

Code of Student Conduct 2022-2023

1. Coverage

The Code of Student Conduct ("The Code") is the University's policy regarding non-academic misconduct of students and student organizations. Academic dishonesty is not covered by this Code, but is under the authority of the individual academic units of the University. Students have the responsibility to follow all regulations outlined in this policy.

2. Rationale

The University is an environment in which all members of the academic community can live, work, and learn together. The Code is designed to provide guidance to those choosing to develop into good citizens and, at the same time, to respond appropriately to behavior which may be inconsistent with university policies. Students voluntarily choose to become a member of the University of Louisville community. Students choosing to be a member of this academic community signals to others that they are committed to adhering to the Code.

Criminal and civil codes are undesirable models for student conduct codes. Unlike society, the University of Louisville is a voluntary association of scholars who deserve a positive learning environment. The University of Louisville is a community dedicated to the principles of free expression in which diverse views are encouraged and embraced. While the expression of an idea or point of view may be offensive or inflammatory to some, it is not necessarily a violation of the Code. The University values the open exchange of ideas, and the expression of controversial ideas and differing views is a vital part of the University's mission. Opinions that may be unpopular and/or contrary to the University's values and objectives, but do not otherwise violate policy, will not be sanctioned.

3. Interpretation of Code

The University's Code of Student Conduct is set forth in writing in order to give students general notice of prohibited non-academic conduct. The Code should be read broadly and is not designed to define non-academic misconduct in exhaustive terms. The Associate Vice President for Student Affairs or designee is the final authority in defining and interpreting the Code of Student Conduct and conduct procedures. The University reserves the right to amend the Code of Student Conduct at any time. As stated in the [Redbook 6.7.1](#), the general responsibility for nonacademic discipline of all students at the University of Louisville shall be vested in the Office of the Vice President for Student

Affairs. The Office will promulgate and administer the Code of Student Conduct approved by the President or designee.

4. Inherent Authority and Jurisdiction

The University reserves the right to take necessary and appropriate action to protect the safety and well-being of the campus community. The Code applies to incidents that take place on University premises or at University-sponsored activities.

Additionally, the Associate Vice President for Student Affairs or designee may determine that acts prohibited by the Code but not committed on University premises may be grounds for disciplinary action. Such action may be taken if a student or student organization has acted in a way that interferes with or endangers the University community, or behavior with significant potential to disrupt the educational environment. Such acts include, but are not limited to, drug trafficking, hazing, serious allegations of failing to comply with pandemic public health guidelines, and acts or threats of violence against persons.

The Code may also be applied to conduct online, via email, or other electronic medium. Students and student organizations should be aware that online postings such as blogs, web postings, chats, and social networking sites are in the public sphere and are not private. These postings may subject a student and/or student organization to allegations of conduct violations if information posted online violates the Code.

Each student is responsible for their conduct from the time of application for admission through the actual awarding of a degree. This includes, but is not limited to, alleged conduct which may occur during the application process, before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. Any member of the University of Louisville community, or visitor, may report an alleged violation of non-academic misconduct against a student or student organization. The Dean of Students Office may also independently investigate information concerning alleged student misconduct from any third-party or source, such as police and/or press reports, even where no formal complaint has been filed. Where serious misconduct is alleged to have been committed while the student is still enrolled but reported after the said student has graduated, the University may invoke these procedures. In these instances, should the individual be found responsible, the University may take appropriate action up to and including possible revocation of the individual's degree. The University retains conduct jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated for any misconduct that occurred prior to leave, withdrawal, or graduation. The Code will apply to a student's conduct even if the student withdraws from school while a conduct matter is pending.

The Code of Student Conduct and the [Title IX Student Sexual Misconduct Policy](#) both prohibit sexual misconduct. When allegations of sexual misconduct do not meet the jurisdictional requirements of the Title IX Student Sexual Misconduct Policy, the Code of Student Conduct may apply. When the allegations of sexual misconduct do meet the jurisdictional requirements of the Title IX Student Sexual Misconduct Policy, any additional prohibited conduct as outlined in section 11 of the Code of

Student Conduct may, at the discretion of the Associate Vice President for Student Affairs or designee, be addressed through the applicable process set forth in the Title IX Student Sexual Misconduct Policy.

The Title IX Coordinator in conjunction with the Deputy Title IX Coordinator will determine through which process a particular complaint is adjudicated based on jurisdictional requirements of the Title IX Student Sexual Misconduct Policy.

5. Interim Administrative Authority

The Associate Vice President for Student Affairs, or designee, may enforce an interim measure(s) up to and including interim suspension. This action is taken to ensure the physical safety of the University community (e.g., including but not limited to measures necessary to preserve University property; ensure a student's own physical or emotional safety and wellbeing; and/or respond to a student/student organization who poses an ongoing threat of disruption of the normal operations of the University).

The interim measure(s) described above shall require:

1. within twenty-four (24) hours, written notice of the interim measure(s) that explains the University's reasons for enacting the interim measure(s); and,
2. within three (3) days of the written notice, an interim measure hearing to determine whether there is substantial evidence that the respondent poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk, unless the right to an interim measure hearing is otherwise waived by the respondent. A respondent's waiver of the right to an interim measure hearing shall not constitute an admission of responsibility or a waiver of any additional rights afforded the respondent.

Interim measures hearings will be composed of a three-person panel who reviews:

1. the submission of information in support of Interim Measures, and
2. the submission of information by the respondent as to why they feel that the Interim Measures should be removed or modified.

The three-person panel may ask clarifying questions of the respondent and/or the Dean of Students Office staff member conducting the investigation.

The interim measure hearing will conclude with a closing statement by the Dean of Students Office staff member who is conducting the investigation and a closing statement by the respondent.

The three person panel will uphold, modify, or lift the interim measures.

6. Student Contact Information

University email is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address. All students are

responsible for maintaining their current address, phone number, and emergency contact information with the Registrar's Office or ULink.

7. Violations of The Law and of The Code

Students/student organizations may be accountable to both civil and criminal authorities and to the University for acts which constitute violations of law and of this Code. Additionally, individual members of Registered Student Organizations (RSOs) may be held accountable for code violations when they participate in any violation committed by the registered student organization. A respondent of alleged violations is subject to the University disciplinary proceedings outlined in this Code during any pending criminal or civil proceedings, or of any other University proceedings, regarding the same conduct. Respondent(s) may not challenge the University disciplinary proceedings outlined in this Code on the grounds that criminal charges, civil actions, or other University proceedings regarding the same incident are pending or have been terminated, dismissed, reduced, or not yet adjudicated. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings. The University will refer matters to federal and/or state authorities when appropriate.

A respondent is presumed not responsible for any alleged violation of the Code until a determination of responsibility is made utilizing the conduct process described herein. Such presumption shall not be construed to mean that the complainant or any witness has presented false testimony or evidence.

Disciplinary holds may be placed on students' records at any point in the disciplinary process to assure compliance with sanctions, pending the resolution of disciplinary matters, or a formal hearing. Students who are dismissed from the University for non-academic misconduct are responsible for all tuition and fees.

Parties are expected to communicate directly with the University on their own behalf in regards to questions and/or concerns. The University will direct all correspondence related to conduct proceedings to parties and parties' attorney upon written notification of attorney representation.

8. Pandemic Public Health Guidelines and Expectations

As a Community of Care, we are Accountable to a Team (*first and second of our Cardinal Principles*), we care for ourselves and for one another, and we are taking measures to promote a safe and healthy environment.

In coordination with federal, state, local, UofL, and pandemic public health guidance, students must adhere to pandemic public health guidelines. The guidelines may change and students are expected to check their UofL email to be aware of updated guidance.

Individuals not adhering to pandemic public health guidelines may be denied access to campus facilities, classrooms, offices, programs, residence facilities, activities, and services.

The University may take conduct action against a student(s) or student organization(s) who fail to follow federal, state, UofL, local and/or pandemic public health guidelines as established and distributed by the University.

9. Standard of Proof

The standard of proof for incidents of non-academic misconduct is a preponderance of evidence. Preponderance of evidence means that the evidence supports that a given allegation is more likely to be true than not true. Within the Code of Student Conduct, the complainant bears the burden of establishing a violation of the Code by a preponderance of relevant and admissible evidence. The technical rules of evidence applicable to civil and/or criminal cases shall not apply when resolving incidents as outlined by this Code.

10. Definitions

- a. The term "**administrative file**" means all documents and evidence in the institution's possession or control relevant to the alleged violation and institution's investigation thereof, including but not limited to exculpatory evidence, documents submitted by any participant, and the audio or video recording held in the matter but shall not include privileged documents or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter.
- b. The term "**attorney**" means an individual who, at the participant's own expense may attend any phase of the conduct process. The attorney must be licensed to practice law in the state of Kentucky.
- c. The term "**complainant**" means a student, employee, non-affiliated individual, or student organization who submits a report alleging that a student or student organization violated the Code of Student Conduct.
- d. The term "**consent**" means freely given agreement by a person with capacity to engage in the sexual activity at issue. A person who is incapacitated (as defined below), lacks capacity and cannot give effective consent. In order for individuals to engage in sexual activity of any type, all involved individuals must consent to such activity prior to and throughout any sexual encounter. Consent to one sexual act does not constitute consent to any other such acts; Parties to a sexual encounter must ensure that they have the affirmative consent of the other individual (s) involved for each sexual act. Affirmative consent may manifest itself differently depending on the context. "**No**" always means "**no**." Words or perceptible actions other than an explicit "**yes**" may be sufficient to indicate consent, depending on the totality of the circumstances of each case. Regardless of the circumstances, consent to any form of sexual activity can be withdrawn at any time, by any party to a sexual encounter, at any point during the encounter. This is true regardless of what sexual acts (or with whom) the individual (s) in question may have engaged in or agreed to previously, and regardless of the nature of the relationship between the parties.
- e. The term "**days**" means business days as defined by the University academic calendar.

- f. The term "**destructive device**" means any explosive, incendiary, or poison bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.
- g. The term "**distribution**" means giving, selling, or exchanging.
- h. The term "**group**" means a number of persons who are associated with each other, but who have not met the University requirements for recognition as an organization.
- i. The term "**incapacitation**" means a state in which a person cannot make rational decisions as to whether or not to engage in sexual activity because the person lacks the ability to give knowing consent (i.e., to understand the "who, what, when, where, why, or how" of the sexual interaction). A person may be incapacitated due to mental disability, being asleep, unconsciousness, involuntary physical restraint, from the effect of alcohol or other drugs, or because they are below minimum age of consent in the state where the sexual activity occurred. It is important to note that while a person can be incapacitated by intoxication, intoxication (in which case a person is under the influence of alcohol or drugs) does not constitute Incapacitation unless it renders the person unable to consent as described herein. In every case, the facts are evaluated to assess whether the person in question was capable of providing consent, and whether a reasonable person in the parties' positions would perceive the person as being capable or incapable of providing consent.
- j. The term "**intentionally**" means a conscious objective to engage in the described conduct; intoxication is not a defense to a charge of intentional misconduct.
- k. The term "**notify in writing**" means to mail written notice to a student's current address of record, send electronic notification to the student's official University email account, or provide a written notice to the student in person.
- l. The term "**organization**" means a number of persons who are associated with each other and who have complied with the University requirements for recognition.
- m. The term "**party or parties**" means complainant or respondent and is signified by the singular party, and both are signified by the plural "parties."
- n. The term "**reckless**" means conduct which could reasonably be expected to create a substantial risk of harm to a person(s) or property, or which would be likely to result in interference with normal University or University-sponsored activities.
- o. The term "**respondent**" means any student or registered student organization reported to be the perpetrator of conduct that could constitute a violation of the Code of Student Conduct.
- p. For purposes of the Code of Student Conduct, the term "**student**" means any person admitted or matriculating at the University in any student status, including but not limited to a degree granting program, consortia program, study abroad, professional studies, online education, or any other University sponsored or sanctioned program. Persons also to be considered "**students**" under the Code include, persons who withdraw after allegedly violating the Code, who are currently serving a period of suspension, who are not officially enrolled for a particular term but who have a continuing relationship with the University, who have been notified of acceptance or persons who are living in University residence halls, although not enrolled in this institution, and during the University application processes.
- q. The term "**support person**" means an individual who may attend any phase of the conduct process to confer, support, and/or give advice to the complainant or respondent. A support

person shall have no right to participate in the conduct process. The support person may attend so long as the support person would not violate the privacy rights of another student or substantially delay the conduct process.

- r. The term "**University premises**" means buildings, grounds owned, leased, operated, controlled, or supervised by the University.
- s. The term "**University-sponsored activity**" means any activity, on or off campus, which is partially or fully funded or supervised by the University.
- t. The term "**University official**" includes any person employed by or contracted to provide services for the University of Louisville, performing assigned administrative or professional responsibilities.
- u. The term "**University resources**" means supplies, equipment, or technology services (e.g., computers, disk storage, software, voice communications [local or long distance,] network) which are owned, leased, operated, controlled, supervised, or provided by the University via University supplied resources. These resources may be funded in part by state funds.
- v. The terms "**University**," "**campus**," and "**institution**" mean the University of Louisville.
- w. The term "**week**" means five (5) business days as defined by the University academic calendar.
- x. The term "**witness**" means an individual who has information regarding the facts of the case.

11. Prohibited Conduct

Any student found to have committed or to have attempted to commit the following prohibited behavior is subject to the conduct sanctions outlined in Section 12:

- a. **Physical Harm.** Intentionally or recklessly causing physical harm to another person.
- b. **Weapons.** Unauthorized use, possession, or storage of any weapon, ammunition, or realistic replica of a weapon on University premises, in University affiliated properties, or at a University-sponsored activity unless an exemption is allowed in accordance with the University's weapons policy. The term "**weapon**" means any object or substance designed to inflict a wound, cause injury or incapacitate including, but not limited to, any weapon from which a shot readily capable of producing death or serious injury may be discharged; any knife other than an ordinary pocket knife; sharp tools such as axes; billy or nightstick; blackjack or slapjack; nunchaku karate stick; shuriken or death star; and artificial knuckles made from metal, plastic, or similar hard material. (<https://louisville.edu/policies/policies-and-procedures/pageholder/pol-deadly-weapons>)
- c. **False Report.** Intentionally initiating or causing any false report, warning, or threat of fire, explosion, or other emergency.
- d. **Disruption.** Intentionally or recklessly disrupting or interfering in normal University functions and processes, University-sponsored activities, or any function, process or activity on University premises or affiliated housing property including, but not limited to the following: studying; learning; teaching; public speaking; meetings; research; approved demonstrations; University business operations; processes or administration; or fire, police, or other emergency services.

- e. **Sanction Violation.** Knowingly violating the terms of any disciplinary sanction imposed in accordance with this policy.
- f. **Fire Safety.** Intentionally or recklessly misusing or damaging fire or other safety equipment. Causing a fire which damages University, affiliated housing, or personal property and/or causes injury. Failure to evacuate a University-controlled building or buildings in which a University-sponsored activity or function is taking place during a fire alarm.
- g. **Controlled Substances.** Unauthorized distribution, possession, or use of any controlled substance or illegal drug, as defined by the Kentucky Revised Statutes, Chapter 218A.
- h. **Underage Consumption.** Providing alcoholic beverages to individuals under 21 years of age, or possession or use of alcoholic beverages by individuals under 21 years of age.
- i. **Open Container.** Unauthorized possession of an open container of an alcoholic beverage.
- j. **Alcohol Distribution.** Unauthorized distribution of alcoholic beverages or possession of alcoholic beverages for purposes of distribution.
- k. **Misrepresentation.** Misrepresenting information or furnishing false information to a University official.
- l. **Falsification.** Forging, altering, misrepresenting, counterfeiting, or misusing any University document, identification/authentication method/mechanism or access device or process.
- m. **Expression Interference.** Intentionally and substantially interfering with the freedom of expression of others.
- n. **Theft.** Theft or misuse of property or of services on University premises, at University-sponsored activities, or from University organization(s) or group(s), or knowing possession of stolen property or use of stolen services on University premises, at University-sponsored activities, or from University organization(s) or group(s).
- o. **Destruction of Property.** Intentionally or recklessly destroying, damaging or altering property or the property of others.
- p. **Failure to Comply.** Failure to comply with the reasonable directions of University official(s) acting in the performance of their duties.
- q. **Violation of Laws or Policy.** Violation of any government laws or ordinances, or violation of any university policy, rule, and/or regulation published in hard copy, available electronically on the university website, or approved by University Officials.
- r. **Unauthorized Presence.** Unauthorized presence on or use of University premises, facilities, or property; including climbing inside or outside campus buildings or structures.
- s. **Destructive Devices.** Unauthorized use, possession, or storage of fireworks; destructive device; incendiary, dangerous, or noxious devices or materials; or chemicals that could pose a

health risk, either by themselves or in conjunction with other chemicals.

t. **Threatening.** Threatening or endangering the health, well-being, property, or safety of any person(s).

u. **Sexual Assault.** Any forcible and non-forcible sex offenses to include rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.

a. "**Rape**" means the carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. There is "**carnal knowledge**" if there is the slightest penetration of the vagina or penis by the sex organ of the other person. Attempted Rape is included.

b. "**Sodomy**" means oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

c. "**Sexual assault with an object**" means using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "**object**" or "**instrument**" is anything used by the offender other than the offender's genitalia.

d. "**Fondling**" means the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

e. "**Incest**" means sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the law of the jurisdiction.

f. "**Statutory rape**" means sexual intercourse with a person who is under the statutory age of consent as defined by the law of jurisdiction.

v. **Sexual Harassment.** Conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the University conditions the provision of an aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct (often referred to as quid pro quo);

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or

c. **Sexual Assault, Dating Violence, Domestic Violence or Stalking** (otherwise defined herein).

w. **Hazing.** Engagement, encouragement, or facilitation, by any organization or by any individual on behalf of an organization or group (recognized or not recognized by the university), or visitor within the University of Louisville community in any action or situation which recklessly or intentionally endangers mental or physical health; creates an atmosphere of servitude; involves dangerous, demeaning, or ridiculing activities; involves forced consumption of alcohol, drugs or other object; for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in, a group or organization. The express or implied consent of the individual will not be a defense.

x. **Indecent Exposure.** Intentionally exposing genitals, buttocks, or breasts in a public place without University authorization.

y. **Public Intoxication.** Appearing in a public place manifestly under the influence of a controlled or other intoxicating substance.

z. **Misuse of Technology.** Intentional or reckless interference with or disruption of University technology services or resources (e.g., computer disk storage, data, software, voice communications [local or long distance,] network), unauthorized use, misuse, abuse, alteration, disclosure or destruction of University technology services or resources, misuse, abuse, alteration of University supported or maintained systems which are used to conduct university business, improper access to University technology services/resources, or violation of intellectual property (e.g., copyright) rights or restrictions of others.

aa. **False Complaint.** Intentionally filing a false complaint under this Code.

bb. **Aiding or Abetting.** Aiding or abetting any prohibited conduct described in section 11.

cc. **Disruptive Demonstration.** Participating in, leading, or inciting a demonstration, riot, or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community. (Section 7. of the Code of Student Rights and Responsibilities outlines a student's responsibilities as it relates to demonstrations)

dd. **Voyeurism.** Viewing or spying on a person engaged in intimate behaviors without that person's knowledge or consent, or the transmitting, recording, or photographing the image or voice of another person without that person's knowledge or consent, while in an environment that is considered private or where there is an expectation of privacy, such as a residence or bathroom.

ee. **Deliberate Incapacitation.** Intentional constraint or incapacitation of another, without that person's knowledge or consent, or without reasonable explanation.

ff. **Failure to Report.** Failing to report immediately any serious health or safety risk to the police, the Dean of Students Office or other appropriate University personnel.

gg. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Stalking behaviors may include persistent patterns of leaving or sending the person(s) unwanted items or gifts ranging from seemingly romantic to bizarre, following the person(s), or lying in wait for the person(s), harassing the person(s) via the internet or other forms of online and/or electronic communications (i.e. cyberstalking), or interfering with a person's property.

hh. **Driving Under the Influence.** Driving under the influence of alcohol or other controlled substance(s).

ii. **Harassment.** Engaging in conduct that is so severe, pervasive, and objectively offensive, and that so undermines and detracts from the person(s) educational experience or work environment, that the person(s) are effectively denied equal access to an institution's resources and opportunities.

jj. **Dating Violence.** Violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; (B) where existence of such a relationship shall be determined based on a consideration of the following factors: Whether or not a dating relationship exists is determined (1) by the length of the relationship, (2) the type of relationship; and (3) the frequency of interaction between the person involved in the relationship. This includes threats, assault, property damage, and violence or threat of violence to one's self or to pets of the romantic or intimate partner when used as a method of coercion, control, punishment, intimidation, or revenge.

kk. **Domestic Violence.** Violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

ll. **Retaliation.** Action taken by respondent or an action taken by a third party on behalf of a party against any person because that person has reported a violation related to sexual misconduct or because that person has filed a complaint, served as a witness, assisted, or participated in a sexual misconduct investigation or proceeding. This includes action taken against a bystander who intervened to stop or attempted to stop sexual misconduct. Retaliation includes intimidating, threatening, or coercing an individual because of the individual's complaint or participation.

mm. **Sexual Exploitation.** Taking of non-consensual or abusive sexual advantage of another by a person(s), or the inducement of another person to do the same; or for one's own advantage or benefit; or to benefit or advantage anyone other than the one being exploited.

nn. **Child Pornography.** Possessing, producing, and/or distributing any depiction of sexually explicit material involving a minor (persons less than 18 years old) including but not limited to

any photograph, film, video, picture, or computer or computer-generated image or picture whether made or produced by electronic, mechanical, or other means. This prohibited conduct also includes intentionally viewing child pornography.

oo. **Fraud.** Attempting to defraud by means of deception, bad checks, forged or stolen credit cards, ID cards, procurement cards, possession or use of counterfeit currency, and or/other means. Fraud may also include deception related to payroll.

pp. **Endangerment.** Intentionally or recklessly causing any act that endangers the health or safety of an individual.

qq. **Failure to Comply with UofL Public Health Guidelines.** Failing to comply with public health guidelines established for a pandemic.

rr. **Drones/Unmanned Aircraft System.** Operation of a drone, unmanned aircraft or other unmanned aircraft system is strictly prohibited over University property without approval from the properly authorized university official.

12. Student Complaint Process

The general responsibility for non-academic misconduct is vested in the Division of Student Affairs and delegated to the Dean of Students Office for administration of the Code of Student Conduct. If the incident occurred in University Housing and Resident Experience (UHRE) the student may be referred to the appropriate UHRE staff member. The Dean of Students Office in consultation with UHRE staff will determine if an incident that occurred in University Housing and Resident Experience should be resolved by the Dean of Students Office.

Anyone choosing to report an alleged incident of non-academic misconduct, as specified in Section 11, may submit such report in writing to the Dean of Students Office. The Dean of Students Office staff will determine whether any action should be taken in response to the reported incident.

12.1 Alternative Dispute Resolution Process

Alternative dispute resolution is a process by which the parties may use collaboratively to resolve an issue that has been reported to the Dean of Students Office instead of pursuing the matter through the conduct process. It is within the discretion of the Dean of Students Office staff to determine if alternative dispute resolution is an appropriate process for resolution in a given case and both parties agree to use the Alternative Dispute Resolution Process.

12.2 Student Conduct Procedures

The Dean of Students Office staff may review any complaint to determine whether it appears to violate the Code. A complaint that is frivolous, that fails to state facts that constitute a violation of the Code, or that is not timely, may be dismissed by the Dean of Students, or designee, after an initial review.

If the University determines there is enough evidence to charge the respondent, an administrative conduct meeting will be scheduled; a conduct board hearing will be scheduled for the respondent if the violation may result in a sanction of expulsion, suspension, or termination of residence with University Housing and Resident Experience.

12.2a Administrative Conduct Meeting

When an administrative conduct meeting is scheduled, the respondent will be notified in writing of the charges for violating the Code and given information about the conduct process including the date, time, and location of the administrative conduct meeting.

An administrative conduct meeting is between the respondent and the Dean of Students Office staff. The respondent may bring one (1) support person to an administrative conduct meeting. The meeting is to provide the respondent an opportunity to give their account of the incident, to think critically, reflect on the behavior and decisions that led to this situation, and to discuss alternative options for the future. If the Dean of Students Office staff determines that the student violated the Code, a sanction(s) may be imposed during the meeting. If the respondent fails to appear at an administrative conduct meeting, the meeting may be held in their absence, with a finding of violation(s) and sanction(s), if any, being imposed.

12.2b Conduct Board Hearing

A conduct board hearing will take place for all matters for which suspension, expulsion, or termination of residence with University Housing and Residence Education are possible sanctions. If the respondent(s) waives their right to a hearing, the full range of sanctions authorized by this Code may be imposed, and the right to appeal is forfeited.

When incident(s) occur that involve more than one respondent or multiple complainants, the Dean of Students Office staff may permit the hearing concerning each student to be conducted jointly or separately. In the case that the person reporting the alleged misconduct is not serving as the complainant, the University may serve as the complainant.

The complainant(s) and respondent(s) will be provided notice in writing of the formal charge of an alleged violation(s) and the specific details of the facts upon which the alleged violation(s) is based, as well as the rights of the party as set forth in this Code of Student Conduct and applicable Kentucky law, including but not limited to the Kentucky Campus Due Process Protection Act.

The complainant(s) and respondent(s) will be provided notice in writing of the date, time, and location of each phase of the conduct process at least:

1. Three (3) days prior to any scheduled event at which the party is expected to appear, including any meeting or interview that serves an investigative purpose; and
2. Ten (10) days prior to any conduct hearing.

The hearing will be informal. The procedures outlined below establish the proceedings and the rules for establishing the admissibility of evidence shall be consistent with KRS 13B.090, KRE 412, and applicable portions of Title IX of the Education Amendments of 1972. The hearing will be closed to everyone except the hearing official(s), appropriate Dean of Students Office and/or University staff, respondent, complainant, attorney and/or support person(s) to the respondent, attorney and/or support person(s) to the complainant, and any witnesses during the actual time of their participation.

The administrative file will remain the property of the University. The conduct board hearing will be recorded for review purposes. No other recording(s) of the conduct board hearing will be permitted.

Parties have reasonable continuing access to the administrative file and the ability to make copies of all evidence or document contained therein beginning at least seven (7) days prior to any conduct board hearing or sooner if otherwise specified under federal law, except that individual portions of the administrative file may be redacted if disclosure of the evidence is otherwise prohibited by law.

Any documentary or tangible evidence must be submitted for inclusion in the administrative file at least three (3) days prior to the conduct board hearing, or sooner if otherwise specified under federal law. Any documentary or tangible evidence that is submitted less than three (3) days prior to the disciplinary hearing shall only be admissible upon the discretion of the hearing officer. The University will immediately notify a participant when documents and evidence are added to the file within three (3) days of the conduct board hearing. Only evidence contained in the administrative file that is determined by the hearing officer to be relevant and admissible may be considered in the determination of whether a violation occurred.

All parties, including the University (to the extent applicable), must submit a list of all witnesses they expect to call at the conduct board hearing for inclusion in the administrative file no less than three (3) days prior to the conduct board hearing, or sooner if otherwise specified under federal law. Additional witnesses submitted less than three (3) days prior to the conduct board hearing shall only be permitted upon the discretion of the hearing officer. The University will immediately notify a party when additional witnesses are added to the file within three (3) days of the conduct board hearing.

The University reserves the right to have University counsel present at any conduct board hearing to serve as an advisor to the conduct board hearing panel or hearing officer. The hearing official and legal counsel may consult anytime during the hearing.

The conduct board hearing panel will be composed of three members chosen from a pool of trained students, faculty, and staff who serve as members of the student conduct hearing council. The conduct board hearing panel will be provided the file, hear information presented during the conduct board hearing, and make recommendations regarding findings and sanctions (if any) to be imposed, to the Director of Student Care and Student Conduct or designee. Board recommendations will be based on a majority vote.

The respondent and the complainant, if any, have the right to:

- a. Be present and participate meaningful at any disciplinary hearing, interim measure hearing or other scheduled event where the rights of the respondent are to be determined. However, if the

respondent and/or complainant fail to appear for the hearing, the hearing may be held in their absence(s).

- b. Fair and impartial treatment at each phase of the disciplinary process. Any individual who conducts an investigation or presides over an alternative dispute resolution process related to the alleged violation(s) shall be excluded from participating as a hearing officer
- c. A respondent is presumed not responsible for any alleged violation of the Code until a determination of responsibility is made utilizing the conduct process described herein. This presumption shall not be construed to mean that the complainant or any witness has presented false testimony or evidence.
- d. Bring up to two (2) support persons, to any phase of the conduct process.
- e. At the party's own expense, be afforded the right to be represented by attorney at each material phase of the conduct process, including but not limited to an alternative dispute resolution phase, meeting, hearing, or appeal of the matter.
- f. Request a pre-hearing meeting prior to the conduct board hearing.
- g. At any conduct board hearing:
 1. Make opening and closing statements;
 2. Present relevant evidence,
 3. Cross examine any testimony, including all evidence and information, as well as witnesses and/or the opposing party or parties, personally or through counsel. Cross examination of a student who is a victim, or cross examination by the respondent, who is personally conducting the cross-examination of a complainant, shall be subject to the following: the party must submit the questions to a neutral hearing officer. The neutral hearing officer shall ask all relevant questions during the conduct board hearing, state the specific rationale for excluding any question, and allow the respondent the right to amend a question, and to submit follow up questions to the complainant. Cross-examination is restricted as required by Title IX or other applicable federal laws.
 4. Present information by witness. It is required that witnesses' submit statements at least three (3) days prior to the conduct board hearing. Additional witness statements submitted less than three (3) days prior to the conduct board hearing will only be permitted upon the discretion of the hearing officer. The institution will immediately notify a party when a witness statement is added less than three (3) days prior to the conduct board hearing. Neither character witnesses, nor information regarding behavior not relevant to the incident in question, will be considered in a conduct board hearing.
 5. To not speak or answer any question during a student conduct board hearing. Refusal to do so is not considered an admission of responsibility for an alleged violation; neither, however, is a person remaining silent entitled to have the hearing panel draw inferences favorable to the witness's or any party's position based on that silence.

Concerns for personal safety, wellbeing, or fears of confrontation between the parties and/or witnesses during the conduct board hearing may be accommodated by, e.g. providing a visual screen between the questioner and the person being questioned; permitting participation by phone or live video; or other appropriate means as determined by the hearing official.

All procedural questions are subject to the final decision of the hearing officer.

12.3 Hearing Decision

Within three (3) days after the date of the hearing, the hearing official on behalf of the hearing board will make a written recommendation to the Director of Student Care and Student Conduct or designee. The Director of Student Care and Student Conduct or designee will review the recommendation and will issue a written decision within ten (10) days after the date of the issuance of the hearing board's written recommendations.

The written decision for the respondent will include information regarding:

- a. the finding(s) (if any),
- b. the sanction(s) (if any), and
- c. the appeal procedures.

The complainant will receive notification of the hearing decision in conduct cases involving sexual misconduct or crimes of violence. The written outcome letter for the complainant (for cases involving sexual misconduct or crimes of violence) will include:

- a. the finding(s) (if any),
- b. the sanction(s) (if any) imposed that directly relate to the complainant,
- c. the appeal procedures, and
- d. any other steps the institution has taken to eliminate any hostile environment that may have been created and prevent its recurrence.

13. Conduct Sanctions

If it is determined at the administrative conduct meeting or conduct hearing that the respondent has committed conduct prohibited by Section 11, the Dean of Students Office staff will impose (an) appropriate sanction(s) which may include, but may not be limited to, the following:

- a. Reprimand: Notice of violation of specified regulations and warning that further such conduct may result in a more severe disciplinary action.
- b. Conduct Restrictions: Limiting of certain privileges or practices of the individual(s) or organization(s) involved in the prohibited conduct for a designated period of time. This may include but is not limited to the following: status and participation in any and all organized University activities; restriction of use of university facilities, services and resources; or restriction of contact with specific students, faculty and staff.
- c. Conduct Probation: Imposition of conditions or restrictions on the individual(s) or organization(s) involved, with warning of more severe action if further infractions occur (or if probation is violated).
- d. Fines: Fines may be imposed.
- e. Restitution: Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- f. Discretionary Sanctions: Counseling, residence hall relocation, limited access to campus and/or affiliated locations, work assignments essays, service requirements, educational

assignments, no contact letters, or other related assignments.

- g. Residence Hall Removal: Separation of the student from University Housing and the Resident Experience.
- h. Conduct Suspension: Immediate exclusion from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
- i. Conduct Expulsion: Immediate, permanent exclusion from the University subject only to readmission by the Vice President for Student Affairs or designee of the University as outlined in section 15.
- j. Revocation of Admission and/or Degree: Admission to or a degree awarded from the University may be revoked for fraud, misrepresentation, or other violation of University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Degree revocation is subject to approval by the Board of Trustees.
- k. Withholding Degree: The University may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Student Conduct, including the completion of all sanctions imposed, if any.
- l. Alternative Dispute Resolution (ADR): A concept designed to not only address any violation of the Code but to also allow any affected parties a chance at satisfaction. Both respondent and affected students benefit from creating an atmosphere conducive to growth. This may include one or more of the following: restorative justice, conflict coaching, group circle sessions, and/or brief solution counseling.
- m. Prohibition of Future Enrollment: The student will not be able to continue any further education at the University.
- n. Persona Non Grata: A student, student organization, and/or person who is prohibited from being on University-owned or operated property for any reason. This restriction extends to all buildings, facilities, and grounds of the University of Louisville, any University sponsored activities or events on or off campus, as well as all affiliated properties (Province, The Nine, The Retreat, etc.).

More than one of the sanctions listed above may be imposed for any single violation. Additionally, a student's conduct record is cumulative. Therefore, increased sanctions may be assigned to take into consideration the student's overall record of violations of all types, not just those of a similar type.

Any student who was involved in non-academic disciplinary action that warranted separation from the University or revocation of degree will have a transcript insert sent with their transcript. See [Transcript Insert Policy](#) for more information.

When a violation of this Code is determined to be motivated by intolerance based on race, ethnicity, age, religion, gender, sexual orientation, disability, or national origin, the sanction(s) imposed may be increased in severity.

13.1. Separation from the University

In any case which results in separation from the University, withholding a degree, revoking a degree, or prohibiting future enrollment, the Dean of Students Office will notify the dean of the academic unit

in which the student has been enrolled and other appropriate University officials.

13.2 Student Organizations

Student organizations and their members are expected to follow the Code of Student Conduct. Student organizations and their officers may be held collectively or individually responsible for violations of the Code of Student Conduct. Conduct procedures for student organizations will be the same as other student procedures as outlined in section 12. In addition to the conduct sanctions outlined in section 13; student organizations may also face the following sanctions as necessary:

- a. Suspension of organizational recognition: Temporary removal of recognition.
- b. Revocation of organizational recognition: Permanent removal of recognition.
- c. Revocation of charter recognition.

The appeal process for student organizations is listed in section 14.1 of the Code of Student Conduct.

14. Student Appeals

The respondent may appeal a conduct board hearing decision in all cases. In cases that involve sexual misconduct or crimes of violence, the complainant and/or respondent may appeal the conduct board hearing decision. Administrative conduct meeting decisions are not appealable.

To initiate an appeal for a conduct board hearing decision the individual must complete the [Student Appeal Form](#).

The purpose of an appeal is not to provide a second conduct board hearing for the case. The respondent and/or the complainant may request an appeal for one or all of the following reasons:

- a. whether the conduct board hearing was conducted fairly and in accordance with the procedures outlined in this Code of Student Conduct;
- b. whether there was sufficient evidence presented at the conduct board hearing to establish, by a preponderance of the evidence, that a violation of the prohibited conduct section occurred;
- c. whether the sanction(s) imposed was appropriate;
- d. whether there is new information that was not known to the person requesting the review at the time of the conduct board hearing and that, if presented at the conduct board hearing, would more likely than not have altered the conduct board hearing decision.

Appeals must be completed by submitting the online [Student Appeal Form](#) to the Associate Vice President for Student Affairs and or designee within ten (10) days after the issuance of the conduct board hearing decision of the Director of Student Care and Student Conduct or designee. In the case where the complainant is informed of the case outcome and an appeal is submitted by the complainant or respondent, the other party shall be given a copy of the appeal and an opportunity to respond within five (5) days of notification that an appeal has been submitted.

The Associate Vice President for Student Affairs or designee will first review all requests for appeal to determine if the request meets the established criteria for appeal and are within the appeal filing timeline. If the respondent(s) do(es) not meet the established criteria for appeal or the appeal is not submitted within the allotted timeframe, the decision of the Director of Student Care and Student Conduct or designee will be the final decision of the University.

14.1 Student Organization Appeals

The respondent may appeal a conduct board hearing decision. In conduct board hearings that involve sexual misconduct or crimes of violence, the complainant may also appeal the conduct board hearing decision.

To initiate an appeal, student organizations must complete the [Student Organization Appeal Form](#).

The respondent and/or complainant may request an appeal for one or all of the following reasons:

- a. whether the hearing was conducted fairly and in accordance with the procedures outlined in this Code of Student Conduct;
- b. whether there was sufficient evidence presented at the conduct board hearing that a violation of the prohibited conduct section occurred;
- c. whether the sanction(s) imposed was appropriate;
- d. whether there is new information that was not known to the person requesting the review at the time of the hearing and that, if presented at the conduct board hearing, would more than likely have altered the hearing decision.

Appeals must be completed by submitting the online Student Organization Appeal Form to the Associate Vice President for Student Affairs or designee within ten (10) days after receiving the hearing decision of the Director of Student Care and Student Conduct or designee.

The Associate Vice President for Student Affairs or designee will first review all requests for appeal to determine if the request meets the established criteria for appeal and are within the appeal filing timeline that is allotted. If the student organization does not meet the established criteria for appeal or does not appeal within the allotted timeframe, the decision of the Director of Student Care and Student Conduct or designee will be the final decision of the University.

14.2. Appeals Decision

The Associate Vice President for Student Affairs or designee has the authority to:

- a. Uphold the hearing decision of the Director of Student Care and Student Conduct or designee, including the sanction(s) imposed.
- b. Alter the sanction imposed by the Director of Student Care and Student Conduct or designee by reducing or increasing the severity of the sanction(s).
- c. Remand the case to the Director of Student Care and Student Conduct or designee for further consideration.

- d. Reverse the conduct board hearing decision of the Director of Student Care and Student Conduct or designee.

The decision of the Associate Vice President for Student Affairs or designee will be transmitted in writing to the respondent and to the Director of Student Care and Student Conduct or designee within fourteen (14) days after the receipt of the appeal. The complainant will only be notified of the appeal decision in conduct board hearing appeals that involve sexual misconduct or crimes of violence. The decision of the Associate Vice President for Student Affairs or designee on all conduct hearing appeals is the final decision of the University.

15. Expulsion Review

A student who has been expelled from the University may apply for special consideration for readmission after a period of not less than five (5) years. The former student must submit a written petition for readmission to the Division of Student Affairs or designee. This written request must outline a strong justification for readmission. Additional pertinent documentation may also be required. The Vice President for Student Affairs or designee will review relevant information and make a final decision. Factors to be considered in review of such a petition will include, but not be limited to:

- a. the present demeanor of the petitioner,
- b. the conduct subsequent to the expulsion (documentation may be required), and/or
- c. the nature of the violation causing the expulsion and the severity of damage, injury, or harm that occurred.

16. Good Samaritan Consideration

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the Code of Student Conduct. To minimize any hesitation students and/or student organizations may have in obtaining help due to these concerns, the University has enacted the following "good samaritan" provision

The University will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. In such cases, any possible negative consequences for the reporter of the incident should be evaluated against the possible negative consequences for the student who needed assistance. At a minimum, students and/or student organizations are encouraged to make an anonymous report that would put the student in need in touch with emergency care providers (Police, EMS).

Examples where this may apply include:

- A student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.

- A student is reluctant to report that they have been sexually assaulted because the student has been consuming alcohol and is under the age of 21.

For further information or for clarification of the Code of Student Conduct, please contact the Dean of Students Office, W301 Student Activities Center, University of Louisville [\(502\) 852- 5787](tel:502-852-5787).

17. Retention and Release of Conduct Records

All records related to a student's interaction with the Dean of Students Office are deemed educational records in accordance with University policy and the release of such records is governed by that policy. With the exception of unresolved cases or those involving suspension, expulsion, revocation of admission or withholding of a degree, or removal from University Housing and the Resident Experience student conduct records may be destroyed seven years from the day of the reported information and/or finding.

Request for expungement of conduct information can be made three (3) years after the respondent's graduation or last date of attendance or seven (7) years after all sanctions have been met.

Expungement is not permitted in instances where a sanction of revocation of admission or degree, withholding a degree, suspension, expulsion, or removal from University Housing and the Resident Experience was the outcome.

18. Kentucky Campus Due Process Protection Act

The Code of Conduct is intended to comply with the Kentucky Campus Due Process Protection Act, and other applicable laws. Parties are afforded the rights contained specifically in the Act, which can be found here: <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=52970>.

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