

UNIVERSITY OF THE DISTRICT OF COLUMBIA

CODE OF STUDENT CONDUCT

Revised and Approved by Resolution 2009-24

Board of Trustees

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University of the District of Columbia Code of Student Conduct

The **Code of Student Conduct** is established to foster and protect the core missions of the University, to encourage the scholarly and civic development of the University's students in a safe and secure learning environment, and to ensure that the people, properties and processes supports the University and its mission. The core missions of the University are research, teaching and learning, and service. Preservation of academic freedom and free and open exchange of ideas and opinions for all members of the University are central to these missions.

PREAMBLE

The University of the District of Columbia is a community of scholars in which the ideas of freedom, inquiry, thought, expression and individuality are sustained and the rights of everyone are respected. Students who are admitted and attend the University shall take responsibility for conducting themselves in ways that reflect the University's mission and comply with this Code. The goals of this Code include:

1. Recognizing that the intellectual and educational climate of the University shall be maintained as the University's highest priority.
2. Protecting the opportunity for each student to attain his or her educational objectives.
3. Protecting the physical and mental health, safety and welfare of each member of the University community.
4. Protecting the property rights of all members of the University community.
5. Protecting and promoting the human rights of all members of the University community.
6. Ensuring that students have a right to privacy in accordance with the policy expressed in the Family Educational Rights and Privacy Act of 1974 (FERPA).
7. Ensuring that students have the right and responsibility to report, in good faith and without fear of retaliation, violations of this Code or any other policy of the University, to appropriate academic or administrative officers of the University.

The Code of Student Conduct (a) establishes the student judicial system, (b) identifies misconduct as academic misconduct or nonacademic misconduct that results in sanctions as outlined herein, (c) explains the step-by-step process and procedures for appeal of decisions, and (d) outlines the journal process by which a student shall challenge his or her treatment with respect to any aspect of grading or related issues of academic performance in the classroom. Violations of local ordinances, state or federal law on or

off the University's premises during University activities, may result in disciplinary action.

The University reserves the right to take appropriate actions to protect its interests and to secure its continuing operations. In cases of action by civil authorities, the University reserves the right to proceed with disciplinary action even if criminal proceedings are pending. The outcome of a disciplinary action will not be subject to challenge providing that criminal charges involving the same incident were dismissed or reduced.

Students are selected in concert by the Vice President for Student Affairs or designee, the Vice President of Academic Affairs or designee, the Undergraduate Student Government Association, and the Graduate Student Government Association to assume positions of responsibility in the University's student judicial system so that they might contribute their skills and insight to the resolution of disciplinary cases. Students will be asked to recuse themselves on a case-by-case basis from a judicial committee if there is a conflict of interest.

The provisions of the Code of Student Conduct are not to be regarded as contractual covenants between the University and the student. The University reserves the right to change the policies and procedures herein at any time.

The Code of Student Conduct will be made available to all new students. In addition, the Code of Student Conduct will be made available for review in the following locations: Division of Student Affairs, Office of Judicial Affairs, Office of Student Life and Services, Student Government offices, Deans' offices, the Learning Resources Division, and the University website.

COOPERATION WITH LAW ENFORCEMENT AUTHORITIES

The University cooperates fully with law enforcement authorities. Violations of the Code that are also violations of federal or local law may be referred to the appropriate non-University authority. In such situations, a case may proceed concurrently under this Code while it is also being processed under the criminal justice system.

The University of the District of Columbia Police (UDCP) works closely with area law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). UDCP 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.

STUDENT'S RIGHTS AND RESPONSIBILITIES

It is the student's responsibility to adhere to the following:

Preserve an Environment Conducive to Learning

The University has the inherent authority to maintain good order and discipline in the furtherance of its lawful mission. The Code of Student Conduct clearly and concisely identifies those behaviors that put students at risk of disciplinary action. The Code of Student Conduct also assures that students enjoy those protected behaviors inherent in their status as students and enumerated under the student's rights including their right to receive fair and equitable evaluation of their academic performance and to challenge any evaluation they believe to be unfair or inappropriate. Students are held accountable to the University's Code of Student Conduct.

Respect the Rights of Others

The strength of the University lies in its diversity. Respect for the differences each student, faculty, and staff person brings to the institution is essential. Such differences include race, gender, sexual orientation, ethnicity, background, beliefs, experiences, cultures, values, views, national origin, religion, and disability. Students come to the University with unique interests, and while they are on campus, as a result of their interactions in the formal classroom and in the co-curriculum activities of the campus, they are able to continue to develop and expand their pursuits.

Obey Federal, State and Local Laws and the Policies of the University

Teaching and learning require an atmosphere where dialogue, debate, and the exchange of ideas can flourish unfettered and unthreatened. The sanctity of the classroom, academic freedom, and the student's freedom of expression all require a separate set of standards than those provided for by our society. Students must not only adhere to the rules of our society because they are the law, they must also adhere

to those University policies which establishes the institution as a place where teaching and learning require a different set of standards.

Cooperate with Faculty, Staff and Administrators to Further the Mission of the University

Accessing the opportunities offered by the University is dependent upon students' ability to meet their responsibilities to provide accurate information, meet their financial obligations (i.e., meeting payment deadlines on tuition payment plans, filing for financial aid in a timely manner) and advocate for their needs. The freedom to teach and the freedom to learn are inseparable facets of the collegiate experience. Additionally, while enrolled in the University, students are expected to take an active voice in curricular and co-curricular interests (e.g., USGA, Debate Society, Homecoming, and the Honda All-Star Challenge Team); be active participants in the formulation of institutional policies, by serving on University wide committees; maintain the standards set for satisfactory academic progress; cultivate their life long learning skills, through community service; and act in a manner on and off campus which reflects positively upon themselves, the University and our community.

The Code of Student Conduct identifies those behaviors considered unacceptable in academic and nonacademic settings and are not permitted by students of the University while on University property, University sponsored activities or while representing the University in the community. Articles I- IX define the procedures and related policies for academic and non-academic misconduct and are outlined below:

ARTICLE I. ACADEMIC MISCONDUCT

Academic misconduct includes, but is not limited to activities and behavior defined below. Notwithstanding the definitions contained in this Article, the University reserves the right to determine that academic misconduct has occurred in any particular situation.

1. **AIDING OR ABETTING:** Knowingly helping, procuring or encouraging another person to engage in academic misconduct.
2. **CHEATING:** Includes, but is not limited to: (1) use of any unauthorized assistance in taking quizzes, tests, or examinations; (2) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (3) the acquisitions, without permission, of tests or other academic material belonging to a member of the University faculty or staff.
3. **FABRICATION:** Any dishonesty or deception in fulfilling an academic requirement including, but not limited to transcripts, identification, birth certificates or visas.
4. **PLAGIARISM:** Includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials

prepared by another person or agency engaged in the selling of term papers or other academic materials.

- a.) Use or possession of unauthorized material or technology during an examination (any written or oral work submitted for evaluation and/or grade), such as tape cassettes, notes, tests, cell phones, iPods, calculators, programmed calculators, other technological aid, or computer programs not permitted for classroom use.
- b.) Obtaining or furnishing assistance with or answers on assignments for which collaboration is not specifically allowed from another person with or without that person's knowledge.
- c.) Representing as one's own an examination taken by another person.
- d.) Taking an examination in the place of another person.
- e.) Obtaining unauthorized access to the electronic or paper files of another person or agency, or altering and/or destroying those files.
- f.) Possession, use, distribution, or sale of unauthorized copies of an examination, or computer program.

ARTICLE II. NON-ACADEMIC MISCONDUCT

Non-academic misconduct is all misconduct that is not academic. It includes, but is not limited to, the activities and behavior defined below. Notwithstanding the definitions contained in this Article, the University reserves the right to determine that non-academic misconduct has occurred in any particular situation.

1. **AIDING AND ABETTING:** Helping, procuring, or encouraging another person to engage in non-academic misconduct.
2. **ALCOHOL AND DRUG UNAUTHORIZED USE:**
 - a.) Consuming or possessing alcoholic beverages on University premises to include failing to comply with local laws governing the transporting or sales of alcoholic beverages which has not been authorized by a University official.
 - b.) Exhibiting behavior which indicates intoxication or drug use while on University owned or controlled property or while attending a University sponsored event.
 - c.) Unauthorized use or possession of any controlled substance other than one duly prescribed by a licensed physician.

- d.) Knowingly violating the University of the District of Columbia Drug and Alcohol Abuse policy whether the intoxication or drug use has occurred on campus or off-campus prior to coming onto University property. (See Appendix II)
3. **ASSAULT:** Knowingly or recklessly threatening or attempting to cause serious physical harm to another. This includes threats or attempts at physical abuse, verbal abuse, threats, intimidation, coercion and/or other conduct which threatens or endangers the health or safety of any person.
 4. **BATTERY:** Refers to an encounter where physical contact or abuse occurs or is threatened between two or more persons with weapons, blows or other personal violence and that may include pushing, shoving, and other acts of physical abuse.
 5. **ASSAULT/SEXUAL MISCONDUCT:** Refers to any unwanted touching or physical contact, directly or indirectly, of a sexual nature. In addition, this includes verbal or explicit verbal attacks such as lewd comments towards the victim in a sexual nature. Sexual misconduct may occur without regard to the gender of the actor or the victim. Violations of the University sexual harassment policy may also be considered misconduct under this section.
 6. **HARASSMENT:** Conduct, which has the foreseeable effect of unreasonably interfering with an identifiable individual's work or academic performance or creating an intimidating, hostile or offensive work or learning environment for an individual or a group of people. Also, refers to a form of verbal, visual, written or physical act directed at intimidating any member of the University community, either on or off-campus. This includes creating an environment that demeans and inflicts psychological or emotional harm, or results in undue stress to an individual. This also applies electronically through the use of technology (e.g. telephone, text-messaging, computer, electronic mail, faxes and iPods or other electronic devices/media).
 7. **DESTRUCTION OF PROPERTY:** Damaging, destroying, defacing, littering, or tampering with the property of the University or the property of another person or organization while on University property or while attending a University-sponsored event.
 8. **DISHONESTY AND MISREPRESENTATION:** Knowingly or recklessly furnishing false written or oral information including, but not limited to, false identification to University officials, or forging, altering, or misusing University documents or records.
 9. **DISRUPTION/OBSTRUCTION:** Disrupting, obstructing, or interfering with University functions, activities or the pursuit of the University mission, including

but not limited to research, teaching, administration, disciplinary proceedings, or other University activities or events.

10. **DISTURBING THE PEACE:** Disturbing the peace of the University, including but not limited to, disorderly conduct, failure to comply with an order to disperse, fighting, quarreling, and /or being in a state of intoxication or impairment due to unlawful alcohol or drug usage.
11. **FAILURE TO COMPLY AND IDENTIFY:** Failing to comply with the directions of University officials, administrators, campus police, or the Judicial Board acting pursuant to their duties or the written rules of the University.
12. **FAILURE TO COMPLY WITH SANCTIONS:** Failing to comply with sanctions imposed in accordance with the procedures herein.
13. **FALSE CHARGES OR STATEMENTS:** Knowingly furnishing false information, allegations or reports, including testimony at University judicial hearings to any University official.
14. **GAMBLING:** Participating in games of chance that are prohibited by law or applicable policy.
15. **HAZING:** Includes, but is not limited to, an action taken or a situation created by an individual, or group organization, that can possibly impart any form of physical or emotional distress (e.g. generally an act or situation which endangers the mental or physical health or safety of a student for the purpose of initiation, admission into, affiliation with or as a condition of continued membership in a group organization), embarrassment, harassment or ridicule. Groups are held responsible for the actions of their members, including but not limited to pledges, pre-initiates, and associates.
16. **IDENTIFICATION, MISUSE OF:** Unauthorized transferring, lending, presenting borrowing or altering University identification or any record or instrument of identification, including the unauthorized use of such to change, alter, and deter grades or University records, and the unauthorized use of another individual's password.
17. **INFORMATION TECHNOLOGY, MISUSE OF:** Theft or abuse of information, (e.g. computer, electronic mail, voice mail, telephone, fax, iPods, or any other electronic devices/media), including but not limited to:
 - a.) Abuse of authorized entry into a file, computer system, or database to use, read or change the contents, or for any other purpose.
 - b.) Unauthorized transfer or distribution of a file.
 - c.) Unauthorized use of another individual's identification and password.

- d.) Unauthorized use of information technology to send or receive obscene, threatening or sexual messages (i.e. pornographic images) in a public display (e.g. computer labs, classrooms, libraries, etc.).
 - e.) Unauthorized use of information technology to interfere with the work of another student, faculty member or University official.
 - f.) Unauthorized use of information technology to interfere with the normal operations of the University's systems.
 - g.) Unauthorized use of information technology to destroy data or files through tampering, creating viruses or other systems that impede access to the system.
 - h.) Unauthorized use of any other form of information technology which violates the Office of Information Technology's Internet Access and Use Policy, which can be found online at <http://oit.in2.udc.edu/docs/internet.pdf>.
18. **LAW, VIOLATION OF:** Violating criminal laws (federal, state or local) on campus where the foreseeable effect is to interfere with the University's organizational objectives, mission or responsibilities, or to violate any portion of this Code.
 19. **MENACING:** Knowingly causing another person to believe that the offender will cause serious physical harm to another, a member of their immediate family or their property.
 20. **PROPERTY OR SERVICES, UNAUTHORIZED USE:** Unauthorized use or possession of property or resources of the University or of a member of the University community or other person or entity.
 21. **PROBATION, VIOLATION OF:** Violating the Code of Student Conduct while on University disciplinary probation or violating the specific term of that probation will be cause for additional sanctions.
 22. **SAFETY EQUIPMENT, MISUSE OF:** Unauthorized use or alteration of firefighting equipment, safety devices, fire alarms, fire extinguishers or other emergency devices. Failing to conform to safety regulations, such as falsely reporting an incident or failure to evacuate facilities in a timely manner in emergency situations or in response to fire alarms.
 23. **SMOKING POLICY, VIOLATION OF:** Violating the smoking policy of the University, possessing a lit tobacco product or other illegal tobacco type substance anywhere inside a University building according to the UDC Board of Trustees Resolution No. 93-4 and DC Law 3-22.

24. **STOLEN PROPERTY, POSSESSION OF:** Unauthorized possession of property that has been stolen or that may be identified as property of the University or any person or entity.
25. **THEFT:** Unauthorized possession of property or materials of the University or member of the University community.
26. **TRESPASS OR FORCIBLE ENTRY:** Unauthorized trespass or forcible entry into any University building, structure or facility or onto University property.
27. **UNIVERSITY KEYS, MISUSE OF:** Unauthorized use, distribution, duplication or possession of any keys issued for any University building, laboratory, facility or room.
28. **UNIVERSITY POLICIES OR RULES, VIOLATION OF:** Any violation of published University of the District of Columbia policies or rules is a violation of the Code of Student Conduct.
29. **WEAPONS:** Unauthorized possession or use of a firearm or explosive device of any description and anything knowingly used to threaten or harm including, but not limited to, firecrackers, compressed air guns, pellet guns, BB guns, paint guns, bow and arrow(s), knives, box cutters, sharp instruments, biological agents, dangerous chemicals, stun guns, brass or metal knuckles, and water guns will result in an immediate suspension from the University. This includes any object which can be used as a dangerous weapon and any items used that pose a potential threat to others.
30. **DISORDERLY CONDUCT:** Refers to a form of lewd and indecent behavior, of peace, or aiding, abetting, or procuring another person to breach the peace on the University's premises or at functions sponsored by or participated in by the University.
31. **HARBORING:** Knowingly harboring on, or transporting to, University-owned or operated property a fugitive, student, employee or any other individual who has been officially barred from the University or for whom there is an outstanding warrant.
32. **THREAT:** Knowingly to intend harm verbally or cause bodily harm to another person on campus either by that particular individual or by someone else who will bring harm onto that person as a second party.
33. **TERRORISTIC THREATS:** Any act including, but not limited to, the use of force or violence and/or threat thereof against any person or group(s) of persons whether acting alone or on behalf of, or in connection with, any organization(s) or government(s) committed for political, religious, ideological or similar purposes, including the intention to influence any government and/or to put the public or any of the public in fear. Also includes falsely reporting the

presence of a bomb or any other dangerous device or condition. These acts will result in immediate suspension from the University.

34. **RETALIATION:** Harassment of complainant or other person(s) alleging misconduct, including, but, not limited to, intimidation, threats or unwanted physical contact. Person(s) found in violation of this section will receive an immediate suspension from the University.
35. **ARSON:** The malicious or fraudulent burning of property, creating fires or open flames, and/or lighting flammable materials in a building or facility on University premises. Causing or creating a fire or any other condition that jeopardizes the safety of individuals. These acts will result in immediate suspension from the University.
36. **OFF-CAMPUS STUDENT BEHAVIOR:** Individuals and groups sponsoring activities off-campus have a responsibility to conduct such activities within the laws and ordinances of the community. The University expects that students will conduct themselves in a manner that demonstrates their respect for the rights of others; this expectation is paramount when students are representing the University off-campus. The University reserves the right to take appropriate action when behavior of an individual group and/or organization interferes with the mission of the University and presents a danger to the health, safety and well being of others.

The Code of Student Conduct shall apply to all lands leased or owned by the University, as well as to any location where students are engaged in University activities. Examples of such coverage include, but are not limited to:

1. University athletic and academic teams traveling to off-campus events;
2. Student government associations off- campus activities;
3. Student clubs and/or student teaching programs;
4. Off-campus student internships;
5. Community service and/or student internship programs;
6. Study abroad programs; and
7. Participation in Consortium Program of Colleges and Universities.

ARTICLE III. STUDENT GROUPS AND ORGANIZATIONS

- A. A student group or organization and its officers may be held collectively or individually responsible when those associated with the group or organization have received the tacit or overt consent or encouragement of the group or organization, or one of the group's or organization's leaders(s), officers or spokesperson(s) to violate the Code.
- B. The officers, leaders or any identifiable spokespersons for a student group or organization acting on the group's or organization's behalf may be directed by the

Vice President for Student Affairs or a designee to take appropriate action designed to prevent or end violations of the Code. Failure to make reasonable efforts to comply with the Vice President for Student Affairs or designee's directives shall be considered a violation of the Code by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.

ARTICLE IV. SANCTIONS FOR MISCONDUCT

A student found by a preponderance of the evidence to be in violation of the Code of Student Conduct will be subject to University sanctions. Sanctions shall be imposed according to the severity of the misconduct. In all cases, the University shall reserve the right to require psychiatric, psychological, or other counseling and/or testing of the student as deemed appropriate.

A. **Definition of Sanctions:** The following sanctions as defined below may be consequences of a violation of the Code of Student Conduct. Each sanction may be separately or cumulatively applied should the behavior call for the imposition of a more severe penalty.

1. Administrative Hold: A status documented in the Registrar's official file which precludes the student from registering, from receiving transcripts or from graduating until clearance has been received from the Vice President for Student Affairs or designee or the Vice President of Academic Affairs or designee in accordance with University rules. Specification of the administrative hold will be noted on the student information electronic file (SIS+).

2. Disciplinary Reprimand: The student is warned in writing that his or her behavior is unacceptable and further misconduct may result in further sanctions or disciplinary action.

3. Disciplinary Probation: A student may receive specified restrictions and/or extra requirements for a specified period of time. The student may be restricted from participating in intercollegiate activities, extracurricular events, or other activities not academic in nature but consistent with the mission of the University. During the probationary period, the student shall not represent the University in any extracurricular activity, run for, or hold office in any student group or organization. Additional restrictions or conditions may also be imposed. A student may be required to meet periodically with designated persons. Notification will be sent to appropriate University offices. Failure to comply with the conditions of probation may result in disciplinary suspension or dismissal from the University. Specification of the disciplinary probation will be noted on the student

information electronic file (SIS+). Summary notations of the violations will be posted on the student information electronic file.

4. Restitution: Compensation for loss, damage or injury. The student is required to make payment to the University or to other persons, groups, or organizations for those damages incurred as a result of a violation of this Code.

5. Discretionary Sanctions: Work assignments, service to the University, or other related discretionary assignments (such assignments must have prior approval of the Vice President for Student Affairs or designee, or the Vice President for Academic Affairs or designee, as appropriate, although the relevant Vice President may delegate approval authority to the various Hearing Officers). The sanction must take place on the premises of the University of the District of Columbia.

6. Suspension: The student shall be prohibited from attending the University and from being present on University property without the permission of the sanctioning officer or designee on University property for a specified period. The appropriate hearing authority shall determine the effective beginning and ending dates of the suspension. A suspended student will be withdrawn from all divisions of the University for at least the remainder of the semester or session in progress. A student who is suspended from the University is not eligible for return of tuition or fees paid (whether in full or pro-rated) from the University. The student shall be required to apply for readmission to the University. Suspension requires the administrative review and approval of the Vice President for Student Affairs or designee, or the Vice President of Academic Affairs or designee. Specification of the suspension will be noted on the student information electronic file (SIS+). Summary notations of the violations will be posted on the student information electronic file.

7. Interim suspension: An interim suspension is effective immediately without prior notice whenever there is evidence that the continued presence of the student on the University campus or property poses a substantial threat to himself or herself, to others, or to the stability and continuance of normal University functions. The student shall begin the interim suspension immediately upon receipt of notice from the President, College Dean, the Vice President for Academic Affairs, or the Vice President for Student Affairs or a designee.

(a). An interim suspension restricts the student's physical access to campus if deemed necessary by the Vice President for Student Affairs or designee, or by the Vice President for Academic Affairs or designee in order to:

(i) Protect the safety and health of any person;

- (ii) Maintain order on University property;
 - (iii) Stop interference in any manner with the rights of citizens while on University owned or controlled property, while on professional practice assignment or while representing the University;
 - (iv) Preserve the orderly functioning of the University and the pursuit of its mission; or
 - (v) Protect University property and the property of members of the University community.
- (b). The interim suspension may be imposed pending the disciplinary process.
- (c). Students on interim suspension are barred from University premises and University sponsored activities.
- (d). The suspending official shall schedule a hearing within three (3) business days of the interim suspension notice for the purpose of determining if the interim suspension shall remain in effect, be modified, or be revoked pending a disciplinary hearing. A student suspended on an interim basis shall be given an opportunity to appear before the Vice President for Student Affairs or designee or the Vice President for Academic Affairs or designee to discuss the following issues prior to the disciplinary hearing:
- (i) The reliability of the information concerning the student's conduct; and
 - (ii) Whether the conduct and surrounding circumstances reasonably indicate that the continued presence of the student on the University campus or property poses a substantial threat to himself or herself, to others, or to the stability and continuance of normal University functions.

8. Expulsion: The student shall be permanently separated from the University. A notation will appear on the student's transcript. The student will also be barred from being on any University property, except by permission of the President of the University. A student who is expelled from the University is ineligible for the return of tuition and fees paid or to the University. Expulsion requires administrative review and approval by the President of the University. Specification of the expulsion will be noted on the student information electronic file (SIS+). Summary notations of the violations will be posted on the student information electronic file.

9. Sanctions on Student Organizations and Groups: Student organizations and groups in violation of University policy shall be subject to a maximum sanction of termination with the University, or any lesser sanction including but not limited to restriction or suspension of the use of facilities and services of the University, suspension of the privilege to sponsor fund raising events, the loss of funds allocated by the University, or restitution of damages. The club or organization in violation of the sanction must apply for reinstatement by the Vice President for Student Affairs or designee.

10. Other Disciplinary Sanctions: Other sanctions may be imposed by the Hearing authorities with or without disciplinary probation, including but not limited to:

1. Monetary payments for restitution because of damage to or misappropriation of University or a University community member's property;
2. Service to the University and/or University community;
3. Restriction of access to campus facilities; and/or
4. Referral for psychological, psychiatric or other counseling evaluation.

ARTICLE V. PROCEDURES: ACADEMIC MISCONDUCT

A. Initiating Actions

1. Reporting Academic Misconduct: Academic misconduct shall be reported by any person with knowledge thereof. Academic misconduct should be reported to (1) the faculty member who is teaching the course and has responsibility for grading, and (2) the respective Dean of the College/School in which the academic misconduct allegedly occurred. Any University employee who becomes aware of alleged academic misconduct must immediately report said misconduct to the Office of the Vice President for Academic Affairs.

2. Notification of Interested Parties: Within five (5) business days of receiving an allegation of academic misconduct, the Office of the Vice President for Academic Affairs or designee will notify (1) the student, (2) the faculty member teaching the relevant course, (3) the Dean of the college in which the course is being taught and (4) the Dean of the student's home college.

B. First Level Informal Pre-Hearing Resolution

1. Resolution by faculty member: When possible, allegations of academic misconduct shall be resolved by the student and the appropriate faculty member. Upon receiving notification of a charge of misconduct, the faculty member shall schedule a meeting with the charged student in an attempt to resolve the allegation.

2. Remedies available to faculty member: After meeting with the student, the faculty member must take one of the following actions based on the nature of the action:

- a. Dismiss the allegation,
- b. Alter a grade,
- c. Assign a failing grade to an assignment or course, and/or
- d. Refer the matter for a Second Level Resolution.

These remedies remain in the discretion of the faculty member.

3. Notification of decision: The faculty member, within five (5) business days of taking action under subsection B. 2. of this Article, shall notify (1) the student, (2) the Office of the Vice President for Academic Affairs, (3) the Dean of the student's home college, and (4) the Dean of the college in which the course is taught. If the matter is not resolved at the faculty level, the Dean shall notify the Hearing Committee in the College/School in which the academic misconduct allegedly occurred within three (3) business days.

4. Student's right to appeal: The student may, within ten (10) business days of the date the faculty member transmits notice under subsection B. 3. of this Article, appeal the decision of the faculty member to the appropriate College Hearing Committee.

C. Second Level: Formal Hearing Resolution

Academic misconduct shall proceed to a formal hearing resolution if either (1) the faculty member determines that informal pre-hearing resolution is inappropriate, or (2) the student appeals the outcome of informal pre-hearing resolution.

1. College/School Hearing Committee: Formal hearing resolution shall be conducted by a College/School Hearing Committee, which shall investigate allegations of academic misconduct and recommend appropriate sanctions. Each college or school within the University shall maintain its own College/School Hearing Committee, following uniform standards promulgated by the Vice President for Academic Affairs.

- a. **Chair of College/School Hearing:** Each College/School Hearing Committee shall be chaired by a Dean of the student's home college or a designee appointed by the Dean for the term of one calendar year

beginning at the start of each academic year. The Dean or appointed designee shall be a non-voting member of the Committee, except in the event of a tie.

b. Composition of Committee: Each College/School Hearing Committee shall be composed of the Chair, two faculty members selected by the college faculty, and two students selected by the President, all of whom have received training in the University student code of conduct and the UDC academic policies and procedures; and, are selected at the start of the academic year and who serve a term of one calendar year beginning at the start of the academic year.

c. Quorum: A quorum of the Committee shall be the Chair, one faculty representative, and one student representative.

d. Challenges to Committee members: The student may challenge, for cause, the partiality of any student or faculty member of the Committee. Such challenge must be made to the Chair prior to the student's hearing before the committee or else the challenge to a Committee member's partiality is waived. The Chair shall determine whether the challenge has merit, and such determination will be final. At the start of the hearing procedure, the Chair shall establish with all members present if there is any conflict of interest that may compromise the integrity of the hearing. If so, the respective members of the Committee will be directed to recuse themselves immediately from the proceedings.

e. Jurisdiction of Committee: Students shall be subject only to the College/School Hearing Committee of their home college.

2. Formal Hearing Concerning Alleged Academic Misconduct

The relevant College/School Hearing Committee (hereafter referred to as the Committee) may conduct a formal hearing into an allegation of academic misconduct. The student must attend the hearing unless otherwise instructed by the Committee Chair.

- If the student declines to attend the hearing (or participate by other means) the hearing shall proceed in the absence of the student.
- The student may make a written submission to the hearing.
- The student may be accompanied at the hearing by an individual who is a member of the University. The individual is present as a support to the student and is not an advocate or spokesperson for the student. In exceptional cases, for example a student with a disability which affects communication, the Chair may give permission for the individual to speak on behalf of the student.

- Neither the student nor any other person participating in the hearing is entitled to be legally represented.

Prior to the hearing, the Committee shall provide the student with a copy of (or access to) all written materials and other evidence available to the committee.

The Committee may call witnesses to give evidence at a hearing or may receive written statements of evidence. If the Committee thinks it appropriate or if the student requests it, the Committee may require persons to attend the hearing and answer questions. The student may ask questions of any witnesses in attendance at the hearing.

The student may make submissions to the Committee after the evidence of all witnesses has been given. The student's submissions may be oral or in writing.

As an outcome of the hearing, the Committee may take one of the following actions:

1. Dismiss the complaint of academic misconduct;
2. Provide the student with a warning together with information about acceptable academic conduct;
3. Decide that the student is guilty of academic misconduct and impose a penalty as defined in the Sanctions for Misconduct section.

The student shall be informed in writing of the decision of the Committee, including the reasons for the decision. Should the decision affect the enrollment status of the student, notification will also be sent to the Registrar who will annotate the academic record with the specific disciplinary action.

If a student has been found guilty of academic misconduct on more than one occasion and has previously been penalized, the penalty shall normally be expulsion from the program, unless in the opinion of the relevant Committee there are mitigating circumstances.

3. Committee's Recommendation: The Chair, no later than five (5) business days after the Committee makes its recommendation, shall notify the Dean of the home college or school of the recommendation.

4. Committee Decision: The Chair shall take one of the following actions:

- a. Approve the Committee's recommendation,
- b. Modify and approve the Committee's recommendation, or
- c. Remand the case to the Committee with instructions for further review.

5. Notification of decision: The Chair shall, within five (5) business days of taking action under Subsection C.4. of this Article, shall notify (1) the student, (2) the Office of the Vice President for Academic Affairs, (3) the Dean of the student's home college and (4) the Dean of the college in which the course is being taught.

6. Student's right to appeal: The student may, within five (5) business days of the date the Chair transmits notice under Subsection C.4. of this Article, appeal the decision of the College/School Hearing Committee to the Student Appeals Committee, as set forth in Article VII.

ARTICLE VI. PROCEDURES: NON-ACADEMIC MISCONDUCT

A. Initiating Actions and Preliminary Notices

1. Reporting Non-Academic Misconduct: Non-academic misconduct may be reported by any person with knowledge thereof. Non-academic misconduct should be reported to (1) any member of the University of the District of Columbia Police Department or (2) the Office of the Vice President for Student Affairs. Any University employee who becomes aware of alleged misconduct must immediately report said misconduct to the Office of the Vice President for Student Affairs. All members of the University community should always call 9-1-1 or the University Police Department at (202) 274-5050 in case of an emergency.

2. Notification of Interested Parties: Within five (5) business days of receiving an incident report from the Office of Public Safety or an allegation of non-academic misconduct, the Office of the Vice President for Student Affairs will notify (1) the student, (2) the Dean of the student's home college, and (3) other interested parties pertaining to the matter as deemed appropriate by the Office of the Vice President for Student Affairs.

3. Failure to Appear: If the accused student fails to appear at any scheduled non-academic resolution hearing held before the Judicial Hearing Committee, then the accused student will automatically be found in violation of the allegation(s). If the accused student fails to appear before the Student Appeals Committee on the date and at the time and place specified in the notice, then the Student Appeals Committee may take the testimony and evidence from the Judicial Hearing

Committee and reach a decision on the basis of that evidence. Also, the Appeals Hearing Officer can ultimately dismiss the hearing due to a failure to appear.

4. Student Advisor Listing: Students who receive notice to appear at a judicial proceeding may choose an advisor from a list which consists of impartial University faculty or staff. The student may meet and confer with their advisor regarding what to expect as it relates to the procedures of the judicial process. The student may also have the advisor present during the judicial hearing if the advisor complies. The advisor may not actively participate during the hearing procedure. The list of advisors will be available in the Office of the Vice President for Student Affairs.

5. Disclosure: Section 487(a) (26) of the Higher Education Act of 1965(20 U.S.C. § 1094(a)(26)) provides that the University shall, upon written request, disclose to an alleged victim of any crime of violence or a non- forcible sex offense, the report on the results of any disciplinary proceeding conducted by the University against a student who is alleged to be the perpetrator of such crime or offense.

6. If any committee or officer has procedural questions regarding this code during a hearing, they may seek the consultation of the Vice President for Student Affairs or designee.

B. Judicial Hearing Resolution

1. Judicial Hearing Resolution: Judicial Hearing resolution shall be conducted by the University Judicial Hearing Committee, which will investigate allegations of non-academic misconduct and recommend appropriate sanctions. The committee shall follow standards promulgated by the Vice President for Student Affairs.

a. Judicial Hearing Officer: The Judicial Hearing Officer shall be the Vice President for Student Affairs or a designee appointed to a term of one calendar year beginning at the start of each academic year.

b. Judicial Hearing Committee: The Judicial Hearing Committee shall be composed of the Judicial Hearing Officer, faculty representative, and a student representative.

c. Quorum: A quorum of the Committee shall consist of the full Judicial Hearing Committee.

d. Challenges to Committee members: The student may challenge, for cause, the partiality of any student, staff or faculty member of the Committee. Such challenge must be made to the Judicial Hearing Officer prior to the student's hearing before the committee, or else the

challenge to a Committee member's partiality is waived. The Judicial Hearing Officer shall determine whether the challenge has merit, and as such the determination will be final. At the start of the hearing procedure, the Judicial Hearing Officer shall establish with all members present if there is any conflict of interest that may compromise the integrity of this hearing. If so, the respective Committee members will be directed to recuse themselves immediately from the proceeding.

- 2. Option of Resolution by Judicial Hearing Officer:** A student charged with alleged non-academic misconduct may choose to have a hearing before only the Judicial Hearing Officer only. Otherwise, the student may elect to have a hearing before the Judicial Hearing Committee. Any student wishing to participate in a Judicial Hearing Resolution must sign a waiver consenting to a hearing before the Judicial Hearing Officer.
- 3. Judicial Hearing:** The Judicial Hearing will be the forum in which the accused and victim will have an opportunity to meet before the committee to go through a complete adjudication of the entire case. Both parties will be able to present evidence, information, bring witnesses, and have their advisors present. All advisors cannot actively participate during the hearing procedure. All hearings will be audio-taped.
- 4. Remedies Available to Judicial Hearing Officer:** During Judicial Hearing Resolution, the Judicial Hearing Officer or Committee shall have available the full range of sanctions for non-academic misconduct, subject to the provisions of this Code.
- 5. Committee's Recommendation:** The Judicial Hearing Officer or designee, no later than five (5) business days after the Committee makes its recommendation, shall notify the Vice President for Student Affairs of the recommendation.
- 6. Notification of decision.** The Vice President for Student Affairs shall, within five (5) business days of receiving notice of this decision, shall notify (1) the student, (2) the Dean of the student's home college, and (3) all interested parties pertaining to the case.
- 7. Student's right to appeal:** The student may, within five (5) business days of the date the Vice President for Student Affairs transmits notice under Subsection C.4 of this Article, appeal the decision of the Judicial Hearing Committee to the Student Appeal Committee, as set forth in Article VII.

ARTICLE VII. APPEALS

A. Initiating an Appeal: Parties shall have the right to appeal actions resulting from disciplinary proceedings taken in accordance with the Code. An appeal shall commence upon written notice to the appropriate Office of the Vice President. All

written notices of appeal for academic misconduct shall be forwarded to the Office of the Vice President for Academic Affairs. All written notices of non-academic misconduct shall be forwarded to the Office of the Vice President for Student Affairs. In either case, appeals must be received by the appropriate Office of the Vice President within five (5) business days. An official appeal form will be sent to the parties' respective addresses to complete and return to the appropriate Office of the Vice President.

B. Grounds for Appeal: The appropriate Vice President or designee shall make the sole and final determination as to whether there exist grounds for appeal. Grounds for appeal are limited to the following:

1. Discovery of new information: Discovery of information unavailable to the student at the time of his or her hearing shall constitute grounds for appeal, provided that (a) the unavailability of the information is due to a factor other than the failure of the student to introduce it at the hearing, and (b) the new information is reasonably likely to affect the outcome of the hearing.

2. Procedural error: Failure by the University to conform to this Code or the regulations established pursuant to it in a manner reasonably likely to have affected the outcome of the student's hearing shall be grounds for appeal.

3. Sanction not within permissible scope of discipline: Sanctions that are clearly excessive given the particular student and alleged misconduct shall constitute grounds for appeal.

C. Student Appeals Committee: All appeals arising under this Section shall be heard by representatives from the Student Appeals Committee, which shall be composed of four faculty representatives, and four student representatives. The Academic Senate will appoint the four faculty representatives in consultation with the Deans of each college; the Undergraduate Student Government Association will appoint the four student representatives in concert with the Offices of the Vice President for Student Affairs and Vice President for Academic Affairs.

1. Appeals Hearing Officer: The Student Appeals Committee shall be chaired by the Appeals Hearing Officer, who shall be the appropriate Vice President or a designee appointed for the term of one calendar year beginning at the start of each academic year.

2. Non-voting member: The Appeals Hearing Officer shall be a non-voting member of the Committee, except in the event of a tie.

3. Standard of review: The Committee shall not reverse any findings from a lower committee except those which are clearly erroneous and

without any evidentiary basis. The burden of proof shall rest solely with the student.

4. Quorum: A quorum will consist of the Appeals Hearing Officer or designee, one faculty representative, and one student representative.

5. No member of the Student Appeals Committee shall have served on the Judicial Hearing Committee below which has heard the matter at issue.

D. Appeals Procedure: The appropriate Vice President or designee shall promulgate procedures for appeal which shall, at a minimum, comply with the following:

1. Record on appeal. The record before the appeals committee shall consist of (1) the electronic recording of the disciplinary hearing, and (2) the entire file of the disciplinary proceeding, which shall be maintained by the appropriate Office of the Vice President. All such materials shall be made available to the student for review prior to the hearing. All materials cited above will be the property of the appropriate Office of the Vice President. Requests to have an audio copy of the hearing will cost \$5.00, payable to the Cashier's Office.

2. Party's statement: A party shall file a written statement containing its argument on appeal (i.e. discovery of new information, procedural error, or excessive sanction), addressed and submitted to the appropriate Office of the Vice President within (5) business days of requesting the appeal. The statement may be mailed, hand delivered, e-mailed, or faxed to the appropriate Office of the Vice President. Failure to submit a written statement timely shall result in dismissal of the appeal.

3. Presiding Official's statement: The presiding official who heard the matter from which the student has filed an appeal may file a written statement or present the written determination of the final decision of the Committee below.

E. Waiver of full appeal hearing: The student may, upon execution of a written waiver, elect to have an expedited hearing before the Appeals Hearing Officer. Any such hearing shall have the same effect as if it were before the full Committee.

F. Appeal Hearing: The Appeals Hearing Committee will hear an appeal based on the above criteria as stated in section (B) only. The Appeals Hearing Committee may ask the alleged violator of the Code of Conduct to provide all or certain details to help illustrate some facts pertaining to the case. The Appeals Hearing Officer may ask the alleged violator for certain evidence, information, and or witnesses to provide testimony during the appeal process.

G. Appeals Hearing Committee's Recommendation: The Appeals Hearing Committee shall either (a) dismiss the appeal, or (b) remand the matter to the Committee below with instructions. The Appeals Hearing Officer, no later than five (5) business days after the Committee makes its recommendation, shall notify the appropriate Vice President of the Committee's recommendation and issue a written report.

H. Final Action: If the Committee dismisses the appeal, the appropriate Vice President shall uphold the dismissal unless the decision of the Committee is against the weight of the evidence. If the appropriate Vice President determines that the decision of the Appeals Hearing Committee is against the weight of the evidence, the Vice President may elect to modify the decision in consultation with the Office of the General Counsel, where appropriate. The decision of the appropriate Vice President shall constitute final disciplinary action from which no further appeal may be taken. The decision of the appropriate Vice President to modify a committee's decision shall be supported in writing.

I. Notification of Decision: The appropriate Vice President shall, within five (5) business days of taking action under Subsection H. of this Article, notify in writing (1) the student, and (2) the Dean of the student's home college.

J. Failure to Appear: If a party fails to appear before the Student Appeals Committee on the date and at the time and place specified in the notice, the Student Appeals Committee may take the testimony and evidence from the Judicial Hearing Committee on the second level review and reach a decision on the basis of that evidence. Also, the Appeals Hearing Officer may ultimately dismiss the hearing due to a failure to appear.

ARTICLE VIII. PROCEDURES & GUIDELINES: GENERALLY

Notice: Notices required by this Code shall be transmitted in accordance with this Section. Such notice shall be presumed sufficient.

A. Method of Notification to Students: Any notification sent to a student shall be mailed to the student's (1) home address of record and (2) UDC e-mail address.

B. Method of Notification to Faculty and Staff: Any notification sent to a UDC employee shall be sent to the employee's (1) office duty station, and (2) UDC e-mail address.

C. Former Students: In cases where the charged student is not currently enrolled at the University, a registration hold shall be placed on the student's account until the conclusion of the disciplinary action. Also, the student will not be eligible to receive their degree or transcript until the disciplinary matter has been completely resolved. If a student decides to transfer to another institution their transcript on file with the Office of the Registrar will not be released or transmitted until the judicial matter is resolved. The notice will be mailed to the former student's last known address.

D. Reporting Misconduct: Misconduct should be reported in accordance with the procedures noted above. However, it shall be the responsibility of any University employee who becomes aware of misconduct to report the same to the Office of the Vice President for Student Affairs or the Vice President for Academic Affairs, as appropriate.

E. Determining the Existence of Misconduct: Prior to the commencement of disciplinary action, the Vice President for Student Affairs or Vice President for Academic Affairs shall have the power to summon any University student or employee for the purposes of determining the exact nature of the alleged misconduct, but not for the purposes of imposing sanctions of any kind.

F. Hearings:

1. Attendance: Attendance at disciplinary proceedings shall be restricted to the student and the hearing officer or committee, except as otherwise provided herein.

a. Witnesses: Witnesses shall be present at hearings only for the time during which they give testimony.

b. Student's Advisor: The charged student may be accompanied by an advisor. However, the advisor shall not be authorized to address the hearing officer or committee on behalf of the student.

c. University Representative: The University administration may elect to have a representative, including but not limited to legal counsel, present at any disciplinary hearing as a non-participant.

2. Evidence:

a. Witnesses: Only witnesses with personal knowledge of alleged misconduct, or lack thereof, may testify. No character witnesses are permitted. Witnesses are strongly encouraged to testify in person. However, witnesses who are unable to appear in person may elect to submit a signed and notarized affidavit containing, to the witness's knowledge, all relevant and pertinent facts. The affidavit must be delivered to the appropriate Office of the Vice President no later than two (2) business days before the hearing.

b. Electronic Record: All disciplinary proceedings shall be tape recorded. The recordings shall be housed in the appropriate Office of the Vice President in a secure manner for a period of seven (7) calendar years.

3. Burden of Proof:

a. Generally: In all first level resolution proceedings, the burden shall be by a preponderance of the evidence, and shall rest with the University.

b. Appeals: In all appeals hearings, the burden of proof shall be on the student. The Committee above shall only overturn findings of the Committee below if the findings are clearly erroneous.

G. Records: The appropriate Office of the Vice President shall maintain records of all disciplinary matters in compliance with all applicable federal and local laws and regulations. Only the student charged with misconduct may view their disciplinary records in the presence of a Student Affairs or Academic Affairs administrator. The student may be requested to provide proof of identification in such instances. The Office of the Vice President for Student Affairs and the Office of the Vice President for Academic Affairs each comply with requirements of the Jeanne Clery Act, as well as the Family Educational Rights and Privacy Act.

H. Pendency of Other Actions: The University reserves the right to proceed with disciplinary actions under this Code notwithstanding any pending criminal, civil, or administrative investigation or proceeding.

I. Pool of students for Committee Service: The President or Vice President for Student Affairs or for Academic Affairs or designee shall establish a pool of both undergraduate and graduate students from which to select members for service on the various disciplinary committees. The students shall be members of the pool for the term of one calendar year beginning at the start of each academic year. Undergraduate students shall serve on committees hearing charges with respect to undergraduate students, and graduate students shall serve on committees hearing charges with respect to graduate students. Students shall be appointed by the USGA and GSGA.

ARTICLE IX. INTERIM SUSPENSION – NON-ACADEMIC MISCONDUCT

A. Grounds: A student shall be placed on immediate interim suspension upon a finding by the Vice President for Student Affairs or designee that a credible allegation has been made regarding the student with respect to one of the following types of misconduct:

1. Fighting;
2. Hazing;
3. Gambling on University premises;
4. Assault;
5. Battery;
6. Sexual misconduct;
7. Menacing;
8. Drug use or possession;
9. Unlawful possession of alcohol or public intoxication;
10. Arson;
11. Threat, either verbal or knowingly to cause bodily harm to another person while on campus;
12. Off-campus behavior in violation of the Code of Conduct; (i.e., athletic and extracurricular activities, events, trips, and conferences);
13. Terroristic threats;
14. Weapons possession;
15. Retaliation;
16. Harboring, any employee or student that has been barred from campus, or any fugitive that has an outstanding warrant. This also includes athletic off-campus housing; and
17. Tampering with safety equipment.

B. Condition of an Expedited Interim Suspension: A student will have the option to elect an expedient interim suspension. A resolution hearing will be held on the same day the Office of the Vice President of Student Affairs is notified of the event or the second day after the event, dependent on the opportunity to conduct an investigation as expediently as possible. The expedient interim suspension will last no longer than three business days from the date the Office of the Vice President of Student Affairs is notified of the incident.

C. Condition of an Interim Suspension: A student on interim suspension is prohibited from entering University premises or participating in University-sponsored activities. The University is required to preserve the orderly functioning of the University and to protect the safety of University students, faculty, staff, visitors, and property.

1. Classes: Students on interim suspension may not attend class. Faculty may, at their sole option, make alternate arrangements such as distance learning.

2. Escort for Hearings: Students on interim suspension who must attend disciplinary hearings shall report to the Office of Public Safety (Building 39, A-Level) and must be escorted by a University police officer at all times while on campus.

D. Hearing on Interim Suspension: The Judicial Hearing Officer shall conduct a hearing within three (3) business days of the interim suspension to determine whether the student's conduct and circumstances reasonably indicate that the continued presence of the student on University property poses a substantial threat to the safety of the student or others, or to the stability and continuance of normal University operations. If the Judicial Hearing Officer determines that no substantial threat exists, the suspension may be lifted. If the Judicial Hearing Officer determines that a substantial threat does exist, the suspension shall remain in effect until the conclusion of the disciplinary proceeding.

APPENDIX I

GLOSSARY OF TERMS

Business Day -- Any day on which University administrative offices are open and operating on a normal schedule. Business days do not include weekends, holidays, or administrative closing days.

Code -- University of the District of Columbia's Code of Student Conduct.

Faculty Member -- Any person hired by the University of the District of Columbia to conduct classroom activities.

Home College/School -- For students in degree programs, the college in which their program exists. For students in non-degree programs accused of academic misconduct, the college in which they are alleged to have committed misconduct. For students in non-degree programs accused of non-academic misconduct, the college of the majority of the student's current classes or other college determined by the Vice President for Student Affairs or designee.

Member of the University of the District of Columbia Community -- Any person who is a student, faculty or staff official of the University of the District of Columbia. A person's status in a particular judicial case shall be determined by the Vice President for Student Affairs or designee, or the Vice President for Academic Affairs or designee, as appropriate.

Officer -- Any sworn Police Officer in the Office of Public Safety and Emergency Management, who presents facts, statements, evidence and/or charges in a case during a judicial hearing or proceeding.

Official Holiday -- Days that are observed by the government of the District of Columbia: New Year's Day, Rev. Dr. Martin Luther King, Jr.'s Birthday, President's Birthday, Emancipation Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Policy -- The written regulations of the University of the District of Columbia as found in, but not limited to, the Code of Student Conduct, Student Handbook, David A. Clarke Law School Code of Conduct, Student Athlete Code of Conduct, and the Graduate/Undergraduate Catalogs.

Student Organization -- Persons who have complied with the formal requirements for student organizations at the University of the District of Columbia.

Possession -- The actual or constructive act of having possession of a thing or object or when a person has the power to control possession of a thing or object.

Student -- All persons who officially: (1) register and enroll on a full-time or part-time basis; (2) who maintain current enrollment status; or (3) who may attend any other postsecondary educational institution while matriculating at the University; (4) who may be attending or studying internationally at either a partner University or postsecondary educational institution abroad.

University -- University of the District of Columbia.

University Official -- Any person employed, contracted or associated with the University in performing assigned administrative or professional responsibilities.

University Premises -- All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University of the District of Columbia as authorized and defined by the Government of the District of Columbia.

APPENDIX II

THE UNIVERSITY OF THE DISTRICT OF COLUMBIA DRUG AND ALCOHOL ABUSE POLICY

***DISCLAIMER:** In accordance with 20 U.S.C. § 1011i (the “Higher Education Act”), the University of the District of Columbia provides herein a description of the applicable legal sanctions under local, State, or Federal law for the unlawful possession or distribution of illicit drugs and alcohol. The University of the District of Columbia has provided the aforementioned information on alcohol and/or controlled substance violations of local and federal law for general information and general use by the University community only. This information is subject to change and is not intended to provide legal advice for any particular situation. Legal advice can only be provided in the course of an attorney-client relationship with reference to all of the facts of a given situation. Accordingly, this information must not be relied upon as a substitute for obtaining legal advice and consultation from a licensed attorney. Further, the sanctions listed below are subject to change pursuant to subsequent action by local or State governments, acts of Congress, and/or other enforcement agencies charged with prosecuting such sanctions.*

The unlawful possession, use, or distribution of illicit drugs and alcohol by students on University premises or as part of any University activity is prohibited. Members of the University community who unlawfully possess, use, or distribute illicit drugs or alcohol shall be sanctioned. Sanctions may include referral for criminal prosecution, expulsion, suspension, termination, reprimand, or requiring the individual to complete an appropriate rehabilitation program.

Federal, State, and District of Columbia laws prohibit the unlawful use, manufacture, possession, control, sale and dispensation of any illegal narcotic, dangerous drug, or alcohol.

Penalties for Illegal Possession or Distribution of Alcohol under D.C. Law

In the District of Columbia,

- It is unlawful to consume or possess an alcoholic beverage in an open container in a vehicle, public area or place of business not licensed to sell alcoholic beverages. Violations of this provision may result in a fine of up to \$500 and/or a prison term of up to 90 days. **D.C. Code § 25-1001.**
- Persons under age 21 are prohibited from possessing, drinking, purchasing or attempting to purchase an alcoholic beverage. Persons are also prohibited from falsely representing their age in an attempt to purchase alcohol or enter an establishment where alcohol is served. Violations of this law may result in:
 - A fine of up to \$300 and suspension of driving privileges in the District for up to 90 days for the first violation;
 - A fine of up to \$600 and suspension of driving privileges in the District for up to 180 days for the second violation; or
 - A fine of up to \$1,000 and suspension of driving privileges in the District for up to one year for the third violation and each violation thereafter.

D.C. Code § 25-1002.

- Persons who purchase, sell or in any other way deliver alcoholic beverages to persons under 21 may be
 - Fined up to \$1,000 and/or imprisoned for up to 180 days for the first violation;
 - Fined up to \$2,500 and/or imprisoned for up to 180 days for the second violation if within 2 years of the previous violation; or
 - Fined up to \$5,000 and/or imprisoned for up to one year for the third violation if within 2 years of the previous violation.

D.C. Code § 25-785.

Penalties for Possession or Distribution of Illegal Drugs under D.C. Law

In the District of Columbia,

- Intentional possession of a controlled substance (other than pursuant to a valid prescription), is punishable by a fine of up to \$1,000 and/or 180 days' imprisonment. The intentional manufacture, distribution, or possession with intent to manufacture or distribute a controlled substance is punishable by prison terms ranging from not more than 180 days to not more than 30 years and/or fines ranging from not more than \$1,000 to not more than \$500,000. **D.C. Code § 48-904.01.** Controlled substances are defined in **D.C. Code § 48-901.02** and include, but are not limited to, drugs such as marijuana, cocaine, crack, PCP, LSD, and other narcotics. *See also* **D.C. Code §§ 48-902.04, 48-902.06, 48-902.08, 48-902.10, 48-902.12.**
- Persons over age 21 who are found to have distributed a controlled substance to anyone under age 18 is subject to even heavier penalties. Any person convicted of a second or a subsequent offense may be fined up to twice the amount authorized and/or imprisoned for a term of up to twice that authorized. **D.C. Code § 48-904.06.**
- Anyone found to have enlisted or encouraged an individual under age 18 to distribute or sell any controlled substance is subject to an additional fine of \$10,000 and an additional prison term of up to 10 years. **D.C. Code § 48-904.07.**
- A finding that an individual has attempted to commit any of these offenses subjects the individual to the same fines and terms of imprisonment as if the crime were actually committed. **D.C. Code § 48-904.09.**
- The use, sale, delivery or possession with intent to deliver, use, or sell, of drug paraphernalia to prepare or use illegal controlled substances is prohibited.
 - First conviction: \$1,000 fine or a prison term of up to six months.
 - Second conviction: Up to \$5,000 fine and/or imprisonment for up to 5 years.
 Drug paraphernalia includes pipes, tubes, roach clips, cocaine spoons and vials, bongs, ice pipes or chillers, scales, blenders, bowls, containers, spoons and other devices used for mixing or compounding a controlled substance, and capsules, balloons, envelopes and any other containers used to package, use or store a controlled substance. Delivery of paraphernalia to a minor at least 3 years younger results in a fine of up to \$15,000 and/or imprisonment for up to 8 years. **D.C. Code §§ 48-1101, 48-1103.**

Penalties for Illegal Possession or Distribution of Alcohol under Maryland Law

In the State of Maryland,

- It is illegal for an occupant of a motor vehicle to possess an open container that contains any amount of an alcoholic in a passenger area of a motor vehicle on a highway. **MD Code, Criminal Law § 10-125.**
- It is illegal for an individual under the age of 21 to possess or have under their charge or control an alcoholic beverage. It is also illegal for an individual under the age of 21 to consume an alcoholic beverage. Any individual found to be in violation of the law is subject to
 - A fine of \$500.00 for a first offense;
 - A fine of \$1,000 for subsequent offenses; and
 - Negative effects on the offending party's driver's license, whether or not issued by the State of Maryland.

MD Code, Criminal Law §§ 10-114, 119.

- It is illegal for an individual under the age of 21 to knowingly and willfully make a misrepresentation or false statement as to the age of that individual or another to any person licensed to sell alcoholic beverages, for the purpose of unlawfully obtaining, procuring, or having unlawfully furnished an alcoholic beverage to an individual. Furthermore, in Maryland it is illegal for an individual under 21 to possess a card of document which falsely identifies the age of the individual. **MD Code, Criminal Law §§ 10-113, 114.**
- It is illegal for an individual to obtain, or attempt to obtain an alcoholic beverage from any other person alcoholic beverages for consumption by others under the age of 21. Any individual found to be in violation of the law is subject to
 - A fine of \$2,500 for a first offense;
 - A fine of \$5,000 for subsequent offenses; and
 - Negative consequences for the offending party's driver's license, whether or not issued by the State of Maryland.

MD Code, Criminal Law §§ 10-116, 119.

Penalties for Possession or Distribution of Illegal Drugs under Maryland Law

In the State of Maryland,

- A person may not possess or administer to another a controlled dangerous substance without a prescription.
 - The penalty for violating this law is a fine not to exceed \$25,000 and up to four years imprisonment.
 - If the controlled substance is marijuana, the fine is not to exceed \$1,000 and the imprisonment no more than 1 year.

MD Code, Criminal Law § 5-601.

- It is illegal for a person to distribute or dispense a controlled substance or possess a controlled dangerous substance in sufficient quantity reasonably to indicate under all circumstances an intent to distribute or dispense a controlled dangerous substance. **MD Code, Criminal Law, § 5-602.**
- It is illegal for a person may to manufacture a controlled dangerous substance, or manufacture, distribute, or possess a machine, equipment, instrument, implement, device, or combination of them that is adapted to produce a controlled substance under circumstances that reasonably indicate an intent to use it to produce, sell, or dispense a controlled dangerous substance in violation of this title. **MD Code, Criminal Law § 5-603.**
- An offender of the possession/manufacture/distribution of Schedule I and II narcotics laws in the State of Maryland shall be guilty
 - First-time offender: A felony and subject to a period of imprisonment not to exceed 20 years, as well as a fine not to exceed \$25,000; or
 - Second-time offender: A minimum of 10 years imprisonment and a fine not to exceed \$100,000;
 - Third-time offender: Imprisonment of no less than 25 years and a fine not to exceed \$100,000; or
 - Fourth-time offender: Imprisonment for a minimum of 40 years and a fine not to exceed \$100,000.**MD Code, Criminal Law § 5-609.**
- In Maryland, the Court may not suspend the mandatory minimum imprisonment, and any similar violation of the laws of another State or Federal law can be used as the first offense to trigger the greater sanction, including conspiracy to commit a similar crime. **MD Code, Criminal Law § 5-609.**
- If an individual uses a minor to aid them in the manufacture, delivery, or solicitation of controlled substances, they will be guilty of a felony and subject to imprisonment for no more than 20 years, and a fine not to exceed \$20,000 or both. **MD Code, Criminal Law § 5-628.**

Penalties for Illegal Possession or Distribution of Alcohol under Virginia Law

In the Commonwealth of Virginia,

- If any person takes a drink of an alcoholic beverage or offers a drink to another, whether accepted or not, at or in any public place, he shall be subject to a fine of not more than \$250.00. **Va. Code § 4.1-308.**
- Persons under the age of 21 are prohibited from possessing, drinking, purchasing, or attempting to purchase alcohol. Persons are also prohibited from attempting to have another person purchase alcohol for them. Violation of this law subjects the individual to a fine of up to \$2,500.00, up to one year in jail, or both and shall also have their Driver's License suspended for a period not to exceed one year. **Va. Code §§ 4.1-304, 306.**
- If an individual under the age of 21 is found to be operating a motor vehicle with at Blood Alcohol Content of .02 or higher, they shall be subject to a fine of no more than \$500.00, suspension of their Driver's License for 6 months from the time of conviction, attendance in a substance abuse treatment program. **Va. Code § 18.2-266.1** (effective July 1, 2010).

Penalties for Possession or Distribution of Illegal Drugs under Virginia Law

In the Commonwealth of Virginia,

- It is unlawful for any person knowingly or intentionally to possess a controlled substance unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act.
 - Schedule I or II Drug: Subject to a term of imprisonment of not less than one year nor more than 10 years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not more than \$2,500, either or both;
 - Schedule III Drug: Subject to a fine of no more than \$2,500.00, up to one year in jail, or both.
 - Schedule IV Drug: Subject to a fine of no more than \$1,000.00, up to six months in jail, or both.
 - Schedule V Drug: Subject to a fine of no more than \$500.00.
 - Schedule VI Drug: Subject to a fine of no more than \$250.00.**Va. Code § 18.2-250.**

- It shall be unlawful for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a controlled substance or an imitation controlled substance.
 - Schedule I or II Drug: Upon conviction, imprisonment for not less than five nor more than 40 years and fined not more than \$500,000.
 - Upon a second conviction of such a violation (if the warrant, indictment, or information states that there has been a prior conviction of the offense or a substantially similar offense in any other jurisdiction which would be a felony if

- committed in the Commonwealth), any such person may, in the discretion of the court or jury imposing the sentence, be sentenced to imprisonment for life or for any period not less than five years and be fined not more than \$500,000.
- When a person is convicted of a third or subsequent offense under this subsection (if the warrant, indictment, or information states that there have been two or more prior convictions of the offense or substantially similar offenses in any other jurisdiction which would be a felony if committed in the Commonwealth), he shall be sentenced to imprisonment for life or for a period of not less than five years, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

Va. Code § 18.2-248.

- It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription. Any person who violates this section shall be guilty of a misdemeanor, and be confined in jail not more than thirty days and a fine of not more than \$500, either or both; any person, upon a second or subsequent conviction of a violation of this section, shall be subject to a fine of no more than \$2,500.00, up to one year in jail, or both. **Va. Code § 18.2-250.1.**

Penalties for Possession or Distribution of Illegal Drugs under Federal Law

It is a violation of federal law to possess, manufacture, or distribute a controlled substance. Defined by federal statute, controlled substances include, but are not limited to, marijuana, cocaine, PCP, LSD, and other narcotics.

A student or employee found guilty of possessing a controlled substance in violation of federal law may be subject to some or all of the following sanctions:

- **First conviction:** Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and/or fined a minimum of \$1,000.
- **Second conviction:** Sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and/or fined minimum of \$2,500.
- **Subsequent drug convictions:** Sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000.
- **Special sentencing provisions for possession of a mixture or substance which contains cocaine base mandate imprisonment of not less than 5 years and not more than 20 years, and a fine of a minimum of \$1,000, in accordance with the following:**
 - First conviction and the amount of mixture or substance exceeds 5g.
 - Second conviction and the amount of mixture or substance exceeds 3g.
 - Subsequent convictions where the amount of mixture or substance exceeds 1g.

21 U.S.C. § 844.

Federal law may also require:

- Forfeiture of all conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of a controlled substance, **21 U.S.C. § 881(a)(4)**;
- Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment, **21 U.S.C. §§ 853(a), 881(a)(7)**;
- Civil fines of up to \$10,000 for possession of small amounts of certain controlled substances, constituting a personal use amount, **21 U.S.C. § 844a**; and
- Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first conviction, up to 5 years for second and subsequent convictions, **21 U.S.C. § 862**.

Further, students who are convicted under any state or federal law for possessing or selling a controlled substance while they are receiving any federal grant, loan, or work assistance will not be eligible to receive the aid for the following time periods:

Offense	Penalty for Possession	Penalty for Sale
1 st offense	1 year	2 years
2 nd offense	2 years	indefinite
3 rd offense	indefinite	

Students may resume eligibility earlier if they complete a drug rehabilitation program that includes two unannounced drug test and otherwise meets Department of Education requirements. **20 U.S.C. § 1091(r)**.

Health Risks

The health risks associated with the use of illicit drugs and the abuse of alcohol include physical and mental impairment, emotional and psychological deterioration, fine and gross motor degeneration, and death.

University Services

The University of the District of Columbia provides confidential counseling and referral services to members of the UDC Community with problems related to drug use and alcohol abuse. The University also provides information about other substance abuse and treatment programs available to members of the UDC community.

For further information regarding substance abuse or treatment programs, contact University Health Services in Building 44, Room A-33 or call (202) 274-5030.

APPENDIX III

**University of the District of Columbia
Harassment Procedure
Related Policies and Procedures: Sexual Harassment Policy
Approved: Dr. Allen L. Sessoms, President
January 16, 2009**

The following information on the Sexual Harassment Policy is an excerpt from the Harassment Procedures located in the Office of Human Resources, Building 38, Room 301.

Statement

The University of the District of Columbia strives to provide an educational and working environment that is free from all forms of harassment, including sexual harassment for all faculty, staff, and students. It is committed to providing an environment that treasures diversity and emphasizes the dignity and worth of every individual, an environment in which every individual is treated with respect. Harassment in any form is inimical to these goals and fundamentally at odds with the values of the University. It is unacceptable behavior and will not be tolerated. This procedure is designed to do the following:

- reaffirm the University's commitment to providing a positive environment for study and work free from harassment;
- let all members of the University community know what kind of conduct is expected and what kind of conduct is proscribed;
- inform victims of harassment, including sexual harassment, of their options and rights;
- inform all members of the University community about the procedures available at the University for addressing, investigating, and resolving harassment complaints, including sexual harassment complaints;
- protect the rights and confidentiality of all parties to harassment complaints to the extent possible; and
- prevent retaliation against persons alleging sexual and other unlawful harassment or against persons cooperating in an investigation.

Prohibited Conduct

A. Harassment

Unwelcome or offensive acts or communications directed at individuals or groups because of actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial

status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income.

B. Sexual Harassment

For the same reasons listed above, it is the procedure of the University that all faculty, staff, and students work and learn in an environment free from sexual harassment. Sexual harassment is also a violation of both federal and district laws.

Definition

The Equal Employment Opportunity Commission defines sexual harassment in an employment situation as follows. Unwelcome sexual advances, requests for sexual favors and other verbal or written communication, or physical conduct of a sexual nature constitute sexual harassment when: a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing; b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic standing affecting such individual; or c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or learning or creating an intimidating, hostile, or offensive environment. This definition for the employment context may be extrapolated to apply as well to non-employment situations, such as relationships between faculty and students, academic decisions regarding students, and the environment in which students function.

Academic Freedom

The Board of Trustees of the University has accepted and endorsed a definition of academic freedom which includes basic rights and responsibilities to teach and discuss topics pertinent to understanding the subject matter of the course being taught; to conduct research and publish the results; and to speak or act in the capacity of a citizen without institutional censorship or discipline.

Consensual Relationships

The University very strongly discourages consensual relationships of an intimate or sexual nature between faculty or staff members and students because, among other reasons, they pose great potential for sexual harassment problems. This is particularly so with regard to students who are currently enrolled in a class taught by a faculty member or who are currently employed by a faculty or staff member in any capacity. Because the question of consent is complicated by the difference in power that exists between faculty or staff and students in such circumstances, and, the difference in power can give rise to the appearance of impropriety, faculty and staff are cautioned against entering such relationships with students.

Procedures for Dealing with Harassment

In addition to reporting an alleged incident of harassment, any person who perceives himself or herself to be the victim of harassment in violation of this procedure should promptly take one or more of the procedural steps described below, as applicable. The University strongly encourages any person, including students, to report the matter directly to the Human Resources (HR) Department, Building 38, Room 301.

A. Self-Help

An initial course of action for any faculty, staff, or student who feels that he or she has been harassed may be for that person to emphatically tell or otherwise inform the harasser that the conduct is unwelcome, offensive, violates this procedure, and must stop. This may solve the problem, and, if it does, further proceedings will usually not be necessary.

B. Counseling

Once reported to the Human Resources (HR) Department, a student who perceives himself or herself as a victim of harassment may also contact one of the Counselors in the Division for Student Affairs for advice and counseling.

Note: A copy of the complete Harassment Procedure may be obtained from the Office of Student Affairs, Human Resources, Learning Resource Division or from the Human Resources Department. A copy is also located on the UDC website: www.udc.edu.

APPENDIX IV

AMERICANS WITH DISABILITIES ACT (ADA) AND SECTION 504 OF THE REHABILITATION ACT OF 1973 POLICY STATEMENT

Complaints alleging that a qualified individual with a disability has been excluded from participation in, has been denied the benefits of, or otherwise has been subjected to discrimination in University programs or activities should contact the Disability Resource Center (DRC) in Building 44, A-level, (202) 274-6417 and the Section 504 Compliance Officer, located in Building 38, Room 301-14, (202) 274-5020.

APPENDIX V

INVOLUNTARY STUDENT ADMINISTRATIVE LEAVE POLICY

The University of the District of Columbia Involuntary Student Administrative Leave Policy is applicable to a student who exhibits behavior, in or out of the classroom, that poses or threatens a significant risk of substantial harm to the health or safety of the student or others. The Vice President for Student Affairs or designee determines the appropriate action that will place the student on involuntary administrative leave for a period to be determined by the Vice President for Student Affairs in consultation with other appropriate officials. The specific details of the actions will be noted on the student information electronic file. The policy statement is located in the Office of the Vice President for Student Affairs in Building 39, Room 301-I; (202) 274-5210.