

Student Code of Conduct

The Student Code of Conduct was designed in collaboration with students to serve as a provision to protect the rights of both the individual and the campus community. It is a document which continues to be modified to adequately reflect the changes in community standards. Thus, the university reserves the right to alter this document at any time. The current Student Code of Conduct supersedes all previous policies and procedures. The latest policy revisions herein will govern all student conduct issues.

The Office of Student Conduct and Resolution's Policies and Procedures identifies the kinds of behavior that inhibit the normal functioning of the university and its constituents. It also describes the Student Conduct and Resolution Process, which may be enacted upon the notice of an alleged violation.

SUA's mission and educational goals can only be achieved with genuine community collaboration and respect for the rights of others. Therefore, knowledge of the Student Code of Conduct is a crucial element in creating a positive, safe, and healthy community. All students are responsible for informing themselves of these standards and conducting themselves with honor, integrity, and in the spirit of good citizenship. Students will be held accountable for adhering to the high standards of this institution as long as they are deemed as currently enrolled students.

Jurisdiction

SUA shall have jurisdiction over student behavior associated with the SUA Student Code of Conduct which takes place on campus, off campus, in person, and online. Any online postings or other electronic communication, including cyber-bullying, cyber-stalking, cyber-harassment and other policy violations will be subject to the Student Conduct and Resolution Process. Regardless of where the violation occurred, the Student Conduct and Resolution Process will be conducted consistently, in the same manner.

Each student will be responsible for their conduct as long as the student is enrolled and considered to be an SUA student, which includes breaks. The Student Code of Conduct shall apply to a student's conduct if the student withdraws from the university after the Student Conduct and Resolution Process had already begun. However, the university has no jurisdiction over a student who has officially withdrawn from the institution before an alleged violation occurred.

Reporting

Any Member of the SUA community may report alleged conduct by a student or student organization that may be a violation of our Student Code of Conduct. Any such report should be made either in writing or in person to the Office of Student Conduct & Resolution. The assistant director of student conduct & resolution will then review the incident statement to determine if the information provided constitutes initiating the Student Conduct & Resolution Process.

Student Code of Conduct

Each member of the university shares the responsibility for maintaining conditions conducive to the achievement of Soka's mission. The following is a non-exclusive list of misconduct that is prohibited and subject to the Student Conduct and Resolution Process:

Each member of the University shares the responsibility for maintaining conditions conducive to the achievement of the University's mission. The following is a non-exclusive list of misconduct that is prohibited and subject to the Student Conduct & Resolution Process:

a) Violation of the Campus Alcohol and Drug Policies.

- Examples include but are not limited to: Possessing, providing, or consuming alcohol while under 21 years of age; public drunkenness; transporting open containers of alcohol in public; possessing, providing, or consuming marijuana on campus
- b) Direct and indirect forms of abuse, threats, intentional or reckless endangerment, or causing physical harm to any person.
- Examples include but are not limited to: Verbal or physical conduct intended to cause fear or harm; using intimidation to coerce a particular course of action or attendance in or support of a cause or activity; blocking physical movement of an individual; hazing as defined in the Abuse, Hazing, and Violence Policy.
- c) Sexual misconduct as defined in the SUA's Equal Opportunity, Harassment and Non-discrimination Policy. The grievance procedures for resolving the alleged violations of the Sexual Harassment can be found in *SUA's Equal Opportunity, Harassment and Non-discrimination Policy*.
- Examples include, but are not limited to: Sexual harassment, sexual assault, domestic violence, dating violence, or stalking.
- d) Possession of a firearm or any other weapon on campus.
- Examples include but are not limited to: Knives, swords, explosive devices, BB or air pellet guns, paint-ball guns, spears and spear guns, and decorative weapons.
- e) Intentionally initiating or causing to be initiated any false reporting, warning or threat of fire, explosion, or other emergency.
- Examples include but are not limited to: Intentionally submitting a false report to campus authorities; falsely activating fire alarms or discharging fire extinguishers; making a false bomb threat.
- f) Disorderly or inappropriate conduct on University property or at official University functions.
- Examples include but are not limited to: Intoxication at any University sponsored events; inciting violence or violations of the law or University policy; display of obscene materials as defined by California law
- g) Forgery, unauthorized use of or alteration of any University document, card system or identification.
- Examples include but are not limited to: Using another's identification card to access buildings or the utilization of campus services (dining, health, recreational) or providing false (another person's identification card, state issued ID) or altered identification to authority, when that authority is acting within the scope of their duties.
- h) Intentionally or recklessly interfering with all normal University or University-sponsored activities, events and procedures.
- Examples include but are not limited to: Displays, signage, language, performance, noise or other expression, which causes disruption to university instruction, functions or authorized activities. Use of chalk on sidewalks or buildings, or otherwise causing damage to structures. Vandalism, including intentionally or recklessly destroying or damaging, or tampering with University property (safety equipment, fire extinguisher, security cameras or the property of others). A volume of noise that prevents others from carrying on normal university functions.
- i) Unauthorized entry or use of University facilities.
- Examples include but are not limited to: Unauthorized entry into a private office. Trespassing or entry into areas that are locked, fenced off or designated as restricted, (construction sites, hazard zones, etc.)
- j) Violation of the term of any sanction imposed in accordance with the Code.
- Examples include but are not limited to: Failure to complete assigned sanctions by due date, without prior authorization for an extension
- k) Theft of property; possession of stolen property.
- Examples include but are not limited to: Theft (items from lobby, office and building decorations, safety equipment, security cameras, property of others).

- l) Purposefully failing to comply with the reasonable directions of University officials (Campus Security officers, Residential Life staff, administrator)
- Examples include but are not limited to: Failure to disperse when directed.
- m) Violations of other published University regulations or policies.
- Such regulations or policies may include the *University Catalog*, *Student-Athlete Handbook*, *Peaceful Assembly Policy*, *Cyber-Bullying Policy*, *Equal Opportunity*, *Harassment and Non-discrimination Policy*, *IT Policies*, *Residential Life Guide*, as well as those regulations relating to governing student organizations.
- n) Actions violating University policies or inappropriate conduct by a student's guest.
- o) Violation of federal or state law of special relevance to the university including but not limited to sex offenses and indecent conduct.
- p) Hate violence motivated by hostility to race, ethnic background, religious belief, sex, age, disability, or sexual orientation.

Medical Amnesty Policy

Student health and safety are our top priority here at Soka. So much so that this policy was created in an effort to keep students from compromising their own or another student's well-being due to the fear or dislike of potentially being subjected to the disciplinary action by the university. Therefore, in cases of an alcohol/drug-related emergency (intoxication, alcohol poisoning, and/or drug overdose), SUA encourages student(s) to act on this policy whether on or off campus in order to ensure medical assistance for themselves and/or for another student who they observe to be or feel is dangerously intoxicated/under the influence of alcohol or an illegal substance. Therefore, if a student(s) meets all the required criteria on behalf of another student or for themselves, that student(s) will not be subject to disciplinary action for the violation of the Campus Alcohol, Marijuana, and Illegal Drugs Policy:

- Call university staff or local EMS/authorities for medical attention on behalf of another student or for themselves. Calling for medical attention may include a range of efforts such as a voluntary examination by university Residential Life staff, contacting local EMS/authority, seeking transportation to or visiting a hospital for more intensive care. It also includes asking for the assistance of Student Health Services.
- Medical intervention must be sought at the time of the observed conditions that give rise to a reasonable suspicion of alcohol/drug abuse.
- Remain with the person experiencing the emergency until medical assistance arrives.
- Meet with the assistant director of student conduct and resolution within five business days of the incident in order to request Amnesty.

Definition and Rights of the Reporting Party or Responding Party

Reporting Party

Any student or member of the SUA community may bring complaints related to a violation in the code of conduct to the Assistant Director of Student Conduct and Resolution, Director of Student Services, or the Dean of Students. In addition, criminal or civil complaints may be filed with the state of California if desired. The university encourages all those affected by the incident to report violations of the law to proper authorities on or off campus. A Reporting Party's rights will be upheld and strictly protected by the Office of Student Conduct and Resolution. A respectful, equitable, expeditious, and thorough fact-finding process will be conducted upon receipt of a complaint.

Non-SUA Reporting Party

A Reporting Party can also be a non-student and not be affiliated with the university community such as a guest or a visitor, and they can report a complaint against an SUA student or report an incident involving an SUA student with the Assistant Director of

Student Conduct and Resolution, Director of Student Services, or the Dean of Students. When the circumstances of an incident and/or the behavior of the Responding Party are considered to have a substantially adverse effect upon the integrity of the university and its community, disciplinary action may take place.

Responding Party

Students who are allegedly responsible for violating the Student Code of Conduct also have rights. A thorough fact-finding process will be conducted by the assistant director of student conduct and resolution upon receipt of a complaint. The Assistant Director of Student Conduct and Resolution will meet with all parties alleged of violating the Student Code of Conduct. The student(s) will then be provided an opportunity to respond to allegations of misconduct. After a respectful, equitable and expeditious review, the Assistant Director of Student Conduct and Resolution will attempt to resolve the complaint or refer the case to the Director of Student Services if necessary. The student(s) also has the right to appeal the decision.

Rights of Reporting and Responding Parties

The following rights are afforded equally to both the Reporting and Responding Parties:

- Be informed in writing of all allegations
- Discuss the incident with the assistant director of student conduct and resolution
- Submit a written statement to be considered by the assistant director of student conduct and resolution/director of student services/dean of students/Student Conduct and Resolution Appeals Board
- Present witnesses or their statements
- Be supported by a victim advocate or an advisor
- Be informed of the outcome of the Student Conduct & Resolution process as in accordance with applicable laws
- Appeal the decision

The Right to Review Records

A student conduct record is an educational record and is protected by the Family Educational Rights and Privacy Act (FERPA). This ensures confidentiality of student educational records and restricts disclosure to or access by third parties. However, those authorized by law such as officers of the federal and state governments and representatives of accreditation agencies may have legal access to these files, as well as SUA officials who are required to perform duties which necessitate having access to these files.

In addition, FERPA allows notification to parents/legal guardians and/or “emergency contact” of students when the University determines that a student(s), regardless of age, is in a situation that is threatening to their own health or safety or placed another in a situation that is threatening to their health or safety.

Appeals Process

This Appeals Process applies to all conduct cases other than Title IX cases which is outlined in Sexual Misconduct/Title IX Policy and Procedure.

A Responding Party or Reporting Party can appeal the decision. It is important to note that the purpose of the appeals process is only to review the decision to hold a student responsible for violating the Student Code of Conduct; not the sanctions. Sanctions issued from the original decision will remain in place during the appeals process, unless the Dean of Students makes an exception due to exigent circumstances, such as an undue burden. If the decision to hold a student responsible is upheld, the sanctions remain the same. A student can only appeal once and the decision made by the appeals process will be final.

Grounds for Appeal

The following are the only grounds for appeal:

- **New facts/information:** New facts/information that could potentially alter the outcome of the case became available after the decision. Failure to present facts/information available prior to the decision is not grounds for an appeal under this provision.
- **Insufficient facts/information:** The decision was not based on substantial facts/information; that is, the Reporting Party or Responding Party believes the facts/information supporting the decision was insufficient to establish that a violation of the code of conduct occurred.
- **Procedural issue:** The Conduct and Resolution procedures were not followed in some material respect that resulted in significant detriment to the appealing party.

Requesting an Appeal

If the student chooses to appeal, the student must make a request in writing to the Assistant Director of Student Conduct and Resolution within five business days of the date of the original decision. The request should include which grounds the student will base the appeal upon (new facts/information, insufficient facts/information, or procedural issue). Within 10 business days from the date of the request to appeal, the student must submit a written statement which includes the grounds for appeal and any documentation supporting the argument for appeal. Documentation may include witness statements, pictures, copies of electronic communication, or other relevant materials. Documents may be delivered via email as a singular electronic file or printed as a hard copy.

Review of an Appeal

If the original decision was rendered by the Office of Student Conduct and Resolution (Assistant Director of Student Conduct and Resolution or Director of Student Services) a student may appeal to either the Dean of Students or to the Student Conduct and Resolution Appeals Board. If the original decision was rendered by the Dean of Students, a student may appeal to the Student Conduct and Resolution Appeals Board.

Appeal to the Dean of Students

If a student appeals to the Dean of Students, the dean will receive the appeal statement and accompanying documentation from the student. The Office of Student Conduct and Resolution will provide the dean with all documentation which led to the original decision.

After reviewing all information, the dean must first determine if the appeal meets the grounds to be heard. If the appeal does not meet one of the three grounds, the original decision will stand. If the appeal does meet one of the three grounds, the dean will then determine if it is more likely than not a student violated a Student Code of Conduct policy.

Appeal Result and Sanctions

- If a student is found not responsible for violating the Student Code of Conduct, no sanctions will be applied.
- If a student is found responsible for violating the Student Code of Conduct, the original sanctions will remain in place.
- If the student was originally found not responsible, and through the appeal process the student is found responsible, the dean will refer the case back to the Office of Student Conduct and Resolution to determine appropriate sanctions.

The dean will inform the student of the appeal outcome in writing and the decision will be final.

Appeal to the Student Conduct and Resolution Appeals Board

The Student Conduct and Resolution Appeals Board, convened by the Dean of Students, is made up of two students elected by peers (generally SSU EC vice president and attorney general or other SSU EC members if necessary), two professional staff appointed by the vice president of administration and two faculty members appointed by the Dean of Faculty. One professional staff or faculty member will be appointed as a chairperson. The chairperson is a non-voting member except in the event of a tie vote.

All members of the Appeals Board will receive training on the Student Code of Conduct, Process and Procedures of the Office of Student Conduct and Resolution, and other relevant university policies prior to receiving an appeal.

Student Conduct and Resolution Appeals Board (Appeals Board) Procedures

1. Prior to receiving all written materials for the appeal, Appeals Board members will be provided the names of the Reporting Party, Responding Party, witnesses, and policy pertaining to the appeal. Any member of the Appeals Board has an obligation to withdraw from proceedings if there is a compelling conflict of interest in the appeal.
2. Prior to Appeals Board members receiving all written materials for the appeal, both the Reporting Party and the Responding Party have the right to request a member of the Board withdraw from an appeal if a conflict of interest is involved. If a student believes a member of the Appeals Board has a compelling conflict of interest and should not hear the appeal, the student must notify the Dean of Students (or the Director of Student Services in the case the original decision was rendered by the Dean of Students) in writing and cite the compelling reason prior to the Board receiving the written appeal. The Dean of Students (or the Director of Student Services) and the chairperson, if appropriate, will determine whether the conflict is compelling, and if so, will make arrangements for a replacement member to hear the case.
3. The Appeals Board will receive the student's written appeal statement and accompanying documentation, as well as all documentation from the Office of Student Conduct and Resolution and/or the Dean of Students which led to the original decision.

4. Once the Appeals Board has received all written documentation, reasonable efforts will be made to hold the first session of the Appeals Board deliberation within 15 business days of receiving the materials. More than one meeting for deliberation may need to occur.
5. In deliberation, the Appeals Board must determine the following by a majority vote:
 1. Does the material provided by the appealing party meet the criteria for an appeal (new facts/information, insufficient information for original decision, or detrimental procedural issue)? If the material provided does not meet the criteria for appeal, the original decision will stand.
 2. If the Appeals Board determines by majority vote the information provided meets the grounds for appeal, the Appeals Board must next decide by majority vote to recommend whether the original decision should be upheld or overturned.
 3. Following deliberation, the chairperson will communicate the recommendation and rationale of the Appeals Board to the Dean of Students or the Director of Student Services, who will then inform the student(s) of the appeal outcome in writing and the decision will be final.

Appeal Result and Sanctions:

- If a student is found not responsible for violating the Student Code of Conduct, no sanctions will be applied.
- If a student is found responsible for violating the Student Code of Conduct, the original sanctions will remain in place.
- If the student was originally found not responsible, and through the appeal process the student is found responsible, the Appeals Board will refer the case back to the Office of Student Conduct and Resolution to determine appropriate sanctions.

The Dean of Students or Director of Student Services will inform the student(s) of the appeal outcome in writing and the decision will be final.

Student Conduct and Resolution Process

A. Introduction

The Office of Student Conduct and Resolution serves to assist students who are affected by an incident as well as those who are allegedly responsible for an incident. The Office of Residential Life and Public Safety also work in cooperation with this office to report incidents and assist in the process.

SUA is committed to a fundamentally fair conduct process. The university's approach is intended to be an educational process, not a legal process, and all proceedings are informal. Our process respects the rights of all parties involved, provides an appeals process, and our end goal focuses on fostering student development and character.

However, students should be aware that they could be held accountable to both civil and criminal authorities as well as to the university for violating a state and/or federal law that also violates the Code of Conduct. The Student Conduct and Resolution Process affords each student to undergo a process which is based on a standard of proof (an amount of information needed to establish a violation of policy) known as the preponderance of evidence. To clarify, this standard of proof is used by most higher education institutions in the United States and is different from the standard of proof used in a criminal legal system (proof beyond reasonable doubt). Preponderance of evidence means "it is more likely than not" that this individual or group violated the SUA Student Code of Conduct.

B. Student Expectation

All students going through the Student Conduct and Resolution process are expected to cooperate fully and demonstrate honesty throughout each phase of the process. This expectation is based on SUA's mission "to foster a steady stream of global citizens committed to living a contributive life." Living out our mission is a direct call to character; that our students realize that actually living out this mission will require the development of character through all circumstances experienced here at SUA. If a student chooses not to cooperate in any part of the process, the assistant director of student conduct and resolution/dean of students will continue with deciding an outcome based on all of the pertinent information gathered.

C. Retaliation

Any attempt to penalize, intimidate, or retaliate in any way against a person who makes a report or who is otherwise involved in a report or in the Student Conduct and Resolution process for alleged violation(s) of the Student Code of Conduct is strictly prohibited. Any person who believes that they have been retaliated against for making a complaint/report or participating in the Student Conduct and Resolution process should immediately contact the assistant director of student conduct and resolution. Any person who retaliates against a person for participating in the Student Conduct and Resolution process is in violation and is subject to serious disciplinary action.

D. Our Educational Process

The Student Conduct and Resolution process is initiated when a report of an alleged violation of the Code of Conduct is made to an SUA staff member (ex: dean of students, residential life coordinator, resident assistant, professor, etc.) which is forwarded to the Office of Student Conduct and Resolution. This report in the form of an Incident Statement will then be reviewed by the assistant director of student conduct and resolution to determine if the nature of the incident warrants proceeding with the Conduct and Resolution process. The educational process is standard for all violations of the Student Code of Conduct. Additional details regarding the process for cases involving allegations of sexual misconduct can be found in the Sexual Misconduct/Title IX Policy and Procedure. Note that the dean of students or the dean's designee may intervene in the process at any time during any case if needed.

1. **Request to Meet:** Once it is determined that the incident relates to the Student Code of Conduct, the first step of our educational process is a preliminary fact-finding. The assistant director of student conduct and resolution will contact the student(s) involved in the report to meet and discuss the incident to determine if there is sufficient information to hold the student(s) responsible for a violation. In the request to meet, the student will be informed of the incident and which section of the Code of Conduct may have been violated. The request to meet will be sent to the Reporting Party, Responding Party, and any witnesses.
2. **Fact Finding:** The assistant director of student conduct and resolution will conduct the process based upon the facts and circumstances reported to the Office through interviews and follow-up interviews as feasible and appropriate with the Reporting Party, the Responding Party, any witnesses, and other SUA community members. In addition, other pertinent evidentiary materials will be gathered to the extent reasonable and appropriate.
 1. **Analysis of Facts.** All information gathered will be analyzed and considered, collectively. Facts will be analyzed based on direct or indirect corroboration, inherent plausibility, and credibility.
 2. **Outcome.** If, after analyzing the facts, the assistant director of student conduct and resolution decides that there is inadequate information to hold the student(s) responsible, the complaint will be dropped and no further action taken. Student(s) will be informed of this outcome in writing.
3. However, if there is adequate information to support the complaint, and a student(s) is held responsible for violating the Student Code of Conduct, appropriate sanctions and resolutions will be applied by the assistant director of student conduct and resolution. In cases regarding a violation of the sexual misconduct policy, the director of student services will determine the outcome and apply appropriate sanctions. The student will be informed of the outcome and sanctions in writing.

Students should be made aware that being found responsible for violations of the Code of Conduct could lead to suspension or expulsion. The university will not tolerate students who act to endanger others, repeat any inappropriate behavior, or interfere with the educational process and operation of the university.

E. Sanctions

Sanctions applied are intended as reminders for students of their accountability for their actions. Sanctions may have an educational component to specifically curtail behavior that is in violation of the Code of Conduct. Sanctions will not generally be imposed unless considerations of all of the circumstances in a particular case have been made. The guidelines for determining sanctions are based on previous disciplinary records, the nature of the incident and the details surrounding the incident. A number of considerations are made in assigning a sanction.

One or more of the following sanctions may be imposed if held responsible for violations:

- Warnings (verbal and/or written)

- Community Service or Special Assignment
- Educational Assignment
- Monetary Fines
- Parental Notification in the case of alcohol and/or controlled substance abuse will be as follows:
 - Notification will be sent for those students under the age of 21 for a second violation of the SUA Campus Alcohol policy
 - Notification will be sent for those students under the age of 21 for a second violation of the SUA Campus Marijuana Policy
 - Notification will be sent following the 1st violation of the SUA Campus Illegal Drug policy (excluding marijuana)
 - Exclusion from specific campus privileges
 - Probation
 - Suspension: The dean of students or the dean's designee may suspend a student from the university for an interim period pending disciplinary and/or criminal proceedings, or medical evaluation. The interim suspension shall become immediately effective without prior notice whenever there is evidence that the continued presence of the student at the university poses a substantial and/or immediate threat to others, or to the stability and continuance of normal university functions.
 - Expulsion: The university reserves the rights to disqualify, discontinue, exclude, or involuntarily withdraw any student from the university at the discretion of the dean of students as deemed necessary based on the violation.

Other restrictions may be imposed at the discretion of the assistant director of student conduct and resolution or the director of student services.