

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

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

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

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

B. University Decisions upon Criminal Conviction

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

A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the Dean of Student Services. This decision may be appealed to the Vice President for Student Affairs. A student wishing to appeal the decision of the Dean of Student Services must submit a written letter of appeal to the Vice President for Student Affairs within ten (10) business days of receiving notice regarding continued enrollment. The letter of appeal must outline all of the reasons the student is seeking an appeal and the student should submit any additional accompanying information that may support this appeal request. Upon receipt, the Vice President for Student Affairs will request any and all documentation the Dean of Student Services used to render a decision about the student's continued enrollment and review the entire file. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs renders a final decision regarding the appeal request. Once the Vice President for Student Affairs renders a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.

SECTION VI: PROHIBITED BEHAVIORS

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

1. Alcoholic Beverages

The University prohibits the unauthorized possession, use or distribution of alcoholic beverages. The University enforces all local and federal laws or regulations that regulate and control the sale or use of

alcohol. Howard University is a dry-campus and therefore has a zero-tolerance policy regarding the possession, distribution or consumption of alcohol, except when possession, distribution or consumption has been explicitly approved, in writing, by the President or their designee. When possession, distribution or consumption is approved, the University limits these on-campus activities to specified areas and to persons of legal age.

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

- A. Under no circumstances will alcoholic beverages be provided to anyone under 21 years of age. The sale, service, possession or consumption of an alcoholic beverage is expressly prohibited, unless approved, in writing, by the President or their designee for students over 21 years of age.
- B. Consumption and/or possession of alcoholic beverages in the residence halls is strictly prohibited.
- C. Aiding or abetting an underage person in the purchase of alcoholic beverages or providing an underage person with alcohol is strictly prohibited.
- D. Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without express written approval from the President or the Vice President for Student Affairs. Prior to receiving consent, all organizations must submit a written request to serve alcoholic beverages to the Vice President for Student Affairs. All requests will contain information regarding the event, its location, potential attendees and the manner in which alcohol consumption will be controlled to prevent underage drinking. If the request is approved, the written approval will clearly articulate all terms and conditions regarding possession and consumption. Approval will be given only for those students over 21 years of age. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event. If violations occur, the student organizational leadership, along with the coordinator(s) of the event, may be charged under the *Code*.
- E. Student organizations serving alcoholic beverages at off-campus events may not identify these events as University-sponsored or sanctioned events.
- F. Disorderly conduct due all or in part to being under the influence of alcohol is strictly prohibited.
- G. Possession of an open alcohol container in a public area is strictly prohibited.
- H. Consumption of alcohol in a public area on the campus is strictly prohibited.

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

2. Assault

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

or without actually inflicting or committing bodily harm. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

3. Battery

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

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

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

5. Contracts

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

6. Discrimination

A. Engaging in verbal or physical behavior that, according to a person of reasonable sensibilities, is likely to create an intimidating or demeaning environment that infringes upon the ability of other students, faculty and/or staff to access or receive the educational benefits available to them as a member of the University Community. The University prohibits such behavior directed at an individual or group based upon a protected class. Protected classes include: national origin, race, color, age, gender, ethnicity, disability, creed, religious beliefs, political affiliation, personal appearance, family status, sexual orientation, gender identity or gender expression. The *Code* also prohibits hate crimes, as defined in the District of Columbia Code.

B. Wearing articles of clothing with derogatory, racist, discriminatory, patently offensive, profane, sexually explicit, or graphic messages, either in words or pictures, which demonstrate bias or discrimination against any individual or group within the University Community.

7. Disruptive Conduct

A. Acting in a manner that impairs, interferes with or obstructs the orderly conduct, processes, or functions of the University or that interferes with or negatively impacts any person or persons in the classroom or on University owned or operated property or at any University-sponsored event.

B. Student behavior, communications, and/or attire may be considered disruptive to the University and/or to members of the University Community. Under this policy, disruptive behavior includes, but is not limited to, use of electronic devices such as pagers, cell phones, video games, iPods, walkmans, personal

music players, or computers or tablets for non-educational purposes in the library or computer labs, during class sessions, laboratory or clinical practicums, study hall or clerkships/internships and/or during periods of academic and classroom instruction, testing, remediation, or tutorial assistance. This provision also applies to students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, as this type of behavior impedes the ability of the instructor to carry out their professional duties and responsibilities.

C. Disruptive conduct may also include the wearing of apparel or clothing that is lewd, lascivious, profane or sexually explicit and/or attire that conveys messages in print or in picture form that are profane, vulgar, patently offensive, racist or discriminatory and disrupts any aspect of the daily operations of the University.

D. Students residing in off-campus housing, either University owned or non-University owned, may not disturb the peace and quiet enjoyment of their neighbors by creating a community disturbance. Community disturbances include, but are not limited to: maintaining a noise level, at late hours, that is unduly loud and continual; causing vehicular congestion that would impede both emergency and non-emergency vehicles from passing; illegal parking in alleys and on streets; engaging in lewd or indecent behavior; creating or engaging in activity that generates large crowds of guests; engaging in disorderly behavior that disrupts the regular or normal functions of the community in which you reside or which breach the peace or violate the rights of others; participating in illegal activity, to include the use of drugs, dumping of trash and other violations; engaging in excessive use of alcohol and/or participating or engaging in any other activity that may be a violation of the Student Code of Conduct or District of Columbia, Maryland or Virginia laws.

E. Students are required to carry their Howard University student identification cards at all times and are required to surrender it upon reasonable request by any University official, faculty or staff member and all residence hall personnel.

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

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

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

Dating and Domestic Violence - A pattern of controlling behaviors used by one partner to control the other partner. By reference, this policy also incorporates the definition of domestic violence contained in the District of Columbia Code. There are many forms of dating and domestic violence:

1. **Physical Abuse** – Dating and domestic violence that includes, but is not limited to, hitting, shoving, slapping, pushing, punching, burning, and stabbing. It can also include withholding someone from receiving needed medical care or medication.

2. **Sexual Abuse** - Dating and domestic violence that includes, but is not limited to, forced sex, and forcing someone to have sex without protection, with an object, or with another person.

3. **Psychological and Emotional Abuse** - Dating and domestic violence that includes, but is not limited to, controlling someone's behavior or actions, isolating a person from friends and family; making threats against a person, their family, friends and pets; using social media to make threats; and verbal abuse.

4. **Economic Abuse** - Dating and domestic violence that includes, but is not limited to, taking a partner's money, and not allowing a person or disrupting a person's ability to work or go to school.

Sexual Assault – Rape, attempted rape, forced sexual intercourse including forcible sodomy, sexual assault with an object and/or sexual battery; any unwanted sexual contact or threats; and any non-consensual sexual contact, including unwanted touching or forcible fondling.

Stalking - A course of conduct that is unwanted, unwelcome and unreciprocated directed at a specific person that would cause a reasonable person to feel fear. Examples of stalking behaviors include, but are not limited to:

1. Waiting outside a person's class or residence.
2. Sending unwanted letters, phone calls, emails, texts, posts to a person.
3. Following the person.
4. Sending gifts.
5. Sending information to others about the person.
6. Threatening the person.
7. Vandalizing the person's property
8. Tracking the person's computer and internet use.
9. Posting improper messages on social media about the person.

9. **Drugs/Controlled Substances**

The University prohibits the possession, use, sale, manufacture or distribution of illegal drugs, controlled substances and prescription drugs. By reference, the University also requires that students comply with any and all laws within the District of Columbia code that pertain to drugs, drug paraphernalia and controlled substances. However, in the event that the District of Columbia or Maryland legalizes the possession, use, sale, manufacture or distribution of any drug and/or controlled substance, these actions will still be prohibited on any University owned and/or operated premises. In addition, under federal and local laws, any student convicted of a drug-related offense must be denied all federal assistance, including Pell Grants. Information about remaining eligible for federal financial aid may be obtained from the Office of Financial Aid.

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

- A. The possession, use, manufacturing, distribution or intent to distribute and/or sale of a controlled substance, an illegal substance or prescription medication. Examples of these illegal substances include, but are not limited to: crack cocaine, ecstasy/molly, date rape drugs (rohypnol), cocaine, heroin, opium/morphine/codeine, oxycodone, molly, amphetamines, methamphetamines, synthetic stimulants, such as bath salts or K2 or any other narcotic or controlled substances.
- B. The legal and illegal possession, use, manufacturing, distribution or intent to distribute and/or sale of drug paraphernalia.

- C. Aiding or abetting an individual(s) who is in legal or illegal possession of or who has an intent to use, sell, or distribute or who uses, sells, or distributes controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in their residence hall room, or to be in any University owned or operated property over which they have control.
- D. The possession, use, manufacturing, distribution or intent to distribute and/or sale of marijuana, even if it is deemed to be legal in any of the cities, counties, states or jurisdictions in which the University conducts business or in which a student is engaging in any educational, extracurricular, or athletic activity as a member of and on behalf of Howard University.

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

10. Embezzlement

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

11. Established Policies and Procedures

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

12. Failure to Comply/Non-Compliance

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

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

13. Forgery, Fraud, Dishonesty

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

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

Unauthorized and unsanctioned use of the University name, logo and/or seal are also strictly prohibited under this *Code*. The University has registered its name, logo and seal as trademarks; therefore, they are property of the University and protected under applicable federal and local laws. Students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the University without express written permission from the University's Office of General Counsel. Authorized student organizations must be pre-approved by the office of Licensing and Vending to reproduce these marks and/or to have a manufacturer reproduce the University trademarks on merchandise for sale or distribution. The use of the University seal is restricted and can only be used to authenticate the highest level of official University documents and be displayed during major ceremonies. On very rare occasions, exceptions to this general rule regarding the University seal are made. All requests to use the seal are considered on a case-by-case basis, only after a formal written request and justification for use are submitted to the Office of the President or the Office of the Secretary, and a written response granting use is supplied to the requesting party.

14. Harassment

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

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

D. Bullying

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

E. **Cyber bullying**

Unwanted, aggressive and/or hostile behavior, from an individual or group that involves a real or perceived power imbalance and that is intended to humiliate, mentally or physically injure or intimidate and/or control another individual or group of individuals. Bullying can be one single act or can be repeated behavior that occurs over the course of time. Cyber bullying includes the use of technology, social networking sites, text and voicemail messages, emails, instant messages, personal websites and other forms of technology to make verbal or written threats, spread rumors, attack someone or marginalize and/or exclude someone from a group, event or activity. It is also the use of the above-mentioned mediums to support deliberate and hostile behavior that is intended to harm others.

15. **Harboring**

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

16. **Hazing**

- A. Hazing is defined as an act which endangers the mental or physical health or safety of a student. It may include, but is not limited to, the destruction or removal of public or private property, or any activity conducted on or off-campus that causes or intends to cause an unreasonable expenditure of funds; embarrassing, intimidating or demeaning behavior; exposure to situations that could result in physical or emotional harm; or behavior that causes undue stress, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in any sanctioned or unsanctioned group or organization at the University. By reference, the University also requires that students comply with hazing laws contained within the District of Columbia code.
- B. **District of Columbia Law:** Hazing is any initiation of applicants to or members of a student or fraternal organization in which a person or people knowingly or recklessly organize, promote, facilitate or engage in any conduct, which places or may place another person in danger of bodily injury. Any person who hazes or takes part in hazing activities on or off the property of any university located within the District of Columbia shall be deemed guilty of a misdemeanor and on conviction, is subject to a fine of up to \$1,000, or imprisonment of up to 6 months. Any fraternity, sorority, or group recognized by any university within the District of Columbia who knowingly or recklessly permits hazing on or off the property of any university located within the District of Columbia shall be subject to a fine of not more than \$5,000.00. The implied or expressed consent of a student shall not be a defense under this section.
- C. **Examples of Hazing:** Depending upon circumstances, these activities have at one time or another been construed as hazing by the courts and/or institutions of higher education. Such actions are often required or implied as conditions of inclusion or exclusion from a group, formal or informal. Thus, hazing may be perpetrated by individual(s), individual against group, or group against individual.
 - Requiring calisthenics such as sit-ups, push-ups, running, or any form of physically abusive exercise;
 - Forcing, requiring, or endorsing consumption of alcoholic beverages or any other drug;