

HOWARD UNIVERSITY POLICY

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| POLICY NUMBER: | 600-001 STUDENT CODE OF CONDUCT |
| RESPONSIBLE OFFICERS: | Vice President for Student Affairs AVP and Dean of Students Director of Student Conduct & Community Standards |
| RESPONSIBLE OFFICE: | Office of Student Conduct & Community Standards |
| EFFECTIVE DATE: | April 17, 2015 (Approved by Board of Trustees) August 14, 2020 (Conforming Amendments) |

Howard University affirms that the central purpose of a university is the pursuit of truth, the discovery of new knowledge through scholarly research, the teaching and overall development of students, and the transmission of knowledge and learning to the world at large. However, the establishment and maintenance of a community where there is freedom to teach and to learn is dependent on maintaining an appropriate sense of order that allows for the pursuit of these objectives in an environment that is both safe and free of invidious disruption.

Rules and regulations are necessary to mark the boundaries of this needed order. However, the rights of the individual demand that honesty, integrity, responsibility, and respect for persons and property must form the core values upon which those rules and regulations are based. All members of the University community share a mutual responsibility to practice the values that inform the rules and regulations.

It is expected that student conduct will be in concert with, and supportive of, the University's mission, vision, central purpose and core values. Examples of prohibited student behavior are described in this *Student Code of Conduct* ("Code"). Behaviors that indicate a violation of any provision contained within the *Code* will immediately be reported and referred to the University's Office of Student Conduct & Community Standards (OSC) for prompt adjudication in accordance with the University's disciplinary process.

The rules and regulations contained in the *Code* apply to the following categories of individuals: ALL students, including all persons taking courses at the University, either full-time or part-time, undergraduate, graduate, professional and unclassified studies. Additionally, persons who withdraw from the University after allegedly violating the *Code*, those who are not officially enrolled for a particular semester or term, but have a continuing relationship with the University, and those who have been notified of their acceptance for admission are also considered to be students under this *Code*. Finally, persons who are living in University residence halls, although not enrolled in this institution, are also considered students for purposes of the *Code*. These persons include, but are not limited to, new, continuing and transfer students; participants involved in pre-college or dual-enrollment programs; and those attending workshops, seminars, special classes, summer programs, athletic programs/events/activities, and/or camps affiliated with the University. Students living in off-campus housing and students involved in clinical rotations, practicum,

internships, externships or other activities directly involved with an academic program of study are also subject to the *Code*.

It is presumed that every student, from the date of their initial acceptance or affiliation with the University, has knowledge of University policies including, but not limited to, the *Code*, the *Academic Code of Conduct* and the *Title IX Policy*. Students are also expected to know and abide by the policies and procedures contained in the *H-Book*, the *Bulletin*, the *Student Reference Manual* and the *Directory of Classes*. Therefore, it is the responsibility and duty of each and every student to become acquainted with all provisions contained in the *Code*. All students are deemed to have agreed to the *Code* and are required to adhere to the *Code* as a condition of their continued enrollment at the University.

SECTION I: SCOPE, LIMITATIONS AND APPLICABILITY OF THE CODE

The *Code* applies to any and all behavior occurring on any University property, at any University sponsored event, both on and off campus and at off-campus events hosted by individual students, student groups or organizations. It also applies to a number of other situations occurring off-campus including, but not limited to, incidents that involve students and occur at institutions that are part of the Washington Metropolitan Area Consortium of Universities and incidents that occur within the neighboring communities.

The actual daily administration, enforcement and operation of the University's judicial program are delegated to the Director of Student Conduct & Community Standards. This *Code* does not address academic offenses. Academic offenses will be addressed by the Dean of the appropriate school or college and/or the Provost and Chief Academic Officer. However, academic offenses may also be violations of the *Code*. In these instances, the Dean of the appropriate school or college and/or the Provost may recommend that the student also be adjudicated under the procedures set forth in the *Code*.

Any student who has committed a violation of the *Code* while off-campus will be subject to the judicial process upon receipt of either the filing of a complaint through submission of an *Allegation of an Off-Campus Violation of the Howard University Student Code of Conduct* form or referral of a student by a member of the University administration. The *Allegation of an Off-Campus Violation of the Howard University Student Code of Conduct* form may be obtained from the Director of Off-Campus Housing and Community Engagement or the Director of Student Conduct & Community Standards in the Office of Student Conduct & Community Standards (OSC). After review of the form or receipt of the student referral, the Director of Student Conduct & Community Standards will determine its appropriateness for University disciplinary action. Examples of off-campus matters that would typically be excluded from resolution under the *Code* are landlord/tenant disputes, certain personal business matters with off-campus entities, and non-violent domestic issues.

Depending on the severity or nature of the charge, students who violate the *Code* are subject to a wide range of disciplinary actions, up to and including suspension or expulsion; they may also be

barred from all University-owned and operated property and all University-sponsored events and activities.

The consequences are serious for students who are charged and/or found guilty of misconduct under this *Code*. Therefore, any member of the University Community who knowingly and/or willfully misuses the procedures of the *Code* to harm another member of the University Community shall be subject to disciplinary action.

The University may also take disciplinary action against any student convicted of, or charged with, a felony or misdemeanor, as delineated in Section V under the section pertaining to Students Charged with or Convicted of a Criminal Act. In the event a student is arrested for a felony or misdemeanor charge, it is the responsibility of that student to immediately inform the University's Associate Vice President for Student Affairs & Dean of Students (AVP & DOS) of the arrest. Failure to do so may result in disciplinary action up to and including suspension or expulsion.

SECTION II: COOPERATION WITH LAW ENFORCEMENT AUTHORITIES

The University cooperates fully with law enforcement authorities. Therefore, violations of the *Code* that are also violations of federal or local law may be referred to the appropriate non-University law enforcement authority. Proceedings under the *Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under the *Code* shall not be subject to change because criminal charges arising out of the same or similar facts were dismissed, reduced or resolved in favor of the criminal law defendant.

The Howard University Department of Public Safety (HU-DPS) works closely with local law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). However, Commissioned HU-DPS Officers have full powers of arrest, search and seizure on all University-owned and operated property and are usually the first to respond to calls for police services on campus. However, complainants may request that MPD respond to any reported offense or incident that may violate the law.

SECTION III: STUDENT RIGHTS, FREEDOMS, AND RESPONSIBILITIES

With appreciation for the tradition of freedom of expression on campus, the University reasserts its commitment to fostering and tolerating different viewpoints. It acknowledges that points of view will diverge and that some students will believe it necessary to express themselves by means of protest. However, the University will not tolerate disruption to its academic mission and does not condone any means of protest that interferes with the legitimate rights of others. Additionally, in the event a student is arrested during a protest, the University will not be responsible for securing their freedom or providing the student with legal services or advice.

1. General Rights and Freedoms

Students shall have the following rights and freedoms:

- A. As members of the University Community, all students are guaranteed freedom of expression, inquiry and assembly; the right to form a student government; the right to organize groups; the right to join associations in support of any cause or common interest; and the right to peacefully protest, provided that such activity is conducted in a reasonable manner, does not abridge the rights of others and is carried out in accordance with local and/or Federal law as well as University rules and regulations.
- B. Students have the right of fair access to all educational opportunities and benefits available at the University in an environment that is safe and free from invidious harassment, discrimination or intimidation.
- C. Students have a right to privacy in accordance with the provisions established by the Family Educational Rights and Privacy Act of 1974 (FERPA).
- D. Students have the right and responsibility to report, in good faith and without fear of retaliation, violations of this *Code*, the *University Code of Ethics and Conduct*, the *Title IX Policy* and any other policy of the University, to appropriate academic or administrative officers of the University.

2. Procedural Rights and Freedoms

Students accused of violating this *Code* have the following rights:

- A. To have access to all University policies and procedures regarding the functioning of the disciplinary process.
- B. To be informed of and to have explained, as required, the pending charges.
- C. To be free from intimidation and retaliation by University employees in the resolution of disciplinary matters.
- D. To face accuser(s) and have the opportunity to cross-examine them and any witnesses, except when a complaint alleges a violation of the University's *Title IX* policy. Title IX cases will be governed by the University's *Title IX* policy.
- E. To be free from searches or seizures, unless these actions are necessary based upon reasonable cause by appropriate University or law enforcement officials. In accordance with written procedures approved by the Vice President for Student Affairs, searches and seizures may be made or requested by the Vice President for Student Affairs or their designee, the Dean of Residence Life or their designee, University Cabinet officers, counsel in the University's Office of General Counsel and/or Howard University Police.

- F. To have a fair and impartial hearing before an appropriately appointed hearing board, appeal board, or Administrative Hearing Officer.

3. Responsibilities

All students share the following responsibilities:

- A. To read, become familiar with and adhere to the *Code*, the *University's Code of Ethics and Conduct*, the *Title IX Policy*, the *Student Reference Manual*, the *H-Book*, the relevant academic Bulletin of the school or college in which the student is enrolled and any and all other relevant and pertinent University policies.
- B. To respect the personal and property rights of others and to act in a responsible manner at all times.
- C. To protect and foster the intellectual, academic, cultural, social, and other missions of the University.
- D. To observe the laws of local, state, and federal governments.

SECTION IV: PROCESS FOR ENFORCEMENT OF THE CODE

1. Filing a Complaint

Any student who has been charged with committing a violation of the *Code* will be subject to the judicial process upon receipt of the filing of a complaint through submission of an *Allegation of a Violation of the Howard University Student Code of Conduct* form, a referral of a student by a member of the University administration, a *Request for Resolution of an Alleged Violation of the Student Code of Conduct* form, a written Incident Report taken by the Department of Public Safety.

If a student wishes to file a complaint against another student for a violation of the *Code*, the Complainant must review the *Code* to determine the specific provisions the Accused Student violated. The Complainant must then obtain, complete and submit to the Director of Student Conduct & Community Standards or AVP & DOS either an *Allegation Violation of the Howard University Student Code of Conduct* complainant form or an *Alleged Violation of the Student Code of Conduct* respondent form. More than one provision of the *Code* may be cited in the complaint form. The forms are available in the Office of Student Conduct & Community Standards (OSC).

The appropriate form must be submitted within five (5) calendar days of the date upon which the incident and/or interaction with the Accused Student occurred or within five (5) calendar days of when the Complainant knew or had reason to know about the alleged Code violation. Alleged *Code* violations supplied on forms submitted after this five (5) calendar day period

will be evaluated by the Director of Student Conduct & Community Standards on a case-by-case basis and will only be adjudicated if extenuating circumstances are present.

Once the appropriate form has been submitted to the AVP & DOS or Director of Student Conduct & Community Standards, the Accused Student will receive written notice from the Director of Student Conduct & Community Standards. The notice will be sent to the student, in writing, via certified mail or email. The Director of Student Conduct & Community Standards will use their best efforts to contact the Accused Student at their local and/or permanent address as well as at any and all email addresses the University has on file. The notice will contain information regarding the alleged violation; it will also request that the Accused Student report to the Director of Student Conduct & Community Standards within forty-eight (48) hours of receipt of the notice for an initial in-take interview.

2. Administrative Action on Allegations of Violations of the *Code*: The Investigation and Hearing Processes

Following the initial in-take interview, the Director of Student Conduct & Community Standards will assess whether the alleged behavior may be a violation of the *Code*. If a determination is made that a violation of the *Code* may have occurred, the Complainant(s) and the Accused Student(s) will be contacted by the Director of Student Conduct & Community Standards no more than five (5) business days after receiving the completed *Allegation of an Off-Campus Violation of the Howard University Student Code of Conduct* form or the *Request for Resolution of an Alleged Violation of the Student Code of Conduct* form. Both the Complainant(s) and the Accused Student(s) are expected to respond within forty-eight (48) hours of being contacted by the Director of Student Conduct & Community Standards. However, if the Accused Student(s) fails to respond within five (5) business days of the date of the communication, the Director of Student Conduct & Community Standards will proceed with scheduling and convening a hearing to resolve the matter.

After each individual is contacted by the Director of Student Conduct & Community Standards, both the Complainant(s) and the Accused Student(s) will be required to submit individual written Incident Statements outlining the events and/or incidences that led to the complaint that is now before the Director of Student Conduct & Community Standards. This written account of the incident must be submitted to the Director of Student Conduct & Community Standards no later than five (5) business days of speaking and/or meeting with the Director of Student Conduct & Community Standards. Upon written request to the Director of Student Conduct & Community Standards, the Complainant(s) and/or the Accused Student(s) may request that their full written account be submitted to University Police so that it may be substituted for their incident statement. The Incident Statements of the Complainant(s) and Accused(s) will be shared with both parties, upon written consent of both parties.

The Incident Statement provides the Accused Student(s) with an opportunity to provide their response to the allegation and to submit any and all related information that may support their version of the facts. Within the Incident Statement, the Accused Student(s) will also have an opportunity to plead “Responsible” or “Not Responsible” to the allegations presented in the Complaint.

If the Accused Student(s) indicates that he or she is “Not Responsible” for violating the *Code*, the case will automatically be sent to an Administrative Hearing Officer or an Administrative Hearing Panel for a hearing. After the case has been sent to an Administrative Hearing Officer or Administrative Hearing Panel, the Accused Student(s) and the Complainant(s) will receive written notification of the date, time and place of the hearing no more than ten (10) business days after pleading “Not Responsible”.

If the Accused Student(s) indicates that he or she is “Responsible” for violating the *Code*, the case will be sent to the Director of Student Conduct & Community Standards for a determination regarding appropriate sanction(s) to be imposed. Once the Director of Student Conduct & Community Standards has determined the appropriate sanctions for the Accused Student(s), both the Complainant(s) and the Accused Student(s) will be notified of the sanction(s), in writing. The Accused Student(s) may appeal the sanction(s) handed down by the Director of Student Conduct & Community Standards by submitting a written notice of appeal to the Associate Vice President of Student Affairs & Dean of Students. The appeals process is outlined in Section IV, Paragraph 3 below.

A. Administrative Hearings

An Administrative Hearing may be employed in any of the following circumstances:

- 1) When a student is charged with a *Code* violation that does not merit indefinite suspension, withdrawal or expulsion.
- 2) When the nature of the case is such that the Director of Student Conduct & Community Standards, Students and the AVP & DOS believe that the best interest of the student and/or the University would be served by using an Administrative Hearing. If the Complainant or the Accused Student objects to use of an Administrative Hearing, either party may appeal this decision, in writing, to the Associate Vice President for Student Affairs, within five (5) calendar days after receiving written notice of the Administrative Hearing. The Vice President of Student Affairs shall render a decision within three (3) business days after receiving the written notice of appeal.

The Director of Student Conduct & Community Standards or the AVP & DOS reserve the exclusive right to determine which cases will be heard through the Administrative Hearing process and whether these cases will be heard by an Administrative Hearing Officer or an Administrative Hearing Panel. In most cases, the adjudication of alleged violations of the *Code* will be conducted by a duly appointed Administrative Hearing Officer. However, in cases that involve charges that may result in a possible indefinite suspension, withdrawal or expulsion, an Administrative Hearing Panel will be convened.

Administrative Hearing Officers shall be selected by the Director of Student Conduct & Community Standards from a pool of qualified and trained administrative staff and faculty members. The Administrative Hearing Officer is responsible for reviewing all of the

relevant information, conducting a hearing, rendering a decision of responsible or not responsible and making recommendations for sanctions, if any, to the AVP & DOS or Director of Student Conduct & Community Standards. The Hearing officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

B. Hearing Particulars

1) Notification of Hearing

Once it has been determined that a matter will be adjudicated before an Administrative Hearing Officer or Administrative Hearing Panel, the Director of Student Conduct & Community Standards shall provide the Hearing Officer or Hearing Panel, the Accused Student(s), and the Complainant(s) with a written hearing notice. This notice will contain the date, time and location of the scheduled hearing and will be sent no less than ten (10) working days prior to the hearing date (excluding holidays and University closure days). The hearing notice shall also inform both the Complainant(s) and the Accused Student(s) that they are responsible for contacting their own witnesses, informing them of the hearing particulars, and ensuring their attendance at the hearing. Such notification shall be hand-delivered, mailed, e-mailed or delivered to the local address of record. In the event any party to the hearing elects to present witnesses, he or she must submit a witness list to the Director of Student Conduct & Community Standards at least two (2) days prior to the hearing. Upon request, copies of the witness list will be made available to the parties.

Please note, upon request, excused absence letters for students who miss class due to participation in a disciplinary procedure will be provided for students to submit to their professors.

2) Notification of Inability to Attend a Hearing

If either the Accused Student(s) or the Complainant(s) cannot attend a scheduled hearing due to compelling circumstances, they must notify the Director of Student Conduct & Community Standards as soon as this information is known. If such a request is made, written documentation of the extenuating circumstances must be provided. Failure to adhere to this policy may result in the imposition of additional disciplinary action and/or the University conducting the proceeding without the benefit of the absent person's participation.

3) Postponement

A one-time request for postponement by either the Accused Student or the Complainant(s) may be considered by the Director of Student Conduct & Community Standards and granted only when it is determined that there is a compelling reason for the delay. If the postponement is granted, the Director of Student Conduct & Community Standards will set a new date for the hearing and

notify all parties involved. Further requests for postponement do not have to be considered and a hearing may be held in the absence of either party.

4) Witnesses

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. Those attesting to character alone are not allowed to serve as witnesses. A list of any witnesses speaking on behalf of the Accused Student or Complainant must be submitted in accordance with the timeline established herein.

In those situations when an Officer of the Howard University Department of Public Safety takes a report and/or investigates an incident relevant to the proceeding, OSC, the Complainant or the Accused Student may request that the Officer attend and/or participate in a hearing as a witness. Such attendance or participation will be permitted if the Hearing Officer or the Hearing Panel determines that the Officer's presence will facilitate the finding of facts. The Complainant or the Accused Student should contact the Howard University Public Safety Officer directly to make such a request. The student making such a request must also notify the Director of Student Conduct & Community Standards that this request has been made.

5) Document Access

Both the Accused Student(s) and the Complaint (s) shall have reasonable access to all of the relevant case documents that are maintained in the Office of Student Conduct & Community Standards.

Documents shall also be available for review by the Hearing Officer or members of the Hearing Panel prior to a hearing. Any documents prepared by the Director of Student Conduct & Community Standards, all documents submitted during the hearing and any written and/or oral statements related to a matter are considered to be the record and all of these documents will be reviewed by the Hearing Officer or the Hearing Panel in an administrative hearing proceeding.

6) Briefings and Consultations

Prior to the administrative hearing proceeding, Hearing Officers or members of the Hearing Panel will be briefed by the Director of Student Conduct & Community Standards on factual and procedural matters.

7) Failure to Attend

A student who fails to attend a scheduled hearing, after receiving notice that they have been accused of violating the *Code* and after receiving appropriate notification of the hearing, may be subject to further disciplinary action by the Associate Vice President of Student Affairs & Dean of Students. Under these circumstances, the

Hearing Officer or the Hearing Panel may elect to proceed with the hearing without the Accused Student and render a decision based on the evidence presented.

A witness with evidence critical to any adjudication process related to a violation of the *Code*, who refuses to attend a scheduled hearing, after being called by the Director of Student Conduct & Community Standards, a Hearing Officer, or the Hearing Panel and receiving reasonable notification of a hearing may be subject to disciplinary action.

8) Closed Hearings

All hearings are closed. Therefore, only those persons directly involved, to include the Accused Student, the Complainant, staff, witnesses and University counsel, when appropriate, may be present, unless the Hearing Officer or Hearing Panel, in consultation with the Director of Student Conduct & Community Standards, determines otherwise.

9) Rules of Evidence and Legal Representation

Any disciplinary proceeding related to alleged violations of the *Code* are not subject to the formal rules of process, procedure, and/or evidence, as utilized and applied in criminal or civil court proceedings. These are internal proceedings that will be governed by the rules and regulations contained herein. Additionally, these proceedings do not use the same evidentiary standard used in a court of law. Rather, any decision made by a Hearing Officer or Hearing Panel is based solely on whether the record makes it more likely than not that the charges are true and the *Code* was violated.

Please note, prior to any administrative hearing, both the Accused Student(s) and the Complainant(s) may consult with their own personal legal counsel to prepare for the hearing. However, attorneys are not permitted to attend and/or participate in any disciplinary hearing; they also cannot represent a student at a hearing. A student may, however, elect to have a peer advisor present at their hearing. The peer advisor shall serve in an advisory capacity only. Advisors are not permitted to speak and/or directly participate in the hearing. Peer advisors must be current students in good academic, disciplinary and financial standing with the University.

10) Burden of Proof

The Complainant carries the burden of proof to establish that the Accused Student violated the *Code*. The Accused Student should be prepared to respond to all charges and evidence presented against him/her with witnesses and/or documents, as appropriate.

11) Scope of Evidence Considered in a Disciplinary Hearing

The Hearing Officer or the Hearing Panel shall be the sole judge of the relevancy and admissibility of any and all evidence presented for consideration.

12) Role of the Administrative Hearing Officer and Hearing Panel

The Administrative Hearing Officer and the Hearing Panel are responsible for conducting the hearing in a fair and impartial manner and for recommending such action(s) as necessary to sanction, control and prevent disruptive or inappropriate behavior.

13) Steps in the Hearing

Each hearing shall follow a standardized format. Copies of the procedures may be secured from the Director of Student Conduct & Community Standards in the Office of Student Conduct & Community Standards.

14) Deliberation, Decision Making and Reporting Results

- a. The Hearing Officer/Hearing Panel shall consider all information contained within the record.
- b. The Hearing Officer/Hearing Panel shall prepare a written report including any recommended sanctions and submit the report to the Director of Student Conduct & Community Standards no later than five (5) days after the date of the hearing.
- c. Any sensitive information considered by the Director of Student Conduct & Community Standards in determining appropriate sanctions for the Accused Student(s) shall be deemed confidential and will not be shared with students, except upon written request from any alleged victim of a crime of violence or non-forcible sex act. Under these circumstances, the results of the University's disciplinary proceedings as well as any sensitive information regarding the Accused student will be disclosed.

C. Notification of Hearing Outcome

The Associate Vice President of Student Affairs & Dean of Students shall review the recommendations of the Administrative Hearing Officer/Hearing Panel and the Director of Student Conduct & Community Standards and shall make a final determination regarding which sanctions to render, when applicable. Both the Accused Student(s) and the Complainant(s) will be notified of the hearing outcome within ten (10) working days of the date the Director of Student Conduct & Community Standards receives the written report. If it is determined that a student is Responsible for violating the *Code*, the Director of

Student Conduct & Community Standards shall prepare a written memorandum setting forth the decision and any sanctions imposed. The Complainant(s) will be notified of the hearing outcome but not of the specific action taken against the Responsible Party, in accordance with the provisions of the Family Educational Rights and Privacy Act. Please note, the Associate Vice President of Student Affairs & Dean of Students reserves the right to delay notification when it determines that such delay is in the best interest of the University. Under these circumstances, the Director of Student Conduct & Community Standards will notify both the Accused Student(s) and the Complainant(s) of the University's determination and provide an anticipated date for notification.

When deemed necessary or appropriate, relevant University officers, officials, units and organizations will also receive notification of hearing outcomes and sanctions.

3. Process for Appealing a Disciplinary Hearing Decision

A. Criteria for an Appeal

A student found Responsible for violating the *Code* may appeal the finding and/or the sanctions imposed. An appeal is not an opportunity to have a new hearing on the matter. As such, an appeal will only be granted under the following circumstances:

1) Procedural Error

An appeal request will be granted when an important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.

2) Substantive Error

An appeal request will be granted when there was an error in identifying or interpreting the controlling and relevant University policy or standard of conduct and this substantially affected the hearing and resulted in the Accused being denied a fair hearing outcome.

3) New Evidence

An appeal request will be granted when relevant new evidence has surfaced that could materially affect the decision or finding of the Hearing Panel/Hearing Officer. This evidence must be produced and substantiated or documented and it is required that proof be provided that this information was not available at the time of the hearing.

4) Disproportionate Sanction

An appeal request will be granted when the sanction levied against the Responsible party is manifestly unjust because it is overtly disproportionate to the offense.

B. Process for Filing an Appeal of Disciplinary Action

The student found Responsible of violating the *Code* must submit an *Appeal of Disciplinary Action* form to the Director of Student Conduct & Community Standards within five (5) working days of receiving the written notice of hearing outcome. The form should be typewritten or printed very legibly, with an attached statement of no more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal request is being submitted and it must be accompanied by any relevant supporting documentation. Each case may be appealed only once.

C. Appeal Review Process

Upon receipt of the *Appeal of Disciplinary Action* form and all supporting documentation, the Director of Student Conduct & Community Standards will forward the appeal request to the Vice President for Student Affairs or designee, who shall serve as the Administrative Appeal Officer. The Officer shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Officer so rules, they will set up an appeal hearing and notify the parties of its date, time, and location.

D. Appeal Hearing

Appeal hearings will be limited to a presentation of evidence by the appellant that directly addresses the grounds for the appeal. No witnesses may be called. Appeal hearings will follow a standardized format.

E. Remedies on Appeal

Once the appeal requested is granted, the Administrative Appeals Officer may take one of the following actions:

- 1) Affirm the findings of the original Hearing Officer/Hearing Panel.
- 2) Affirm the findings but change the sanction(s) levied.
- 3) Overturn the findings of the original Hearing Officer/Hearing Panel and remand the matter to the original Hearing Officer/Hearing Panel for a new hearing.

F. Notification of Finding

Upon reaching a final resolution regarding the appeal review, the Administrative Appeals Officer will notify the Associate Vice President of Student Affairs & Dean of Students of the results of the appeal review within ten (10) working days of the decision. If necessary, the Associate Vice President of Student Affairs & Dean of Students may extend this timeline, when an extension is requested by the Administrative Appeals Officer. Within five (5) working days, the Associate Vice President of Student Affairs & Dean of Students will inform the Appellant and the Complainant of the appeal decision. If the case is

remanded for a new hearing, the Director of Student Conduct & Community Standards will contact the student about that new hearing.

G. Limitations

- 1) Each case may be appealed only once. Therefore, the finding of the designated Administrative Appeal Officer is final and binding.
- 2) Only the Accused Student may file an appeal.
- 3) Appeals filed after the stated deadline will not be considered, except in compelling circumstances as determined by the Associate Vice President of Student Affairs & Dean of Students.

H. Stay of Sanction(s) During the Appeal Process

The Associate Vice President of Student Affairs & Dean of Students will determine if the sanction(s) imposed on an appellant will be stayed during the appeal process.

SECTION V: EMERGENCY ACTION SUSPENSION AND INVOLUNTARY ADMINISTRATIVE WITHDRAWAL

1. Emergency Action Suspension

As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline. Unless otherwise exercised or modified by the President, this emergency authority is delegated to the Associate Vice President of Student Affairs & Dean of Students.

On rare occasions, this authority may be exercised to protect a student's own physical or emotional safety and well-being; University property; the health and safety of particular individuals and/or the University community; or to prevent the threat of disruption of, or interference with, the normal operations of the University. On such occasions, the President or Associate Vice President of Student Affairs & Dean of Students may take emergency administrative action to immediately suspend a student's enrollment. In these instances, the student will be notified of this action, orally and/or in writing and apprised of the reasons for the suspension. An Emergency Action Suspension Hearing (EASH) will be held as soon as one can be convened, but no more than thirty (30) days from notification of action. The purpose of the EASH will be to determine whether the student may remain enrolled at the University while they await a regular Disciplinary Hearing, as described in Section IV of the *Code*. The EASH notice will include the time, date and location of the hearing.

2. Involuntary Administrative Withdrawal

In situations where the University cannot effectively monitor or control the conditions or behaviors of a student, it reserves the right to effect a Total Involuntary Administrative Withdrawal. In circumstances where the mental, emotional and/or physical welfare of the student is in jeopardy, or where the student's behavior and conduct present an imminent danger or threat to the individual student, other members of the University Community or the University Community at-large, it may become necessary to take emergency action to temporarily or permanently separate a student from the campus community. Further, in these instances, the University reserves the right to contact the student's parent, guardian, and/or next of kin, in accordance with the Family Education Rights and Privacy Act), which provides for the release of normally protected student information when it is believed that the student represents a health or safety risk to self or others.

This policy will be instituted in the event that a student: (a) demonstrates lack of good judgment, suicidal behavior, self-destructive behavior, or has untreated or uncontrollable medical or mental conditions which result in actual or possible imminent danger of injury to self or members of the University Community; (b) demonstrates an inability, without adequate care, to satisfy personal needs, including activities of daily living, nourishment and maintenance of shelter; (c) demonstrates behavior, due to mental, emotional, or medical incapacitation, which poses an imminent danger of causing significant property damage, or directly and substantially impedes the lawful activities of others or interferes with the educational process and/or the orderly operation of the University; or (d) fails to comply with requirements to adhere to the instructions and guidelines of the clinical/medical staff of the University Counseling Service, Student Health Center or Howard University Hospital, as a result of an episode of mental or medical crisis intervention.

During the period of Involuntary Administrative Withdrawal, a student may be barred from the campus and denied access to classes and classrooms, residence halls and University events and activities; student may also be denied other privileges to which they might otherwise be entitled and eligible to receive, as the Associate Vice President of Student Affairs & Dean of Students may determine to be appropriate. In making this determination, the Associate Vice President of Student Affairs & Dean of Students will consult with appropriate University administrators and health care professionals including, but not limited to, the Director of the University Counseling Service, the Medical Director of the Student Health Center, the Director of the Interpersonal Violence Prevention Program, members of the University's Behavioral Threat Assessment Team and appropriate staff in the Howard University Hospital.

3. Timeline of Process for Emergency Action Suspension and Involuntary Administrative Withdrawal

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension or Involuntary Administrative Withdrawal. Once the hearing date has been set, the Associate Vice President of Student Affairs & Dean of Students will provide the student with a written notice specifying the reason for the Emergency Action Suspension or Involuntary Administrative Withdrawal as well as the date, time and place of the hearing. During the hearing, appropriate University personnel may be present and/or consulted. Additionally, parents, spouses

and/or any persons who would be of support to the student may, with the express written consent of the Associate Vice President of Student Affairs & Dean of Students and the verbal consent of the student, participate in the hearing. As this University hearing is an internal proceeding, attorneys are excluded from appearing at or sitting in the hearing; however, they may accompany their client/the student to the hearing and sit outside in the waiting area until the hearing has concluded.

Prior to the start of the hearing, any student who has been subject to Emergency Action Suspension or Involuntary Administrative Withdrawal must provide medical documentation from a licensed physician to the Associate Vice President of Student Affairs & Dean of Students, as stipulated in the Withdrawal notice. Upon receipt, the hearing will begin. The University will first present the reason for the student's Emergency Action Suspension or Involuntary Administrative Withdrawal, the alleged violations of University policy and evidence supporting these claims. The student will then have an opportunity to respond and present any documentation that may support their response. Finally, if the student has any witnesses they would like to present, the witnesses may provide their statements after the complainant has presented their case. Please note, a complainant must provide the Associate Vice President of Student Affairs & Dean of Students with a written list of witnesses within five (5) days of receiving the notice of hearing. Following witness statements, the hearing will conclude.

The Associate Vice President of Student Affairs & Dean of Students will then notify the student of the decision and the basis for the decision, in writing, within ten (10) business days of the hearing. If it is determined that the student does not present a threat to themselves or others, the student will be permitted to return to campus, resume their studies and continue on as a student. If the University decides that the Emergency Action Suspension or Involuntary Administrative Withdrawal shall remain in effect, the communication will indicate the minimum length of time this action will remain in effect and what, if any, stipulations govern their return to the University. Such stipulations may include, but are not limited to, providing the University with written documentation from a certified healthcare professional indicating that the student is able to return to the University. In the event it is decided that the Suspension or Withdrawal action remain in effect, the Associate Vice President of Student Affairs & Dean of Students and the Behavioral Health Committee shall meet to discuss the student's desired return to the University.

4. Process for Appealing an Emergency Action Suspension or Involuntary Administrative Withdrawal

A student wishing to appeal their continued Emergency Action Suspension or Involuntary Administrative Withdrawal must submit a written letter of appeal to the Vice President for Student Affairs within ten (10) business days of receiving notice of the final hearing decision. The letter of appeal must outline all of the reasons the student is seeking an appeal and the student should also submit any additional accompanying information that may support this appeal request. Upon receipt, the Vice President for Student Affairs will request any and all documentation presented during the hearing, the hearing report and the hearing outcome, as well as any reports submitted by both internal and/or external healthcare professionals. Please be advised that the Vice President for Student Affairs may also contact the internal and/or external healthcare professionals to obtain

their written response to the information provided in the student's letter of appeal, when appropriate.

Additionally, prior to rendering a final decision on the appeal request, the Vice President for Student Affairs or Associate Vice President of Student Affairs & Dean of Students may require the student, at their own expense, to obtain a psychiatric/medical evaluation from appropriate medical professionals external to the University; the student will then be required to provide the Vice President for Student Affairs or Associate Vice President of Student Affairs & Dean of Students with a written report detailing the medical professional's findings. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs or Associate Vice President of Student Affairs & Dean of Students render a final decision regarding the appeal request.

Once the Vice President for Student Affairs or Associate Vice President of Student Affairs & Dean of Students render a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.

5. Emergency Action Suspension of Students Charged with a Criminal Act

Depending on the nature of the allegations, a student charged with either a misdemeanor or a felony crime by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Associate Vice President of Student Affairs & Dean of Students.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Code*, without regard to any pending civil or criminal litigation and/or criminal arrest and prosecution. Proceedings under this *Code* may be carried out prior to, simultaneously with, or following any civil or criminal proceedings at the sole discretion of the Associate Vice President of Student Affairs & Dean of Students. Determinations made and/or sanctions imposed under this *Code* shall not be subject to change simply because the criminal charges that were also violations of the *Code* were dismissed, reduced or resolved in favor of the criminal defendant.

The Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines that the charged student poses a risk of substantial harm to the health, safety or welfare of the student, other individuals or the University Community or where the University must act to prevent the threat of disruption of, or interference with, the normal operations of the University. This individualized assessment shall be based on a comprehensive assessment of the elements of the crime, the nature of the charge and the best available objective evidence. This assessment shall be conducted by the Office of General Counsel and the Behavioral Threat Assessment Team. Emergency Action Suspension review will consider:

- The nature, duration, and severity of the crime;
- The risk of harm the student charged with the criminal act poses to University property and to other members of the University Community;
- The likelihood that the potential harm will occur; and

- Whether reasonable modifications of University policies, practices, or procedures will sufficiently mitigate the risk.

A. Timeline of Process for Emergency Action Suspension of Students Charged with a Criminal Act

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension. Once the hearing date has been set, the Associate Vice President of Student Affairs & Dean of Students will provide the student with a written notice specifying the reason for the Emergency Action Suspension as well as the date, time and place of the hearing.

After being duly notified of the scheduled disciplinary hearing, if the charged student is unable to appear due to incarceration or incapacitation, the student may submit a written request to the Associate Vice President of Student Affairs & Dean of Students asking that the disciplinary hearing be postponed and rescheduled for a later date when he or she is able to appear, even if that date is after the conclusion of the criminal proceedings. Please note that a student may be suspended or expelled prior to the final resolution of their criminal matter.

At all times, the student has an affirmative duty to notify the University of any status changes in their criminal matter. At a minimum, students are required to provide a written update to the Associate Vice President of Student Affairs & Dean of Students every three (3) months. If a student fails to provide such notice or fails to communicate with the University within this time frame, the University will take measures to move for the student's permanent expulsion.

B. University Decisions upon Criminal Conviction

It is the University's policy that a student convicted of a felony shall be immediately expelled from the institution, irrespective of the student's current enrollment status. Once a student is expelled, the decision is final and may not be appealed.

A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the Associate Vice President of Student Affairs & Dean of Students. This decision may be appealed to the Vice President for Student Affairs. A student wishing to appeal the decision of the Associate Vice President of Student Affairs & Dean of Students must submit a written letter of appeal to the Vice President for Student Affairs within ten (10) business days of receiving notice regarding continued enrollment. The letter of appeal must outline all of the reasons the student is seeking an appeal and the student should submit any additional accompanying information that may support this appeal request. Upon receipt, the Vice President for Student Affairs will request any and all documentation the Associate Vice President of Student Affairs & Dean of Students used to render a decision about the student's continued

enrollment and review the entire file. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs renders a final decision regarding the appeal request. Once the Vice President for Student Affairs renders a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.

SECTION VI: PROHIBITED BEHAVIORS

The following is an illustrative list of the types of conduct, including actual conduct and attempts to engage in such conduct that are strictly prohibited by this *Code*. A reasonable suspicion that a student has engaged in, or attempted to engage in, such prohibited conduct will result in the immediate consideration of disciplinary action under this *Code*. The Prohibited Behaviors below are listed in alphabetical order, not in order of severity.

1. Alcoholic Beverages

The University prohibits the unauthorized possession, use or distribution of alcoholic beverages. The University enforces all local and federal laws or regulations that regulate and control the sale or use of alcohol. Howard University is a dry-campus and therefore has a zero-tolerance policy regarding the possession, distribution or consumption of alcohol, except when possession, distribution or consumption has been explicitly approved, in writing, by the President or their designee. When possession, distribution or consumption is approved, the University limits these on-campus activities to specified areas and to persons of legal age.

At all times and under all circumstance, underage drinking is strictly prohibited; it is not permitted or sanctioned by the University. The University's Alcoholic Beverages Regulations and Guidelines under the *Code* are as follows:

- A.** Under no circumstances will alcoholic beverages be provided to anyone under 21 years of age. The sale, service, possession or consumption of an alcoholic beverage is expressly prohibited, unless approved, in writing, by the President or their designee for students over 21 years of age.
- B.** Consumption and/or possession of alcoholic beverages in the residence halls is strictly prohibited.
- C.** Aiding or abetting an underage person in the purchase of alcoholic beverages or providing an underage person with alcohol is strictly prohibited.
- D.** Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without express written approval from the President or the Vice President for Student Affairs. Prior to receiving consent, all organizations must submit a written request to serve alcoholic beverages to the Vice President for Student Affairs. All requests will contain information regarding the event, its location, potential attendees and the manner in which alcohol consumption will be

controlled to prevent underage drinking. If the request is approved, the written approval will clearly articulate all terms and conditions regarding possession and consumption. Approval will be given only for those students over 21 years of age. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event. If violations occur, the student organizational leadership, along with the coordinator(s) of the event, may be charged under the Code.

- E.** Student organizations serving alcoholic beverages at off-campus events may not identify these events as University-sponsored or sanctioned events.
- F.** Disorderly conduct due all or in part to being under the influence of alcohol is strictly prohibited.
- G.** Possession of an open alcohol container in a public area is strictly prohibited.
- H.** Consumption of alcohol in a public area on the campus is strictly prohibited.

After consuming alcoholic beverages, students must assume full responsibility for their conduct as it relates to the need to exercise good judgment, consume in moderation, respect the rights of others, and the need to abide by and comply with the legal regulations of the jurisdictions involved.

2. Assault

Assault is any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so, and any intentional display of force that would give a reasonable person a reason to fear bodily harm. An assault may be committed without actually touching or striking another, or without actually inflicting or committing bodily harm. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

3. Battery

Battery is an encounter in which one person threatens to initiate and/or actually engages in physical contact with another person through use of weapons, body parts or other objects, use of blows or other acts of violence that may include pushing, shoving and other acts of physical abuse. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

4. Contempt of, or Interference with, Any Disciplinary Program, Actions or Activities

Failure to respect the disciplinary program or process, including failure to appear for a meeting or hearing if requested to do so, interfering with attendance by any person or persons mandated to attend a meeting or hearing, breaching any confidentiality requirements or in any way interfering with the hearing or disciplinary process of any disciplinary board or administrative hearing may be a violation of the *Code*. Additionally, acting or behaving in a threatening or harassing manner towards hearing participants or panelists before, during or after a hearing or disciplinary process may result in disciplinary action.

5. Contracts

Students, in their individual capacity or in their capacity as representatives of a student group or organization, are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability of any kind for Howard University. The University will hold all such students individually liable for any financial or legal consequences or damages that may result from such unauthorized actions.

6. Discrimination

- A.** Engaging in verbal or physical behavior that, according to a person of reasonable sensibilities, is likely to create an intimidating or demeaning environment that infringes upon the ability of other students, faculty and/or staff to access or receive the educational benefits available to them as a member of the University Community. The University prohibits such behavior directed at an individual or group based upon a protected class. Protected classes include national origin, race, color, age, gender, ethnicity, disability, creed, religious beliefs, political affiliation, personal appearance, family status sexual orientation, gender identity or gender expression. The Code also prohibits hate crimes, as defined in the District of Columbia Code.
- B.** Wearing articles of clothing with derogatory, racist, discriminatory, patently offensive, profane, sexually explicit, or graphic messages, either in words or pictures, which demonstrate bias or discrimination against any individual or group within the University Community.

7. Disruptive Conduct

- A.** Acting in a manner that impairs, interferes with or obstructs the orderly conduct, processes, or functions of the University or that interferes with or negatively impacts any person or persons in the classroom or on University owned or operated property or at any University-sponsored event.
- B.** Student behavior, communications, and/or attire may be considered disruptive to the University and/or to members of the University Community. Under this policy, disruptive behavior includes, but is not limited to, use of electronic devices such as pagers, cell phones, video games, iPods, Walkman, personal music players, or computers or tablets for non-educational purposes in the library or computer labs, during class sessions, laboratory or clinical practicums, study hall or clerkships/internships and/or during periods of academic and classroom instruction, testing, remediation, or tutorial assistance. This provision also applies to students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, as this type of behavior impedes the ability of the instructor to carry out their professional duties and responsibilities.

- C. Disruptive conduct may also include the wearing of apparel or clothing that is lewd, lascivious, profane or sexually explicit and/or attire that conveys messages in print or in picture form that are profane, vulgar, patently offensive, racist or discriminatory and disrupts any aspect of the daily operations of the University.
- D. Students residing in off-campus housing, either University-owned or non-University owned, may not disturb the peace and quiet enjoyment of their neighbors by creating a community disturbance. Community disturbances include, but are not limited to: maintaining a noise level, at late hours, that is unduly loud and continual; causing vehicular congestion that would impede both emergency and non-emergency vehicles from passing; illegal parking in alleys and on streets; engaging in lewd or indecent behavior; creating or engaging in activity that generates large crowds of guests; engaging in disorderly behavior that disrupts the regular or normal functions of the community in which you reside or which breach the peace or violate the rights of others; participating in illegal activity, to include the use of drugs, dumping of trash and other violations; engaging in excessive use of alcohol and/or participating or engaging in any other activity that may be a violation of the Student Code of Conduct or District of Columbia, Maryland or Virginia laws.
- E. Students are required to carry their Howard University student identification cards at all times and are required to surrender it upon reasonable request by any University official, faculty or staff member and all residence hall personnel.

8. Domestic Violence/Dating Violence/ Sexual Assault/ Stalking

Howard University is committed to maintaining a safe and healthy living, learning and working environment for students, faculty and staff free of harassment, exploitation, or intimidation. It is also committed to working towards ensuring that the campus community is free from the dangerous and problematic behaviors of domestic violence, dating violence, sexual assault and stalking. Domestic Violence, Dating Violence, Sexual Assault and Stalking are not only addressed in this Code, but also in the Howard University *Response to Domestic Violence, Dating Violence, Sexual Assault and Stalking Policy*, which provides guidance to the University Community about responding to such incidences and details the process for addressing these claims as well as the Howard University *Title IX (Student) Policy*. These policies are located on the University's policy website at: <https://www.howard.edu/secretary/policy/>

Definitions and examples of these types of behavior are listed below:

- A. **Dating and Domestic Violence** - A pattern of controlling behaviors used by one partner to control the other partner. By reference, this policy also incorporates the definition of domestic violence contained in the District of Columbia Code. There are many forms of dating and domestic violence:
 - 1) Physical Abuse – Dating and domestic violence that includes, but is not limited to, hitting, shoving, slapping, pushing, punching, burning, and stabbing. It can also include withholding someone from receiving needed medical care or medication.

- 2) Sexual Abuse - Dating and domestic violence that includes, but is not limited to, forced sex, and forcing someone to have sex without protection, with an object, or with another person.
- 3) Psychological and Emotional Abuse - Dating and domestic violence that includes, but is not limited to, controlling someone's behavior or actions, isolating a person from friends and family; making threats against a person, their family, friends and pets; using social media to make threats; and verbal abuse.
- 4) Economic Abuse - Dating and domestic violence that includes, but is not limited to, taking a partner's money, and not allowing a person or disrupting a person's ability to work or go to school.
- 5) Sexual Assault – Rape, attempted rape, forced sexual intercourse including forcible sodomy, sexual assault with an object and/or sexual battery; any unwanted sexual contact or threats; and any non-consensual sexual contact, including unwanted touching or forcible fondling.
- 6) Stalking - A course of conduct that is unwanted, unwelcome and unreciprocated directed at a specific person that would cause a reasonable person to feel fear. Examples of stalking behaviors include, but are not limited to:
 - a. Waiting outside a person's class or residence.
 - b. Sending unwanted letters, phone calls, emails, texts, posts to a person.
 - c. Following the person.
 - d. Sending gifts.
 - e. Sending information to others about the person.
 - f. Threatening the person.
 - g. Vandalizing the person's property
 - h. Tracking the person's computer and internet use.
 - i. Posting improper messages on social media about the person.

9. Drugs/Controlled Substances

The University prohibits the possession, use, sale, manufacture or distribution of illegal drugs, controlled substances and prescription drugs. By reference, the University also requires that students comply with any and all laws within the District of Columbia code that pertain to drugs, drug paraphernalia and controlled substances. However, in the event that the District of Columbia or Maryland legalizes the possession, use, sale, manufacture or distribution of any drug and/or controlled substance, these actions will still be prohibited on any University owned and/or operated

premises. In addition, under federal and local laws, any student convicted of a drug-related offense must be denied all federal assistance, including Pell Grants. Information about remaining eligible for federal financial aid may be obtained from the Office of Financial Aid.

The University's zero tolerance policy regarding the use of illegal drugs and the improper use of controlled substances expressly prohibits:

- A. The possession, use, manufacturing, distribution or intent to distribute and/or sale of a controlled substance, an illegal substance or prescription medication. Examples of these illegal substances include, but are not limited to: crack cocaine, ecstasy/molly, date rape drugs (rohypnol), cocaine, heroin, opium/morphine/codeine, oxycodone, molly, amphetamines, methamphetamines, synthetic stimulants, such as bath salts or K2 or any other narcotic or controlled substances.
- B. The legal and illegal possession, use, manufacturing, distribution or intent to distribute and/or sale of drug paraphernalia.
- C. Aiding or abetting an individual(s) who is in legal or illegal possession of or who has an intent to use, sell, or distribute or who uses, sells, or distributes controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in their residence hall room, or to be in any University owned or operated property over which they have control.
- D. The possession, use, manufacturing, distribution or intent to distribute and/or sale of marijuana, even if it is deemed to be legal in any of the cities, counties, states or jurisdictions in which the University conducts business or in which a student is engaging in any educational, extracurricular, or athletic activity as a member of and on behalf of Howard University.

Howard University is committed to maintaining a safe and healthy living, learning, and working environment for students, faculty and staff. It is also committed to complying with all applicable federal, state and local regulations regarding alcohol and substance abuse, including the federal requirements of the Drug-Free Schools and Communities Act Amendment of 1989. These matters are not only addressed in this *Code*, but also in the Howard University *Alcohol and Drug Prevention Policy*. This policy is located on the University's policy website at: <https://www.howard.edu/secretary/policy/>

10. Embezzlement

Unauthorized acquisition and/or use of funds belonging to, or under the stewardship of, any University unit, organization, or individual is a violation of the *Code* and may also be a violation of local, state or Federal law.

11. Established Policies and Procedures

Failure to observe, abide by or comply with any University policy including, but not limited to, any provision contained within the *Student Code of Conduct*, the *H-Book*, or the appropriate school/college bulletin or manual is a violation of this *Code*.

12. Failure to Comply/Non-Compliance

- A.** Failing to immediately comply with or respond to the directions or instructions of an authorized University official, faculty member, or staff member acting in the performance of their duties or any other person responsible for a University facility or off-campus residence during a registered or non/registered function when they is acting in accordance with their responsibilities is strictly prohibited.
- B.** The Howard University student identification card shall be carried by students at all times and surrendered upon the request of any University official, faculty member or staff member, and all Residence Hall Personnel, both on and off campus.

Failure to comply with any disciplinary procedure, within the identified time frame, will result in a hearing with sanctions applied, and the forfeiture of the right to the appeal process.

13. Forgery, Fraud, Dishonesty

Forging the name of a University employee, another student or any other person or entity, altering or misusing any official Faculty, Staff or University forms, documents, records, stored data, electronic data bases, websites, webpages, University enterprise systems, or knowingly furnishing false information to University Officers, Officials, Faculty and/or employees or providing such information involving or referring to the University in off-campus organizations, institutions, or individuals is strictly prohibited.

Making false statements in public or private, including knowingly filing false charges under the *Code* is also a violation. Aiding and abetting another individual in any of the conduct referenced above also constitutes a violation of this provision.

Unauthorized and unsanctioned use of the University name, logo and/or seal are also strictly prohibited under this *Code*. The University has registered its name, logo and seal as trademarks; therefore, they are property of the University and protected under applicable federal and local laws. Students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the University without express written permission from the University's Office of General Counsel. Authorized student organizations must be pre-approved by the office of Licensing and Vending to reproduce these marks and/or to have a manufacturer reproduce the University trademarks on merchandise for sale or distribution. The use of the University seal is restricted and can only be used to authenticate the highest level of official University documents and be displayed

during major ceremonies. On very rare occasions, exceptions to this general rule regarding the University seal are made. All requests to use the seal are considered on a case-by-case basis, only after a formal written request and justification for use are submitted to the Office of the President or the Office of the Secretary, and a written response granting use is supplied to the requesting party.

14. Harassment

Harassment is engaging in verbal, electronic, visual, written or physical behavior directed at an individual or group that, in the view of a reasonable person, is likely to provoke or otherwise result in a negative or injurious response, mental or emotional distress, or related reaction or consequence. This behavior may include, but is not limited to:

- A.** Making an expressed or implied threat of an action that will affect another person's academic pursuits, University employment, or participation in academic or extracurricular activities sponsored by either the University or organizations or groups related to the University.
- B.** Engaging in unwelcomed and unwarranted obstruction or interference with respect to a person's participation in educational, athletic or on-campus activity, personal pursuits, or employment, which includes but is not limited to behaviors or communications which detract from or interfere with: an instructor's ability to provide instruction in the classroom, laboratory, clinical practicum or clerkship; any activity directly related to teaching, instruction or academic advisement and counseling; or provision or use of any and all academic support services provided throughout the University Community.
- C.** Creating an intimidating, demeaning or hostile situation or environment or inflicting personal, social, academic, psychological or emotional harm, or undue stress.

D. Bullying

Unwanted, aggressive and/or hostile behavior, from an individual or group that involves a real or perceived power imbalance and that is intended to humiliate, mentally or physically injure or intimidate and/or control another individual or group of individuals. Bullying can be one single act or can be repeated behavior that occurs over the course of time. Bullying includes, but is not limited to, actions such as making verbal or written threats, spreading rumors, attacking someone physically or verbally and marginalizing and/or excluding someone from a group, event or activity.

E. Cyberbullying

Unwanted, aggressive and/or hostile behavior, from an individual or group that involves a real or perceived power imbalance and that is intended to humiliate, mentally or physically injure or intimidate and/or control another individual or group of individuals. Bullying can be one single act or can be repeated behavior that occurs over the course of time. Cyberbullying includes the use of technology, social networking sites, text and voicemail messages, emails, instant messages, personal

websites and other forms of technology to make verbal or written threats, spread rumors, attack someone or marginalize and/or exclude someone from a group, event or activity. It is also the use of the above-mentioned mediums to support deliberate and hostile behavior that is intended to harm others.

15. Harboring

Harboring is knowingly allowing any fugitive from justice, or any student, employee, or other individual who has been barred from the University, to stay in, or to be transported onto, University owned or operated property or facilities. This also includes harboring any individual who is considered to be a fugitive from justice or for whom there is an outstanding warrant. In addition to being a violation of this *Code*, harboring may also be a violation of local, state or Federal law.

16. Hazing

- A. Hazing is defined as an act which endangers the mental or physical health or safety of a student. It may include, but is not limited to, the destruction or removal of public or private property, or any activity conducted on or off-campus that causes or intends to cause an unreasonable expenditure of funds; embarrassing, intimidating or demeaning behavior; exposure to situations that could result in physical or emotional harm; or behavior that causes undue stress, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in any sanctioned or unsanctioned group or organization at the University. By reference, the University also requires that students comply with hazing laws contained within the District of Columbia code.

B. District of Columbia Law

Hazing is any initiation of applicants to or members of a student or fraternal organization in which a person or people knowingly or recklessly organize, promote, facilitate or engage in any conduct, which places or may place another person in danger of bodily injury. Any person who hazes or takes part in hazing activities on or off the property of any university located within the District of Columbia shall be deemed guilty of a misdemeanor and on conviction, is subject to a fine of up to \$1,000, or imprisonment of up to 6 months. Any fraternity, sorority, or group recognized by any university within the District of Columbia who knowingly or recklessly permits hazing on or off the property of any university located within the District of Columbia shall be subject to a fine of not more than \$5,000.00. The implied or expressed consent of a student shall not be a defense under this section.

C. Examples of Hazing

Depending upon circumstances, these activities have at one time or another been construed as hazing by the courts and/or institutions of higher education. Such actions are often required or implied as conditions of inclusion or exclusion from a group, formal or informal. Thus, hazing may be perpetrated by individual(s), individual against group, or group against individual.

- Requiring calisthenics such as sit-ups, push-ups, running, or any form of physically abusive exercise;
- Forcing, requiring, or endorsing consumption of alcoholic beverages or any other drug;
- Requiring the carrying of items such as rocks, bricks, pumpkins, etc.;
- Requiring the ingestion of an undesirable, unwanted substance (e.g. spoiled food, drink concoctions, etc.);
- Scavenger hunts, treasure hunts, road trips, kidnappings, drop-offs, or any other such activities;
- Morally degrading or humiliating games and activities such as requiring members to sign in public or act like animals;
- Assigning or endorsing pranks such as borrowing or stealing items, painting property and objects, or harassing other individuals or groups;
- Deprivation of sleep;
- Blindfolding or hand-tying;
- Verbal harassment including yelling and screaming;
- Blindfolding or hand-tying;
- Requiring any personal servitude such as running errands;
- Line-ups, kangaroo courts, or any interrogations not consistent with legitimate testing for information about the history, purpose or direction;
- Requiring new members to wear publicly apparel that is conspicuous and/or not normally in good taste;
- Requiring new members to be branded;
- Requiring new members to answer phones or doors with chants, riddles, songs, or rhymes;
- Deceptions and/or threats contrived to convince the new member he or she won't be able to join the organizations;
- Conducting activities that do not allow adequate time for study or sleep;
- Requiring new members to yell when entering or leaving any residence hall or building;
- Work projects without the participation of the full membership
- Any action which could be perceived as inflicting physical abuse/harm to an individual, for example, paddling or throwing things at new members.

PLEASE NOTE: This list by no means covers all activities and actions that can be considered hazing.

D. Statement on Hazing

Howard University recognizes that student groups and associations including, but not limited to clubs and organizations, fraternities and sororities are an integral part of the University. They contribute to the academic and social experience of the students and the University community. This relationship carries with it certain rights of the University to protect and preserve an appropriate environment in which all students and organizations may operate. As such, all students are expected to conduct themselves as responsible members of the University community and to respect their fellow citizens.

17. Media Contact

Students are expressly prohibited from speaking to any media outlet, organization or publication on behalf of, or as a representative of, Howard University. Similarly, students are expressly prohibited from inviting the same to any University-owned or operated property, facility, or event without the express written permission of the Office of University Communications.

18. Non-forcible Sex Offense

- A.** Unlawful, non-forcible sexual intercourse.
- B.** Incest – An act committed that involves non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C.** Statutory Rape – engaging in a sexual act that involves non-forcible sexual intercourse with a person who is under the statutory age of consent.

19. Organization and Event Registration

Failing to comply with policies and regulations governing the registration of student organizations, events on campus, off-campus house parties or the use of University facilities or resources is strictly prohibited. Failing to comply with regulations set forth in any and all applicable policies regarding the recognition of organizations is also strictly prohibited. Disciplinary action may be imposed upon a recognized student organization by the Office of Student Activities for violations of any applicable regulations set forth in University policy, the organization's charter, constitution and/or bylaws or any other policies or procedures regarding the recognition of an organization.

20. Presenting False Testimony

Knowingly making false statements regarding a disciplinary matter before, during or after the disciplinary adjudication process could result in disciplinary action.

21. Property Damage

- A.** The attempted or actual unauthorized removal, use of or defacing of University property, property under University custody or control or property of another individual or group that results in its destruction or damage.
- B.** Destroying, defacing, removing or damaging the property of others on University premises or at University-sponsored activities.

22. Safety

- A.** Causing any experience, condition or environment that jeopardizes the safety of individuals, groups of individuals, or the University Community, both on and off campus; participating in conduct or behavior that explicitly endangers the safety and well-being of yourself or others are strictly prohibited.

- B. Tampering with safety measures or devices including, but not limited to, alarm systems, fire extinguishers, exit signs, emergency phone systems, smoke or heat detectors, fire hoses, security systems, locked exterior or interior doors, and sprinkler systems is strictly prohibited.
- C. Failing to comply with safety regulations including, but not limited to, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the alarm system, and similar conduct is strictly prohibited.
- D. Falsely reporting the presence or threat of a bomb or any other dangerous device or condition; falsely reporting any potentially dangerous and/or hazardous incident are strictly prohibited.
- E. Failing to report an event or act that would potentially endanger members of the University Community when you know, or have reason to know, of such an event or act is strictly prohibited. This event or act can be presently taking place or can be proposed for a future date and/or time.

23. Sexual Harassment

Howard University is committed to providing students with educational opportunities free from sexual harassment and discrimination based upon gender, gender expression, gender identity or sexual orientation. It is also committed to working towards ensuring that the campus community is free from sexual violence. Sexual Harassment is not only addressed in this Code, but also in the Howard University *Title IX (Student) Policy on Prohibited Sexual Harassment and Gender-Based Discrimination in Education Programs and Activities*, which details the process for reporting and investigating sexual harassment claims. This policy is located in the H-book and on the University's policy website at:

Sexual Harassment" is defined as: unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a basis for any decision affecting the terms or conditions of participation in any such program or activity or status in an academic course; or
- B. Such conduct has the purpose or affect of unreasonably interfering with a student's educational right, privilege, advantage, or opportunity; or
- C. Such conduct is so pervasive or severe that it creates an intimidating, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.

Examples of Sexual Harassment

The following examples are illustrative of conduct that, if proven, may be considered by the University to establish sexual harassment in an academic setting:

- 1) Unsolicited, unwelcomed flirtations, advances, and/or propositions of a sexual nature;
- 2) Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender;
- 3) Unwelcomed sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- 4) Inappropriate displays of sexually suggestive objects or pictures;
- 5) Unnecessary and inappropriate touching, such as hugging, or brushing against an individual's body; patting, pinching,
- 6) Sexual assault (includes all incidents of "criminal sexual conduct" as defined by the District of Columbia code or the applicable law where the sexual assault takes place); or
- 7) Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation.

24. Smoking

Smoking and the use of tobacco are prohibited in all indoor locations, including classrooms, offices, residence and dining halls, balconies, stairwells, common areas, and other private residential spaces that are on University property or maintained by the University for members of the University community.

Smoking and the use of tobacco are prohibited in and on University-owned outdoor spaces, including walkways, the Yard, and sports and recreational areas.

Also, smoking is prohibited in University-owned, leased or rented vehicles, regardless of location.

Smoking and tobacco products, such as cigarettes, electronic smoking devices, cigars, pipes, hookahs, and chewing tobacco, are prohibited from use or sale and distribution on University property.

More information regarding the University's *Smoke-Free and Tobacco-Free Policy* is located on the University's policy website at: <https://secretary.howard.edu/policy-office>

25. Theft

The stealing or attempted theft of property and/or services; knowingly possessing or transporting stolen property; or improperly using or converting the property of another for personal use is a violation of the *Code* and may also be a violation of the law.

By reference, the University also requires that students comply with any and all laws within the District of Columbia Code that pertain theft.

26. Unauthorized Entry, Use, or Trespassing

Entering or using University facilities or property, property in the custody or control of the University or property in the custody or control of another individual or group, for an improper purpose, or without proper authorization, or assisting others in doing so is strictly prohibited.

By reference, the University also requires that students comply with any and all laws within the District of Columbia Code that pertain to unlawful entry and/or trespass.

27. Use of Electronic Communication

Using University telecommunications, data communication networks or any electronic means owned and operated by the University for illegal or improper purposes or in violation of University regulations and policies, or related federal, state, or local laws is strictly prohibited. Electronic Communication use is not only addressed in this *Code*, but also in (1) the Howard University *Acceptable Use of University Information Data and Communication Services Policy*; (2) the *Acceptable Use Policy for Computer and Network Systems*; and (3) the *Social Media Policy*. These policies are located on the University's policy website at:

<https://www.howard.edu/secretary/policy/>

28. Violation of Criminal Codes of the Local, State, or Federal Governments

On or off-campus actions or activities that violate criminal law may also violate the *Code*.

29. Weapons

- A.** Possession of weapons including, but not limited to, firearms, items that eject projectiles, knives, blackjack, slingshot, sandclub, sandbag, knuckles, an imitation pistol, dirk, razor blade, or knife with a blade longer than three (3) inches or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms that any reasonable person would consider to have the possibility of doing bodily harm is strictly prohibited.
- B.** Possessing, using, storing, distributing or transporting firearms, other weapons, explosives, fireworks, ammunition, tear gas or dangerous chemicals, except as authorized for use in class or in connection with University-sponsored research or other approved activities is strictly prohibited.

SECTION VII: DISCIPLINARY SANCTIONS

The purpose of disciplinary sanctions for violations of the *Code* is to educate students about responsible behavior as members of the Howard University Community, to maintain order and to protect the rights of others.

When students are found to be Responsible for violating the *Code*, they are required to abide by and comply with any and all rendered sanctions. The Office of Student Conduct & Community Standards (OSC) monitors such compliance. There is no set sanction for any particular offense, with the exception of automatic expulsion for a felony conviction. Each individual matter is evaluated separately and independently by the Hearing Officer/Hearing Panel and sanctions should reflect the nature and severity of each individual offense. However, in the event a student has previously been before a Hearing Officer or Hearing Panel for violations of the *Code*, while each individual matter will be evaluated independently, the sanctions imposed upon the student may be based upon the student's entire record of past alleged and/or guilty behavior.

1. General Terms

- A. Parents of minor or dependent students who receive a disciplinary sanction may be notified of that action by the University.
- B. The University reserves the right to apply any sanction for a violation of the *Code* that, in its sole discretion, appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student found guilty of the same offense or a second offense of equal or greater magnitude, may be suspended or expelled from the University. However, evidence of prior violations of the *Code* may be considered after a determination of Responsible has been made as part of the process of determining sanctions.
- C. Sanctions are imposed under the *Code* without regard to student classification, prospective graduation date, scholarship status, the time in the semester, the term in which the violation occurs, or any other factor.
- D. Students who have not completely fulfilled their sanctions may be allowed to participate in General Mandatory Registration for the subsequent semester if all other financial and academic conditions have been met. However, their registration will be canceled if they fail to comply with all the stipulations of the sanctions within the time limit set forth in their hearing outcome notification.
- E. The imposition of sanctions will be a matter of record maintained in the Office of Student Conduct & Community Standards. Any and all violations of the *Code* can and will be reported to other colleges/universities, potential employers, professional licensing agencies or other appropriate entities when the University receives inquiries regarding any administrative actions taken against a student.

2. Types of Disciplinary Sanctions

One or more of the following sanctions may be imposed for any violation of the *Code*. Failure to perform or comply with a sanction, as directed, can lead to the imposition of more severe sanctions, up to and including suspension or expulsion.

The identified sanctions do not represent the full range of sanctions that may be imposed against a student found responsible for a violation of the *Code*.

A. Disciplinary Warning or Reprimand

A disciplinary warning or reprimand is an official written statement of censure. It is used when a student's behavior is unacceptable but is considered to be minor and/or unintended. This sanction includes a warning that if the student is found guilty of any other violation of the University's *Code*, they will be subject to more severe disciplinary action.

B. Letter of Apology to the Aggrieved Party

A student may be required to write a letter of apology to the aggrieved party. A draft copy of the letter must be provided to the Director of Student Conduct & Community Standards for final approval, prior to submission to the Complainant(s).

C. Requirement to Seek Counseling

This sanction may be imposed when a student is found guilty of engaging in disruptive or uncivil behaviors as well as behavior that may cause him/her to be a threat to self or others. In such cases, the student shall be required to provide evidence of attendance and completion of counseling by a qualified professional to the Associate Vice President of Student Affairs & Dean of Students.

D. Participation In, or Conducting, Special Workshops, Classes or Seminars

A student may be required to participate in, or to develop, advertise and present special workshops or seminars related to a *Code* violation. In such cases, the student may be required to present a typed summary of the activity to the Associate Vice President of Student Affairs & Dean of Students for final approval, prior to conducting such activities.

E. Research Assignments

A student may be required to complete a research assignment on a topic related to the *Code* violation within a specified deadline.

F. Mandatory University or Community Service

A student may be required to perform work assignments at the University or in the local community.

G. Restitution

Restitution is reimbursement to compensate for personal injury, property damage, or misappropriation of University or other personal property. It may be in the form

of money or services, subject to the discretion of the Hearing Officer and/or the Director of Student Conduct & Community Standards.

H. Disciplinary Probation

Disciplinary Probation may be imposed for a specified period of time, not to exceed two (2) years. A student who is under disciplinary probation will not be permitted to participate in any extracurricular activity, including intramural, intercollegiate or club sports, student clubs, fraternities, sororities, social groups and any other organization that is not directly linked to receiving a grade in a particular course. A student on disciplinary probation is prohibited from representing the University in any public function, competition, or performance, hold office in a student organization, or be eligible to join a fraternity or sorority.

Students receiving scholarships for any activities enumerated above may have that scholarship suspended, terminated or revoked. Decisions regarding scholarship suspension, termination or revocation will be made by the Vice President for Student Affairs, after consultation with the Associate Vice President of Student Affairs & Dean of Students and other appropriate University officials.

I. Limited Term Suspension

Suspension is appropriate in cases of serious misconduct or in cases when a student has violated a condition of disciplinary probation or failed to meet the stipulations of lesser sanctions. A student may be suspended from the University for (1) the remainder of the semester or summer session during which the sanction is applied, or any portion thereof; (2) the next semester; or (3) any other additional periods determined appropriate by the University. In the event of a limited-term suspension, tuition and fees will be forfeited if the violation occurs after the refund period as recorded on the University Calendar.

Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the University are required to immediately return all University property, including, but not limited to, their student identification cards, room keys and other University property. Suspended students will also be barred from the campus for the duration of their suspension. Exceptions may be granted to this prohibition by the Associate Vice President of Student Affairs & Dean of Students, if it is determined that the barred student must enter University property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, their eligibility to be re-admitted to Howard University is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.

J. Indefinite Suspension

Indefinite suspension includes all conditions described in Limited Term Suspensions above, and an inability to be considered for readmission to the University for a two (2) year period following the suspension. This sanction is used in cases of extremely serious misconduct. Prior to being granted readmission, any

student subject to indefinite suspension must present evidence of rehabilitation to the Vice President for Student Affairs. Upon consideration, the Vice President for Student Affairs shall have sole discretion regarding whether readmission to the University will be granted.

K. Expulsion

Expulsion is the most severe sanction that the University may impose. Expulsion is permanent dismissal from the University. In addition, the student is never eligible for readmission to the University and is permanently barred from Howard University owned and/or operated property and from all University-sponsored events. Students expelled from the University are immediately required to return any and all University property, including, but not limited to, any student identification cards, room keys, and other University property and must leave campus immediately upon notification of being expelled. If an expelled student returns to the campus, he or she will be charged with unlawful entry and may be arrested. An expelled student's relationship with the University is severed permanently.

SECTION VIII: PROCEDURE FOR READMISSION AFTER DISCIPLINARY SUSPENSION

A student temporarily suspended will be considered for readmission only after the student submits a *Request for Readmission After Disciplinary Suspension* form to the Office of Student Conduct & Community Standards and a Request for Readmission form to the Office of the Registrar.

OSS shall inform University officers or officials, including the appropriate academic and administrative deans, the Vice President for Student Affairs, the Office of the Provost, the Office of General Counsel and the Office of the President of the disposition of the matter.

SECTION IX: REVISIONS OF THE STUDENT *CODE* OF CONDUCT AND JUDICIARIES

1. Periodic Review

The Office of Student Conduct & Community Standards will conduct a full formal review of the *Code* no less than every five (5) years or at such other times as it deems appropriate to determine if the *Code* should undergo a full revision.

2. Procedure for Revision

If it is determined that the *Code* is in need of full revision, the procedure for developing a new document for recommendation to the Board of Trustees will be as follows:

- A. The Associate Vice President of Student Affairs & Dean of Students will form a committee composed of faculty, administrative staff and students to review the “*Code*” and to make recommendations for changes. The pool of those eligible to serve will come from names submitted by University officers, Deans of the schools and colleges, the Faculty Senate, the Howard University Student Association (HUSA), and other authorized and approved undergraduate and graduate student governing bodies using their own internal policies for such selections. In the event that after appropriate notice, names are not submitted, the Associate Vice President of Student Affairs & Dean of Students shall unilaterally make appointments.
- B. An open forum for students, appropriately advertised, will be held to allow for discussion of proposed changes to the *Code*. Comments and concerns will be considered in completing the final draft.
- C. After receipt of all recommendations, the draft of the revised *Code* will be completed by the Associate Vice President of Student Affairs & Dean of Students and forwarded to the Vice President for Student Affairs and the Provost for review and comment.
- D. The final draft will be submitted for review to the General Counsel.

3. Forwarding for Approval

After review by the General Counsel, the final document will be forwarded through the Vice President for Student Affairs and the Provost, to the President for final review and presentation to the Board of Trustees for final approval.

4. Amendments

Amendments to the *Code* deemed necessary by the Associate Vice President of Student Affairs & Dean of Students during periods between formal full reviews and revisions will be prepared by the Associate Vice President of Student Affairs & Dean of Students and forwarded through the Vice President for Student Affairs, the Provost and General Counsel, to the President for approval and implementation.

Approved by the Board of Trustees on *April 17, 2015*
Conforming Amendments: August 2020