misconduct, and shall state all regulations that the student is alleged to have violated.
- The student shall be notified of the alleged violation in writing by the Chairperson of the University Disciplinary Committee at least 72 hours in advance of the hearing. Notices will be delivered to the residence halls or sent to the home address, where appropriate.
- Notices shall include: the date, time, and location of the hearing; a statement of the specific charges and grounds for which, if proven, would justify disciplinary action being taken; the names of witnesses scheduled to appear and a summary of the testimony each witness is expected to give; and notice to the student that he/she is entitled to bring an advisor of his/her choosing. Where there is reasonable proof that a letter has been delivered, the student will be held responsible for honoring the hearing date.
- Cheyney University guards against violence, the threat of violence, and the possession of a deadly weapon or illegal drugs by any person residing, working, or visiting on the campus. Violations of this policy can result in severe and immediate penalties, including but not limited to suspension from campus, residence halls, or university-sponsored activities pending the outcome of the hearing.
- Students accused of minor violations will be offered the opportunity to waive their right to a hearing, admit responsibility for the violation, and accept the sanction or request a formal hearing.
- Any student or student organization who fails to appear at an initial conference will be scheduled for a second judicial conference only if a written excuse is submitted to the chair of the Disciplinary Committee and a new date is approved by same. Any student or student organization who fails to appear at an initial conference may be subject to disciplinary action in their absence if no excuse is offered prior to the hearing. Any students or student organizations who fail to appear at the second scheduled judicial conference consent to the conducting of said conference in their absence.
- The decision reached at the hearing will be communicated in writing to the student. Additionally, the student shall be notified in writing of his or her right to appeal the decision of the University Disciplinary Committee. In cases of appeal, any action assessed by the hearing body shall remain in effect, pending the outcome of the appeal to the Vice President for Student Affairs and Student Life.

Family Educational Rights and Privacy Act (FERPA).

Parents of all students eighteen (18) years of age or older will not be provided with disciplinary information except as permitted by Family Educational Rights and Privacy Act (FERPA). Therefore, a student will be expected to notify his or her parent(s) or guardians of the charges. Parent(s) or guardians may request a conference with the Vice President for Student Affairs and Student Life, with the written approval of the student and in his/her presence. Absent such permission and due to federal regulations, which dictate the privacy of a student's educational record, Cheyney University administrators will not discuss the matter, nor will parents receive notification.

STUDENT RIGHTS AND PREPARATION FOR THE JUDICIAL HEARING

At hearings of the University Disciplinary Committee, a student shall be afforded all rights required of due process, including:

- The right to an advisor of his/her choice. (Advisors may not speak during the hearing.);
- The right to question the complainant;
- The right to present evidence in his/her behalf;
- The right to call witnesses in his/her behalf and cross-examine other witnesses;
- The right to remain silent and have no inference of guilt drawn from such silence;
- The right to be advised of his/her right to appeal the decision of the University Disciplinary Committee;
- The right to request mediation. (This request can only be granted if all parties agree to the measure.); and
- The right to attend classes and required university functions until a hearing is held and a decision is rendered. Exceptions to this would be made in the event of an interim/immediate suspension, when the University, in its sole discretion determines that the student's presence would create a substantial likelihood of material interference with the normal operation and processes at the university by posing a risk to the health, safety, or welfare of the campus community.

- A written summary or audiotape record of the hearing at university expense. The student may be required to pay the cost of copying requested records.

THE UNIVERSITY DISCIPLINARY COMMITTEE

The composition of the University Disciplinary Committee shall be as follows:

- Three (3) tenure/tenure-track faculty members to be approved by the Provost and Vice President for Academic Affairs;
- Seven (7) regularly-enrolled students, to include one (1) from each active residence hall to be recommended by the Assistant Director for Housing and Residence Life in charge of the building and two (2) recommended by the Student Government Cooperative Association (SGCA); and
- Three (3) administrative staff members to be approved by the Vice President for Student Affairs and Student Life.

Students who serve as members of the University Disciplinary Committee must have a minimum cumulative grade point average (GPA) of 2.5 and will be formally appointed as university volunteers, in accordance with Board of Governors policy.

Preliminary investigations of charges against students shall be made by the University Disciplinary Committee through its Chairperson. Per the Collective Bargaining Agreement (CBA) between the State College and University Professional Association (SCUPA) and the Pennsylvania State System of Higher Education (PASSHE), the Chairperson of the University Disciplinary Committee at Cheyney University of Pennsylvania is a (SUA) State University Administrator position, specifically, the Director of Student Activities.

The Chairperson shall expeditiously set the time and place for a hearing and shall notify the other members. From that point, all summoning of defendant(s) and witnesses shall be done by the Chairperson. Students subject to an interim/immediate suspension by the Vice President for Student Affairs and Student Life or his/her designee shall have a hearing within ten (10) business days, as dictated by Commonwealth regulations.

Decisions of the University Disciplinary Committee shall be by majority vote. A quorum will be necessary to hold a hearing. A quorum shall consist of four members; two faculty/staff, one student, and the Committee Chair or Designee. Any member of the University Disciplinary Committee shall disqualify himself/herself if personal involvement in the case is of such a nature as to be detrimental to the interest of the accused or the institution. All potential facts that may give rise to a question of disqualification should be provided to the Chairperson for final resolution. The decision of the Chairperson shall be final. In the event that the Chairperson has a conflict, such conflict shall be disclosed to the Vice President for Student Affairs and Student Life. The decision of the Vice President for Student Affairs and Student Life, as to the Chairperson's participation, is final.

The decision shall be based on inherently-reliable evidence. Hearsay shall not be used as the sole evidence to establish any fact necessary to establish responsibility in any case. A student's previous disciplinary record shall not be used to establish responsibility in a current case; however, the hearing may include a student's previous disciplinary record in the event that the student is found responsible for violating the Student Code of Conduct, in an effort to determine the appropriate sanctions to be imposed.

The hearing, and other deliberations of the University Disciplinary Committee, shall be closed.

A brief determination letter shall be sent to the student(s), the Vice President for Student Affairs and Student Life, and others as appropriate, within five (5) business days after the hearing.

Members of the University Disciplinary Committee shall execute a Statement of Confidentiality, as to information received concerning any student disciplinary matter.

DISCIPLINARY APPEAL PROCEDURE

An appeal of the decision of the University Disciplinary Committee may be filed with the Vice President for Student Affairs and Student Life on the following grounds:

- The hearing process was conducted unfairly and in accordance with established procedures;
- There is new evidence or relevant information, not available at the time of the original hearing, which may alter the outcome of the case;
- The university policies, procedures, rules, or regulations alleged to have been violated were not properly interpreted or applied by the University Disciplinary Committee.
- The sanction imposed was not proportionate to the gravity of the misconduct.

In all cases, the student shall clearly state his/her grounds for appeal in his/her written statement to the Vice President for Student Affairs and Student Life by following the guidelines below.

- The aggrieved student must, within five (5) business days of receiving notification of the determination from an Administrative Hearing Officer or the University Disciplinary Committee, appeal in writing to the Vice President for Student Affairs and Student Life.
- Within five (5) business days of receiving the student's written appeal, the Vice President for Student Affairs and Student Life may appoint a Designee or a Special University Disciplinary Appeals Committee who will review all of the information presented (written summaries, audiotapes, and/or transcripts) in the case file and reports its findings to the Vice President.
- Should the Vice President for Student Affairs and Student Life elect to appoint a Special University Disciplinary Appeals Committee, then the composition will be as follows: (3) tenure/tenure-track faculty or staff members and (2) regularly-enrolled students, none of which would have a conflict of interest in reviewing the decision of the University Disciplinary Committee.
- After consideration of the findings of the Designee or Special University Disciplinary Appeals Committee, within five (5) business days, the Vice President for Student Affairs and Student Life shall make a decision, which shall be final. The Vice President's decision shall be provided in writing to the student.

When the Vice President for Student Affairs and Student Life has rendered a decision in writing on any appeal, the student is considered to have exhausted all remedies.