

University of La Verne

2015-2016 Housing Code of Student Conduct

The University of La Verne community is committed to fostering a campus environment that is conducive to academic inquiry, a productive campus life and thoughtful study and discourse. The student conduct program within the Housing and Residential Life Office is committed to an educational and developmental process that balances the interests of individual students with the interests of the University of La Verne community. The student conduct process is not intended to punish students; rather, it exists to protect the interests of the community and to challenge those whose behavior is not in accordance with our policies. Sanctions are intended to challenge students' moral and ethical decision-making and to help them bring their behavior into accord with our community expectations. When a student is unable to conform their behavior to community expectations, the housing student conduct process may determine that the student should no longer share in the privilege of participating in the on-campus housing community.

The Housing Code of Student Conduct is a subsection of the University Code of Student Conduct. As such it mirrors and aligns with the general processes, guidelines and expectations set forth by the University Code of Student Conduct. For more information on the University Code of Student conduct, please visit this [page](#).

The housing student conduct process is different from criminal and civil court proceedings. Procedures and rights in housing student conduct procedures are conducted with "fundamental fairness" in mind. However they do not include the same protections of due process afforded by the courts. Due process, as defined with-in these procedures, assures:

- Written notice and an administrative review meeting before an objective decision-maker.
- No student will be found in violation of Student Housing Policy or University of La Verne policy without information showing that it is more likely than not (i.e. preponderance of evidence) that a policy violation occurred.
- Any sanctions will be proportionate to the severity of the violation and to the cumulative conduct history of the student.

Housing Code of Student Conduct: Jurisdiction

Students living in a University of La Verne on-campus facility (residents) are provided a copy of the Housing Code of Student Conduct annually in the form of a Resident Handbook given to them upon move-in into residential facilities. An electronic copy is available [here](#).

Residents are responsible for having read and abiding by the provisions of the Housing Code of Student Conduct.

The Housing Code of Student Conduct applies to behaviors that take places or originate in on-campus housing facilities. It applies to residents, their guests and/or visitors. The Housing Code of Student Conduct is a subsection of the University Code of Student conduct. As such non-resident students and visitors can be held to the policies set in the Housing Code of Student Conduct when in on-campus housing facilities.

Student Housing Administrative Review Officers are also University of La Verne Administrative Review Officers. As such, Housing Administrative Officers may adjudicate University Code of Student Conduct policy violations and subsequently enact University sanctions as outlined in the University Code of Student Conduct.

The Housing Code of Student Conduct may be applied to behavior conducted online, via email or other electronic medium. Students should be aware that online postings such as blogs, web postings, chats and social networking sites are in the public sphere and are not private. These postings can subject a student to allegations of conduct violations if evidence of policy violations is posted online. The Housing and Residential Life office does not regularly monitor for this information but may take action if and when such information is brought to the attention of University of La Verne officials.

There is no time limit on reporting violations of the Housing Code of Student Conduct. However, the longer someone waits to report an offense, the harder it becomes for University of La Verne officials to obtain information and witness statements and to make determinations regarding alleged violations. Essentially, delayed reporting may limit the University's ability to take action.

Though anonymous complaints are permitted, doing so may limit the Housing's and the University of La Verne's ability to investigate and respond to a complaint. Those who are aware of misconduct are encouraged to report it as quickly as possible to the Office of the Dean of Students Affairs, Student Housing and Residential Education, or Campus Safety.

University of La Verne email (@laverne.edu) is the University's primary means of communication with students. Students are responsible for all communication delivered to their University of La Verne email address.

Parental Notification: The University of La Verne reserves the right to notify the parents/guardians of dependent students regarding any conduct situation, particularly alcohol and other drug violations. The University of La Verne may also notify parents/guardians of non-dependent students who are under the age of 21 of alcohol and/or other drug violations. Parental notification may also be utilized discretionarily by administrators when permitted by FERPA or consent of the student.

Code of Student Conduct: Policies

The University of La Verne considers the behavior described under the housing policy section (also available [here](#)) as inappropriate for the Student Housing community. These expectations and policies apply to all students living in or visiting on-campus housing

facilities. The Housing and Residential Life Office encourages community members to report to University of La Verne officials all incidents that involve the violation of policies listed. Any student found to have committed or to have attempted to commit misconduct as outlined in the policies section is subject to University sanctions and/or Housing sanctions.

Sexual or Racial Harassment: The University of La Verne is committed to maintaining a learning, working, and living environment that is free from sexual and other unlawful harassment for students, faculty, and staff. Consequently, sexual or racial harassment of La Verne students or employees is unacceptable and will not be tolerated. Complete information concerning harassment and complaints concerning discrimination and harassment can be obtained from any department head, Dean of Student Affairs Office, Title IX Coordinator, Human Resources or online [here](#) or at this [page](#).

Mandated Reporting – Per AB 1433, the University of La Verne is mandated to report to local law enforcement any report of a violent crime (i.e. willful homicide, forcible rape, robbery, or aggravated assault); hate crime (acts committed because of an actual or perceived characteristic as described in section 422.55 of the Penal Code); or sexual assault. While reporting of acts of violence is mandated, reporting of a victim's identity is not, unless the victim consents. If a victim does not consent to disclosing his or her identity, the alleged perpetrator's identity may not be disclosed either.

Interim Measures

Immediate Interim Suspension: Under the Code of Student Conduct, the Dean of Student Affairs or designee may impose restrictions and/or separate a student from the community pending the scheduling of an administrative review on alleged violation(s) of the Housing Code of Student Conduct or the University Code of Student Conduct

- when a student represents a threat of serious harm to others,
- when a student is facing allegations of serious criminal activity,
- when the behavior in question is so severe or pervasive that it significantly impacts a University community member's ability to normally participate in University life
- to preserve the integrity of an investigation,
- to preserve University of La Verne property and/or
- to prevent disruption of, or interference with, the normal operations of the University of La Verne.

Interim actions can include separation from the institution, removal from on-campus housing, housing relocation or restrictions on participation in the community pending the scheduling of an administrative review on alleged violation(s). During an interim suspension, a student may be denied access to University of La Verne housing and/or the University of La Verne campus/facilities/events. As determined appropriate by the Dean of Student Affairs, this restriction may include classes and/or all other University of La Verne activities or privileges for which the student might otherwise be eligible.

“No-Contact” Order: The University or the Student Housing Office may impose a “no-contact” order on two or more students where it is determined that:

- it is in the best interest of the students identified to minimize contact with each other;
- there is a health and safety concern; or
- contact may result in the escalation of incident.

“No-Contact” orders establish that any communication, or form of contact, whether in person, through an intermediary, phone, cell, text, email, written correspondence, or through a social media (like Facebook) is not permitted.

“No-contact” orders will remain in place until the University or the Student Housing Office has been able to conclude an administrative review. “No-contact” orders may remain in place after administrative review and without the need to have found students responsible as long as the “no-contact” is intended to a) minimize health and safety concerns or b) reduce the escalation of incidents.

Housing Code of Student Conduct: Overview of Process

This overview gives a general idea of how the Student Housing conduct proceedings work, but it should be noted that not all situations are of the same severity or complexity. Thus, these procedures are flexible, and are not exactly the same in every situation, though consistency in similar situations is a priority. The Student Housing conduct process and all applicable timelines commence with notice to an administrator of a potential violation of University of La Verne policies or Student Housing policies.

Once notice is received from any source (victim, campus safety, RA, 3rd party, online, etc.), the Student Housing Office may proceed with an administrative review with the student alleged to have violated policy (responding student). An administrative review officer will be assigned to oversee the administrative review process including sending notices to meet; meeting with respondent, victims and witnesses; investigating the incident(s); making a decision; and sending notice of decision.

An administrative review officer is a University Official designated, and trained, for the investigation, evaluation and decision making related to possible violations of the Code of Student conduct.

STEP 1: Notice of Administrative Review

Students identified as allegedly having violated a policy (respondents) of the Code of Student Conduct receive formal notice for an administrative review meeting. Notice is sent via a formal communication through e-mail communication to the respondent’s University of La Verne email account and/or hard- mail. The notice will:

- Provide notice of alleged violation and the time/date that it occurred (to the extent that is possible);
- Provide notice of specific policies respondents is alleged to have violated;
- Inform respondent of their right to schedule an administrative review meeting within a specified date (usually 3–5 days from date of notice);
- Inform the respondents of the right to have an administrative review meeting within a specific date (usually 7–10 dates from date of notice);
- Inform the respondents of their right to not attend or participate an administrative review meeting;
- Provide the respondents an opportunity to submit a written statement with their version of the events/incident;
- Provide the respondents information regarding the student code of conduct and process.

Individuals identified as victims or witnesses may also receive a notice requesting to meet with administrative officer to discuss incident(s) in question as part of the administrative review investigation.

STEP 2 – Administrative Review Meeting(s) and Investigation

The University will conduct an administrative review meeting into the nature of the incident, complaint or notice, the evidence available, and the parties involved. During the administrative review meeting, respondents will:

- Have an opportunity to share their perspective on the incident, present related evidence or identify possible witnesses;
- Have an opportunity to review the notice (statements) received by the University indicating a violation of student code of conduct;
- Be informed of the follow-up being done by the administrative review officer as part of their investigation. This may include additional administrative review meetings with respondent; intermediate action; or request for additional information;
- Be informed of expected date by which university official expects to notify respondent of out- come of administrative review process/investigation (usually 7 – 14 days from date of initial meeting).
- Should a responding student not attend/participate or schedule an administrative review meeting within the specific dates, the administrative review officer will proceed with their investigations and make decisions based on the information available to them.

The administrative review officer may take the following steps as part of their investigation of an incident:

- Initiate any necessary remedial actions on behalf of the victim (if any);

- Take necessary interim measures (as appropriate);
- Determine the identity and contact information of the party bringing the complaint, whether that person is the initiator of the complaint, the alleged victim, or a University of La Verne proxy or representative;
- Conduct an immediate preliminary investigation to identify an initial list of all policies that may have been violated, to review the history of the parties, the context of the incident(s), any potential patterns and the nature of the complaint;
- Conduct a comprehensive investigation to determine if there is reasonable cause to believe that the responding student violated policy, and to determine what specific policy violations should serve as the basis for the complaint;
- Meet with the party bringing the complaint;
- Interview all relevant witnesses;
- Obtain all documentary evidence and information that is available;
- Obtain all physical evidence that is available;
- Complete the investigation promptly by analyzing all available evidence;
- Make a finding, based on a preponderance of the evidence (whether a policy violation is more likely than not to have occurred than not have occurred);
- If there is insufficient evidence through the investigation to support reasonable cause, the allegations will be closed with no further action;
- Share the findings and update the party bringing the complaint on the status of the investigation and the outcome, where appropriate or required by law (e.g. Title IX).

Step 3 Findings

A student will be found “not responsible” where:

- The responding student was not involved in the alleged policy violation;
- The incident or behavior in question does not constitute a violation of the University of Code of Student Conduct or Housing Code of Student Conduct;
- Where there is inconclusive information to meet preponderance of evidence (i.e. whether a policy violation is more likely than not to have occurred).

In such instances where the student is found not responsible, the investigation will be closed and duly noted on the student conduct file. The investigation may be re-opened if new /relevant information is made available that it would significantly impact the finding.

A student will be found responsible where the administrative review officer determines that there is a preponderance of evidence (i.e. more likely than not to have occurred than not have occurred) that a code of student conduct policy was violated. In such incidents the administrative review officer will assign a sanction, notify the student respondent and duly note it on the student file.

Conduct Sanctions

One or more of following sanctions may be imposed upon any student for any single violation of the Housing Code of Student Conduct:

- Restitution: This sanction requires payment for damages to property.
- Fines: This sanction imposes a fee for the violation of a policy.
- Community/University of La Verne Service Requirements: This sanction requires that student perform some level of community service.
- “No-Contact” Order: This sanction requires that a student not have any contact with specified individuals.
- Loss of Privileges: This sanction imposes restriction on privileges or access to buildings, areas, or events normally afforded to a student.
- Confiscation of Prohibited Property: This sanction places items belonging to individual in a temporary hold until the items can be appropriately be removed from campus or destroyed.
- Behavioral Requirement/Contract: This sanction asks students to perform or follow outlined behavioral expectations.
- Educational Program: This sanction asks student to complete an educational project as specified by the administrative review officer. Projects may range from participation in a program/activity/project to writing a reflection paper and are at the discretion of the administrative review officer.
- Restriction of Visitation Privileges: This sanction limits an individual from having guests on-campus or being able to visit specific residence halls/buildings;
- Persona Non Grata from the University or specified facilities: This sanction informs the student that they are not allowed in or within 25 feet of University Housing facilities or University – as specified.
- Housing Warning: this sanction informs the student that they have engaged in behavior that is a violation of the housing code of student conduct and their behavior is of concern.
- Housing Probation: This sanction informs the student that they have engaged in behavior that has created a significant disruption to the University and on-campus housing community. It serves as notice that should the student engage in additional behavior that constitutes a policy violations they may ask to leave housing. This sanction also denotes that a student is not in good judicial standing with Student Housing or the University
- Housing Reassignment: This sanction requires students to relocate or move to a different room on-campus.
- No Re-Contract: This sanction informs students that they are not eligible to re-contract to live on-campus.
- Housing Removal: This sanction serves to inform the student that their Student Housing contract is being cancelled and as such will be required to vacate and

remove their belongings from housing facilities by a specified date. Housing removal sanctions are usually accompanied with “No Re-contract,” “Persona Non Grata” and “University Probation” sanctions. Upon a specified period of time, usually a year, a student may be eligible to re-contract with housing provided that they meet with an On Campus Housing official. Students returning to housing from housing removal sanction will be on a one year housing probation status.

- Other Sanctions: Additional or alternate sanctions may be created and designed as deemed appropriate to the offense with the approval of the Associate Director of Residential Life or designee.

As a University Official, a housing administrative review officer, may also invoke University wide sanctions when the behavior(s) or incident(s) for which a resident has been responsible for:

- Constitute a violation of University Policy not covered by Student Housing Policies
- The behavior(s) or incident(s) are so severe or frequent that University sanctions are necessitated

University wide sanctions include but are not limited to (For additional information on university wide sanctions, please visit this [page](#)):

- University Warning: this sanction informs the student that they have engaged in behavior that is a violation of the University Code of Student conduct and their behavior is of concern.
- University of La Verne Probation: This sanction informs the student that they have engaged in behavior that has created a significant disruption to the University community. It serves as notice that should the student engage in additional behavior that constitutes a policy violations they may be subject to university suspension or expulsion. This sanction also denotes that a student is not in good judicial standing with the University.
- Social Probation/Eligibility Restriction: This sanction informs the student that they are no longer to be an active member or officer in student organizations; hold a student leadership position (i.e. RAs, Welcome Week Leader, etc.); and/or participate/attend University of La Verne programs/events as specified.
- University of La Verne Suspension: This sanctions informs the student that they have engaged in behavior that has created significant disruption to the University such that, for a specified period of time, they are not eligible to be a student at the University of La Verne. University of La Verne Suspension sanctions are usually accompanied by “Persona Non Grata” sanctions. Upon return from University Suspension, a student will be required to meet with a University official and be on a one year University probation status.

- University of La Verne Expulsion: This sanction informs the student that they have engaged in behavior that has created significant disruption to the University such that they are not eligible to be a student at the University of La Verne. University of La Verne Expulsion may result in a “Student Conduct Action” notation in their University of La Verne transcript.

Notification of Outcomes

The outcome of an administrative review is part of the education record of the responding student and is protected from release under the Federal Education Rights and Privacy Act (FERPA), except under certain conditions. As allowed by FERPA, when a student is accused of a policy violation that would constitute a “crime of violence” or forcible or non-forcible sex offense, the University of La Verne will inform the alleged victim/party bringing the complaint in writing of the final results of an administrative review regardless of whether the University of La Verne concludes that a violation was committed.

Such release of information may only include the alleged student’s/responding student’s name, the violation committed, and the sanctions assigned (if applicable). In cases of sexual misconduct and other offenses covered by Title IX, only, the rationale for the outcome will also be shared with all parties to the complaint in addition to the finding and sanction(s).

In cases where the University of La Verne determines through the student conduct process that a student violated a policy that would constitute a “crime of violence” or non-forcible sex offense, the University of La Verne may also release the above information publicly and/or to any third party. FERPA defines “crimes of violence” to include: arson; assault offenses (includes stalking); burglary; criminal homicide—manslaughter by negligence; criminal homicide—murder and non-negligent manslaughter; destruction/damage/vandalism of property; kidnapping/abduction; robbery; forcible sex offences; non- forcible sex offences.

Failure to Complete Conduct Sanctions:

All students, as members of the University of La Verne community, are expected to comply with conduct sanctions within the timeframe specified by the administrative review officer or their designee. Failure to follow through on conduct sanctions by the date specified, whether by refusal, neglect or any other reason, may result in additional sanctions, holds on student records, and/or “no re-contract” with housing.

Student Conduct Appeal Review Procedures:

Any party directly involved in an incident (either as a victim or respondent) may request an appeal of the decision from an administrative review by filing a written appeal request, subject to the procedures outlined below. All sanctions imposed remain in effect, and all parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision.

Grounds for Appeal Request: Appeals requests are limited to the following grounds:

- A substantive error occurred that significantly impacted the outcome of the administrative review (e.g. substantiated bias, material deviation from established procedures, etc.);
- To consider new evidence, unavailable during the original administrative review or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
- The sanctions imposed are substantially disproportionate to the severity of the violation.

Appeal requests must be filed in writing with the Associate Dean of Student or designee within five (5) business days of the notice of the outcome to the administrative review, barring exigent circumstances. Any exceptions are made at the discretion of the Associate Dean of Student Affairs and, when appropriate, the Title IX Coordinator. All appeal requests must include the original decision, the original sanction, reason for appeal, and contact phone number and email address.

The Associate Dean of Student Affairs or designee will share the appeal requests by one party with the other party (parties) when appropriate under procedure or law (e.g., if the responding student appeals, the appeal is shared with the complainant, who may also wish to file a response, request an appeal on the same grounds or different grounds). The Associate Dean of Student Affairs or designee will refer the request(s) to the designated Appeal Review Officer for that case. The Appeal Review Officer will draft a response memorandum to the appeal request(s), based on the determination that the request(s) will be granted or denied, and why. The Appeal Review Officer will conduct an initial review to determine if the appeal request meets the limited grounds and is timely. They may consult with the Associate Dean of Students, Dean of Student Affairs and/or Title IX Coordinator on any procedural or substantive questions that arise.

If the appeal request is not timely or substantively eligible, the original finding and sanction will stand and the decision is final. If the appeal request has standing or merit, the Appeal Review Officer will consider the appeal or remand it to the original decision- maker(s), typically within 3-5 business days. Efforts should be made to remand to the original decision maker whenever possible, with clear instructions for reconsideration only in light of the granted appeal grounds. Where the original decision-maker may be unduly biased by a procedural or substantive error, the Appeal Review Officer will consider the appeal. Full administrative re-reviews are not permitted. In reviews, the original finding and sanction are presumed to have been decided reasonably and appropriately, thus the burden is on the appealing party(ies) to show clear error.

On consideration, the Appeals Review Officer or original decision maker may:

- affirm the findings and/or sanction of the original administrative review officer

- change the findings and/or sanctions of the original administrative review officer according to the permissible grounds. Substantive errors should be corrected, new evidence should be considered, and sanctions should be proportionate to the severity of the violation and the student's cumulative conduct record.

All decisions made in appeals are to be made within five (5) days of submission and are final, as are any decisions made by the original administrative review officer, Dean of Student Affairs or Title IX Coordinator as the result of reconsideration consistent with instructions from the Appeal Review Officer.

Complainant Rights

Complainants are afforded the following rights in this process:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To seek support services at the University or referrals for support services off campus.
- To privacy and protection under the Family Education Rights and Privacy Act (FERPA), as applicable. The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- To be informed of the University's Policies and Procedures related to Student Conduct.
- To a prompt and thorough investigation of the allegations.
- To have a support/advisor person present during all phases of the complaint process, including administrative review meetings*.
- To have information related to the alleged violation be reviewed with him/her by the Administrative Review Officer during an administrative review meeting.
- To participate or decline to participate in the disciplinary procedure. However, the Administrative Review Officer will determine an outcome with the information available to him/her.
- To refrain from making self-incriminating statements. However, the Administrative Review Officer will determine a resolution with the information available to him/her.
- To appeal the decision made by the Administrative Review Officer and sanctions determined by the Administrative Review Officer (or designee).
- To be notified, in writing, of the case resolution – including the outcome of any appeal.
- To report the incident to law enforcement if she/he wishes to do so and as appropriate.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

Respondent Rights

Respondents are afforded the following rights in this process:

- To be treated with respect, dignity, and sensitivity throughout the process.
- To seek support services at the University or referrals for support services off campus.
- To privacy and protection under the Family Education Rights and Privacy Act (FERPA), as applicable. The University will make all reasonable efforts to ensure preservation of privacy, restricting information to those with a legitimate need to know.
- To be informed of the University's Policies and Procedures related to Student Conduct.
- To a prompt and thorough investigation of the allegations.
- To have a support/advisor person present during all phases of the complaint process, including administrative review meetings*.
- To have information related to the alleged violation be reviewed with him/her by the Administrative Review Officer during an administrative review meeting.
- To participate or decline to participate in the disciplinary procedure. However, the Administrative Review Officer will determine a resolution with the information available to him/her.
- To refrain from making self-incriminating statements. However, the Administrative Review Officer will determine a resolution with the information available to him/her.
- To appeal either the decision or the sanctions determined by the Administrative Review Officer (or designee).
- To be notified, in writing, of the case resolution – including the outcome of the appeal.
- To understand that information collected in this process may be subpoenaed in criminal or civil proceedings.

The complainant and respondent may be accompanied by a “support person/advisor” during all phases of the administrative review process. The “support person/advisor” must be a current member of the University of La Verne Community, not otherwise involved in the incident or investigation, a family member, or attorney. The role of the “support person/advisor” at any administrative review or appeal meeting is that of an observer and/or advisor.