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# **☒ Shippensburg University: Student Code and Conduct Process**

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## **☒ I. Overview**

Shippensburg University is an academic community whose membership includes faculty, staff, students and administrators. The community exists for the pursuit of learning, the transmission of knowledge, the development of students as scholars and citizens, and ultimately, for the general well-being of society. Freedom of inquiry, speech, action, and expression is indispensable in the attainment of these goals. Students, as members of the academic community, are encouraged to engage in a sustained, critical, and independent search for knowledge.

The student conduct program within Student Conduct & Community Standards supports this endeavor through policies that balance the freedom of the individual student with the interests of the academic community, and procedures that apply these policies in a prompt, equitable, and consistent manner.

As members of the academic community, all students are expected to uphold and abide by the standards set forth in the Student Code of Conduct. These standards are reflective of the University's core values: respect, responsibility, and integrity.

The University student conduct process attempts to teach civic principles within the context of the academic mission. The process views students as adults, and as such, expects them to be aware of applicable local, state, and federal laws, as well as all published University policies, procedures, and rules.

Violations will subject student to action through the University student conduct process. Where warranted, violations may also be referred for action through the appropriate civil or criminal court. The University may initiate an investigation and proceed with resolution within the scope of its authority, responsibility, and jurisdiction, without regard to the commencement or disposition of any civil or criminal court proceeding.

This Student Code of Conduct is intended to be consistent with any referenced University policies and will be construed to avoid inconsistency; however, to the extent that there is an irreconcilable conflict between this Student Code of Conduct and any University policy, the document with the latest approval date will control.

## **Public Health Emergency Policy Compliance**

Compliance with all university policies, including the **COVID-19 policy**, promotes the health and safety of the Shippensburg University and Shippensburg community as much as possible in response to public health emergencies, including the COVID-19 pandemic. Students must comply with university policies and protocols designed to facilitate the safety measures outlined in the COVID-19 policy and the Student Code of Conduct. The success of Shippensburg University relies on the shared commitment of our community to the health of all. An intellectually engaging and holistically fulfilling academic experience will depend on every individual taking responsibility for the role they play in the health of the entire community by following university policies, including the COVID-19 policy. Failure to comply with the COVID-19

policy may result in initiation of the student conduct process with outcomes including, but not limited to, loss or reduction of on-campus housing, loss of face to face classroom instruction, loss of on-campus facility privileges, and other appropriate sanctions listed in the Student Code of Conduct designed to keep the Shippensburg University and Shippensburg community safe.

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## **II. Jurisdiction**

The Student Code of Conduct applies to all Shippensburg University students and student organizations as follows:

- When on University premises;
- When involved with off-campus programs, activities, and events related to or sponsored by the University; and
- When privately off-campus.

Alleged off-campus student code violations having, or potentially having, a direct, detrimental impact on the University's educational functions, its community members, or the local municipalities are subject to resolution through the student conduct system, irrespective of any actions that may be brought in civil or criminal court systems.

The University retains conduct jurisdiction over students for any misconduct occurring while the individual is a student. This jurisdiction is not affected by leave of absence, withdraw, or graduation. If sanctioned, a hold may be placed on the student's ability to re-enroll, obtain official transcripts, and/or graduate. All sanctions must be satisfied prior to re-enrollment eligibility.

### **a. Areas of Review**

The Vice President for Student Affairs serves as the President's designee for the general oversight of student conduct and discipline matters. Specific responsibility for the administration of discipline and conduct matters is delegated to the Dean of Students. The Dean of Students may further delegate responsibility to various student conduct bodies and administrative staff. The President of the University has final authority in all matters related to student conduct and discipline.

The University Title IX Coordinator coordinates compliance with Title IX and responds to reports of student conduct matters involving sexual misconduct, sexual harassment and/or sexual discrimination. The Title IX Coordinator is located in the Office of Equity, Inclusion and Compliance. Matters involving sexual misconduct are addressed under the University's **701-002 Sexual Misconduct Policy**.

### **b. Communication**

University-issued electronic mail (email) is the official means of communication between the Office of Student Conduct and students on all matters pertaining to the Student Conduct System. In the event that an individual does not have an active University email account at the time of the communication, official communication will be directed via first-class mail to the last address on file with the Registrar's Office unless the individual and the Office of Student Conduct have agreed otherwise.

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## **III. Definitions**

Except as otherwise provided herein, the language contained in this document shall be construed according to ordinary common usage. Terms used include the following:

**Administrative Hearing:** A proceeding at which the Reporter(s) and the Responder make presentations to the Student Conduct Facilitator. The Student Conduct Facilitator will determine the Responder's responsibility for the violation. Administrative hearings are afforded where possible sanctions do not include suspension or expulsion. In matters where suspension or expulsion are possible sanctions, any proceedings will be held before the University Conduct Board.

**Process Adviser:** This person serves as an adviser to a Reporter or Responder involved in the student conduct process. The role of a process adviser is for moral support, not to speak for or on behalf of a student. The process adviser may communicate only with their student, and may not address the conduct officer or the conduct board. The process adviser may not be a party or witness at the hearing in the matter.

**Illegal Drugs:** this term is used as defined by state and/or federal statutes.

**Investigator:** A trained University community member that serves as a fact-finder during student conduct investigations.

**Referral:** A written report of Student Code of Conduct violations. A referral may be made by any member of the University community and may be made against any student or student organization.

**Resolution:** The adjudication of a student conduct matter.

**Reporter(s) or Reporting Party:** A person or group who initiates a student conduct referral, about themselves or others, alleging that another student or group violated provisions of the Student Code of Conduct.

**Responder or Responding Party:** The student or group alleged to have violated provisions of the Student Code of Conduct.

**Sanction:** The penalty levied against a student or group found “responsible” for violating one or more provisions of the Student Code of Conduct.

**Stipulation:** A condition, beyond the sanction, required of persons or groups found “responsible” for violating provisions of the Student Code of Conduct.

**Student:** Persons, who on the date of the alleged incident: are registered for course(s); are enrolled in course(s); have confirmed their intent to enroll in programs; are active but not enrolled at the University.

**Student Conduct Meeting:** This meeting provides Responder/Reporter(s) with the opportunity to discuss the allegation that led to the referral, receive and review additional information about the student conduct process, clarification of their rights and options, the ability to inspect and review all relevant information as well as a range of potential sanctions for the violation in question, should the charges be substantiated.

**Student Conduct Facilitator:** A trained faculty or staff member designated to facilitate Student Conduct Meetings and/or Administrative Hearings.

**Student Organization:** Any organized group, that has complied with, or is in the process of complying with the University’s requirements for registration, recognition, or is formed through University academic, athletic, or auxiliary department, or is funded by the Student Government

Association ("SGA"), including any fraternity, sorority, association corporation, order, society, corps, club or service, social or similar group. This definition does not alter or diminish the definition of "student organization" set forth in the University's Anti-hazing policy.

**University Business Days:** Any day on which the University is open for business. This term excludes Saturdays, Sundays, University holidays, and any days on which the University is closed due to emergency (e.g., snow days, etc.)

**University Conduct Board:** A group of trained individuals representing the University community that hear the testimony and other evidence from all involved parties at a hearing. The Board renders a decision of "responsible" or "not responsible" and, in cases involving student misconduct, recommends appropriate sanctions and stipulations when required.

University Conduct Boards are made up of a non-voting chairperson and a three-member voting panel. The non-voting chairperson is not a student.

The panel is comprised of two employees and one student. In matters related to academic integrity, at least one employee on the panel must be a faculty member. In matters involving allegations of sexual misconduct (which are addressed under the University's Sexual Misconduct Policy), students will not be selected to serve as panel members. In sexual misconduct matters, the University Conduct Board members are selected from a pool of prospective members who have been trained in the University's conduct process concerning sexual misconduct

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## **IV. Rules and Regulations**

The following is a listing of the Rules and Regulations at Shippensburg University. Because students are expected to show good judgment and use common sense at all times, the list is not an exhaustive codification. However, it generally sets forth a clear description of prohibited conduct.

Students and/or student organizations involved in misconduct will be addressed through the University student conduct system.

### **a. Student Rights**

The following rights are recognized:

- Every student has the right to pursue all University activities, free from unlawful harassment, discrimination, and physical harm.
- Every student has the right to personal privacy, except as otherwise provided by law.
- Every student has the right to fair and consistent processes in accordance with all applicable state and federal laws and regulations.

This Code does not create, alter, or detract from any rights otherwise afforded under federal or state law.

## **b. Regulations - Student Conduct**

The following regulations apply to all students and student organizations as outlined below.

### ***☒ 1. Failure to act in a manner that reflects personal and academic integrity.***

Prohibited conduct includes:

- A. File a False Report: Filing a false police report or student conduct incident report.
- B. False Statements: Making false statements as part of a University student conduct hearing or to a University official.
- C. Theft: This includes: (1) theft or attempted theft of the property or services of the University, any group, or any individual, by means of taking, deceiving, misappropriating, or misusing; and/or (2) possession of stolen property and/or receiving stolen property.
- D. Improper Use of ID: Allowing others to use their University identification card or temporary residence hall access card or using another's University identification card or temporary residence hall access card.
- E. False Information: Knowingly providing false information in any manner to the University. This includes all matters of record and transactions with the University.
- F. University Documents: Altering, forging, transferring, or otherwise misusing any University document or record, allowing any University document or record issued to a student to be used falsely by another person, or falsely using University documents issued to another.
- G. Agent of University: Acting as an official representative of the University unless officially authorized to do so.

- H. **Financial Obligations:** Failing to fulfill all financial obligations to the University.
- I. **Licensing:** Violating any licensing or contractual agreements, University policies, or any laws related to information technology.
- J. **Commercial Use:** Using University computing or telecommunications equipment, facilities, and/or services for commercial purposes or non-University related activities without official authorization.
- K. **Data Use:** Accessing, using, altering, destroying, or transferring any information resources without authorization from the data owner.
- L. **Password Use:** Using, without authorization, another person's password or authorization code to access phone services, computing services, or data.
- M. **Computing and Telecommunications Operations:** Engaging in any activity that infringes on the operation of any University computing network. This includes establishing or operating computer network-based servers, including but not limited to, file servers, wireless connectivity servers, print servers, web servers, and/or peer-to-peer sharing.
- N. **Academic Integrity**<sup>1</sup>:
- 1) **Plagiarism:** Claiming or submitting any portion of another's academic work as their own.
  - 2) **Academic Materials:** Obtaining, providing, or using any materials containing questions or answers to any examination or assignment unless officially authorized.
  - 3) **Complete Another's Work:** Completing the academic work of another or having another complete their academic work.
  - 4) **Academic Research:** Altering, tampering with, appropriating, destroying, or otherwise interfering with the academic research, resources, or work of another person, including that of the University.
  - 5) **Falsify Data:** Fabricating or falsifying data.
  - 6) **Cheat:** Cheating during an examination. This includes, but is not limited to, copying, collusion, and unauthorized use of materials or devices.

7) **Bribing**: Bribing, or attempt to bribe, a University faculty or staff member in order to attain an unfair academic advantage.

8) **Academic Conduct**: Violating any academic conduct rules/standards published by the University or communicated by the professor as part of the class requirements or policies.

***☒ 2. Failure to act in a way that reflects personal and community responsibility toward the person and property of others.***

Prohibited conduct includes:

A. **Failure to Report**: Failing to report a violation of the student code of which a student has knowledge.

B. **Safety Hazard**: Creating, or helping to create, a safety hazard. Knowingly violate safety/security regulations or interfere with the safe and clean environment of others. This includes demonstrating behavior or engage in activities that endanger the safety or well-being of oneself or others.

C. **Explosives/Dangerous Weapons**: Possessing or using dangerous weapons. This includes, but is not limited to, guns, knives, martial arts' devices, percussion weapons, bow and arrows, ammunition, clubs, firecrackers, fireworks, other explosives, or any other devices used aggressively.

D. **Fire**: Setting a fire or attempting to start a fire; engaging in behavior that potentially could start a fire, e.g., burning candles, lighting aerosol propellants; or falsely report a fire, bomb, or similar emergency.

E. **Emergency Procedures**: Interfering with emergency services or procedures. This includes failing to evacuate a building or cooperate with University staff members during a fire alarm, tampering with fire equipment, or using such equipment in a manner other than for the control or prevention of a fire.

F. **Alcohol On Campus**: Consuming, possessing, or being in the presence of alcohol beverages on the campus, or in campus housing, despite the individual's age, other than during sanctioned university activities or locations where alcohol has been permitted.

- G. Alcohol Off Campus: Illegal possession or consumption of alcohol off campus including, but not limited to, possessing or consuming alcohol beverages under the age of 21 and public possession of an open container.
- H. Drive Under the Influence: Driving under the influence of alcohol or other drugs.
- I. Drug Paraphernalia: Possessing drug paraphernalia.
- J. Furnishing Alcohol to Minors: Sharing, furnishing, selling, and/or distributing alcohol to persons under the age of 21 including, but not limited to, charging admission to a social event where alcohol is served, hosting or organizing a social gathering where persons under the age of 21 consume alcohol, and/or providing alcohol to person under the age of 21.
- K. False ID: Attempting to or actually purchasing alcohol using false identification.
- L. Illegal Drugs: Possessing or using illegal drugs or narcotics.
- M. Illegal Drug Distribution: Manufacturing, sharing, furnishing, distributing, selling, exchanging, or offering to sell illegal drugs, narcotics, or drug paraphernalia.
- N. Over the Counter Medications: Misusing over the counter medications, prescriptions, and/or other legal materials or substances, in such a way as to cause or result in Disorderly Behavior, as defined in Section 3 above.
- O. Gambling: Engaging in any gambling activities except as authorized by state and federal law.
- P. Responsibility for Visitors: Failing to inform their visitors of the need to conform to the rules and regulations of the University.
- Q. Residence Hall Visitation: Violating the “Residence Hall Visitation Policy” as defined here:  
[https://www.ship.edu/housing/housing\\_agreement/guest\\_policy/](https://www.ship.edu/housing/housing_agreement/guest_policy/)
- R. University Operations: Interfering with the effective operation of any function and service of the University.
- S. Student Organizations:  
Student organizations are required to comply with all university policies, including the Student Code of Conduct and all additional policies pertaining to the specific group. A group may be held responsible for the actions and behaviors of its members and guests. Student organizations, as

well as their members or leaders, may be held collectively and/or individually responsible for violations of the Student Code of Conduct or other University policies.

1) Hazing<sup>2</sup>: Violating the University Antihazing Policy, found here:

[http://www.ship.edu/dean\\_of\\_students/student\\_conduct/harassment\\_hazing\\_sexual\\_misc conduct\\_violence/](http://www.ship.edu/dean_of_students/student_conduct/harassment_hazing_sexual_misc conduct_violence/)

2) Organization Funds: Misappropriating or misusing student organization funds or property.

3) University Logo: Using, without authorization, the name or insignia of the University or its affiliated student groups.

4) Organization Functions: Interfering with the activities or functions of student organizations.

5) Financial Obligations: Failing to fulfill financial obligations to a student organization.

***☒ 3. Failure to act in a manner that reflects respect for oneself, others, university policies, and laws.***

Prohibited Conduct:

A. Noise: Causing or contributing to unreasonable noise. Courtesy and reasonableness are always expected as the rights of those being disturbed are preeminent. All reasonable efforts at maintaining quiet are expected in residence halls/rooms/suites during designated quiet hours.

B. Discriminatory Intimidation: commission of a violation of a provision of the Student Code of Conduct where the established violation is committed intentionally and is motivated by hatred toward another individual or group of individuals based on race, sex, ethnicity, national origin, age, disability, religion, sexual orientation, gender identity or veteran status.

C. Disorderly Behavior: conduct that:

- intentionally or recklessly creates a hazardous or physically offensive condition;
- causes reasonable persons to fear for their safety or the safety of another; or
- disrupts the normal practices, processes, and functions of the University or the local municipalities

D. Harassment: Engaging in repeated, severe, or pervasive actions directed towards a specific individual, group, or entity with the intent or effect to disturb or alarm. This includes, but is not limited to, conduct in person or delivered by indirect means including notes, phone calls, and

use of social media or other electronic media.

E. Harming Behavior: Engaging in any act which results in the infliction of pain, injury, or damage to any person or property by willful and deliberate means. This offense includes (a) assault, (b) attempted assault, or (c) behavior which may result in injuries to oneself or others.

F. Harming Behavior Toward University Official: Harassment, threatening conduct, or harming behavior toward a University employee related to the performance of their job.

G. Hazing<sup>2</sup>: Engaging in conduct prohibited under the Shippensburg University anti-hazing policy. (A copy of the Anti-hazing policy is attached in the Appendix to this Code.)

H. Retaliation (non-sexual misconduct): acts and/or threats directed against or other adverse action taken against any person in response to that person's participation in or involvement with the conduct process, a law enforcement matter, or any formal investigation conducted by University staff.

I. Threatening Conduct: Engaging in conduct that is reasonably understood to intimidate or create fear of the infliction of pain, injury, or damage to property. This includes, but is not limited to, conduct in person or delivered by indirect means including notes, phone calls, use of technology, and social media or other electronic media.

J. Indecent Conduct: Engaging in intrusive, lewd, obscene, or indecent conduct. This includes the use of technology (webcams, cameras, cell phones, etc.) to invade one's privacy.

K. Freedom of Movement: Interfering with the freedom of movement of others, including others' access and use of public facilities, campus facilities, or private living space.

L. Tamper, Remove, or Damage Property: Tampering with, misusing, borrowing, removing, damaging, defacing, or destroying property of others or the University, without permission.

M. Failure to Comply: Failing to fully comply with the reasonable directives of University staff acting according to their duties or with the directives/sanctions of a disciplinary hearing board or officer. This includes, but is not limited to, the fulfillment of required sanctions/stipulations.

N. Trespassing: Trespassing, conspiring, or engaging in unauthorized entry. This includes the unauthorized use or possession of keys, including those of the University.

O. Refuse ID: Refusing, upon request, to provide their correct name and appropriate identification to a University staff member or authorized police officer performing their legitimate duties.

P. Violate Policies: Violating any published University policies, rules, and regulations, including those published in the Swataney.

Q. Violate Law: Violating federal, state, or local laws or ordinances.

R. Condone Violation: Being present during any violation of the Student Code of Conduct and/or University Policies in such a way as to condone, support, or encourage that violation.

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<sup>1</sup> Refer to the Policy on Academic Dishonesty in the Appendix of this code, printed in the Student Handbook (called Swataney), the Undergraduate Programs Catalog, the Graduate Programs Catalog, or found here:

[http://www.ship.edu/dean\\_of\\_students/student\\_conduct/academic\\_policies/.](http://www.ship.edu/dean_of_students/student_conduct/academic_policies/.)

<sup>2</sup> Refer to the “Anti-hazing Policy” in the Appendix of this code and printed in the Swataney.

*All alcoholic beverages will be confiscated and disposed of by University staff. Items such as kegs, taps, and beer bongs will be given to the University Police. Any funds gained from the return of these items (e.g., deposit) will be donated to the Shippensburg University Foundation designated for the University Library.*

*All drugs and drug paraphernalia will be confiscated and given to the University Police. The police may further investigate the situation. Any amnesty for student conduct provided under the University’s Alcohol/Drug policy is not a defense against criminal charges.*

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## **V. Student Conduct Process**

### **a) Overview**

Shippensburg University believes strongly in providing a fundamentally fair and impartial student conduct process. To that end, both the reporter(s) and responding student or student organization will receive reasonably specific advanced written notice containing a description of the alleged acts of misconduct under the Student Code of Conduct, including time, date, and place of occurrence and the rules of conduct allegedly violated so as to allow the responder the opportunity to properly prepare a response.

Shippensburg University also believes in providing students with multiple pathways to resolution including but not limited to meetings, mediations, and formal hearings.

In the event of a formal hearing, the University allows the reporter(s) and the responder the right to question each other, the right to question witnesses against them, the right to present evidence, the right to call their own witnesses, the right to have a process adviser present for support, the right against self-incrimination, and the right to appeal a student conduct decision.

Procedural modifications (e.g., the use of a screen during a hearing; and/or utilizing appropriate remote appearance technology) may be granted at the discretion of the Dean of Students as long as they are consistent with fundamental fairness.

A student may waive any of the rights contained in this Code other than written notification of the charges against them.

In all matters, and as necessary, Shippensburg University reserves the right to initiate resolution proceedings without a formal report or participation by the reporter(s).

### **b) Use of Process Advisers**

Students have the right to use a process adviser at their own expense. The adviser may be an attorney but cannot be a potential witness or party. The process adviser does not have the right to speak or participate directly in any aspect of the conduct process. The process adviser may not appear via videoconference or teleconference absent extraordinary circumstances that are promptly raised by the student.

### **c) Informal Resolution**

When appropriate and agreeable to the parties and any designated University official, violations of the Student Code of Conduct may be resolved through informal means, including mediation, in lieu of an adjudication of Code of Conduct violation(s). Violations involving violence, physical

harm, and serious property damage generally are not considered appropriate for informal resolution.

#### **d) Initiation of a Referral**

Any member of the University community or personnel from a law enforcement agency (herein referred to as the Reporter(s)) may initiate a written referral against any student or student organization (herein referred to as the Responder).

All referrals must be in writing and should be submitted as soon as possible after the events on which the referral is based.

All misconducts, other than those relating to alleged sexual misconduct, must be submitted to the Office of the Dean of Students. Referrals may be submitted: electronically at:

[http://www.ship.edu/dean\\_of\\_students/student\\_conduct/report\\_an\\_incident/](http://www.ship.edu/dean_of_students/student_conduct/report_an_incident/); or in person at 210 Old Main.

Refer to the Shippensburg University **Sexual Misconduct Policy** for information on reporting matters of sexual misconduct.

#### **e) Referral Review**

##### ***General Misconduct by Students & Student Organizations***

The Dean of Students or designee will review referrals to determine if sufficient information is present to warrant further action. If it is the opinion of the Dean of Students or designee that insufficient information is present, the referral will be dismissed. There will be no appeal of this dismissal decision.

#### **f) Notification of Referral for Further Proceedings**

##### ***General Misconduct by Students***

Where a referral indicates a possible Code violation, the Dean of Students or designee will identify all relevant information. In the event that a formal investigation is required, the Dean of Students or designee will provide a written notice of investigation to the responder and will appoint a fact-finder to conduct the investigation.

##### ***General Misconduct by Student Organizations***

In matters involving a student organization, the executive board or leadership of the student organization will serve as the responder.

Individuals who provide information as part of an investigation, to the extent possible, may remain confidential throughout the conduct process, provided their identities are known to the University and the investigative entity serves as a witness during the hearing procedures.

The investigator(s) will determine the best method of information gathering. This may include a mandated group meeting or a series of mandated individual meetings.

Students who fail to appear for investigative interviews or who fail to cooperate in good faith during investigative interviews may be subject to action under the Student Code. Students will be asked to sign an investigation participation form affirming the truthfulness of statements provided and their rights.

In the interest of full disclosure and to reduce the incidence of retaliatory behavior, the investigators will make every attempt to keep student testimony for group misconduct confidential. Cell phones and any other technology may be collected during any meeting to avoid collusion and conspiracy but will not be subject to search without student permission or warrant.

The investigator(s) may recommend interim action to the Dean of Students at any point in the investigation.

Although participation in the investigation is optional, future membership in the group may be assessed on the student member's cooperation.

### **g) ☐Student Conduct Meeting**

General Misconduct by Students & Student Organizations

Upon identification of all relevant evidence related to a referral, the Dean of Students or designee will provide the responder with written notice of a Student Conduct Meeting. The Student Conduct Meeting will be facilitated by a Student Conduct Facilitator designated by the Dean of Students.

Written notice of the Student Conduct Meeting will include:

- the date, time, and place of the Student Conduct Meeting;

- a brief summary of the referral, including the time, date, place and brief description of the alleged act of misconduct;
- the specific charges pending against the responder;
- statement of student rights and responsibilities; and
- the name and contact information of the Student Conduct Facilitator.

During the Student Conduct Meeting the responder will receive additional information about the student conduct process, including information relating to: rights, the range of potential sanctions for the charged violation(s); and resolution options available through the conduct process. The responder will also be afforded the opportunity to inspect and review all relevant information.

The Student Conduct Facilitator will give the responder the opportunity to:

- a. request informal resolution in appropriate matters;
- b. accept responsibility for the charge(s) and accept the sanctions and stipulations given by the Student Conduct Facilitator;
- c. deny responsibility for the charge(s) and, provided the range of sanctions for the charged violations do not include suspension or expulsion, request an Administrative Hearing with a Student Conduct Facilitator; or
- d. deny responsibility for the charge(s) and request a hearing on the charge(s).

If a responder fails to attend the Student Conduct Meeting, the matter will be moved to an Administrative Hearing or a University Conduct Board hearing as appropriate. If a responder fails to attend either the Administrative Hearing or the University Conduct Board hearing, the matter will be heard in their absence.

## **h) Scheduling the Hearing**

The Dean of Students will provide the parties with written notice of the hearing at least 5 University business days prior to the scheduled hearing time. The hearing notice will contain a statement of

- the date, time, and place of the hearing;
- a statement of the date, time, place and alleged acts of misconduct;
- a statement of the specific charges pending against the responder;

While every effort will be made to schedule the hearing at a time convenient for all parties, final scheduling authority rests with the Dean of Students. The Dean of Students also has the authority, when hearings involve more than one responder, to have the responders heard separately.

Hearings will not be scheduled during a time that any party to the hearing has a scheduled class.

### **i) Hearing Procedures**

The provisions below apply to both Administrative Hearings before a Student Conduct Facilitator and University Conduct Board Hearings, with the exception that Administrative Hearings are heard by the Student Conduct Facilitator rather than a full University Conduct Board.

#### **i. Burden of Proof**

The University bears the burden of establishing any charged violation of this Code. The responder does not have the burden to prove that a violation did not occur. A responder may decide not to share their side of the story or may decide not to participate in the hearing or an investigation.

None of these decisions shifts the burden of proof away from the University.

#### **ii. Standard of Proof**

In all Code of Conduct processes, the University is responsible for establishing any charged violation by a “preponderance of the evidence” standard. This means that the University must show that it is more likely than not that the alleged violation of the Student Code of Conduct occurred.

#### **iii. Openness**

All hearings are closed to the public unless both the reporter(s) and responder agree, at least 24 hours in advance, to allow members of the University community to attend.

#### **iv. Participants**

Participants at a hearing include the fact-finder; reporter; responder; process advisers; and the witnesses. In an Administrative Hearing, the fact-finder is the Student Conduct Facilitator. In all other hearings, the fact-finder is the University Conduct Board.

Both the reporter and responder have the right to challenge the designation of a Student Conduct Facilitator or University Conduct Board member for cause. Cause is defined as personal bias or prior involvement with parties or circumstances surrounding the matter. A challenge to a Student Conduct Facilitator or University Conduct Board member for cause must be presented to the Dean of Students Office in writing no later than 72 hours before the scheduled hearing.

#### **v. Evidence**

Only evidence that is admitted during the hearing shall be considered in judging the matter.

The university is not bound by formal rules of evidence. Evidence or information that may not be admissible in a court of law may be admissible in a conduct hearing or as part of an investigation. The Student Conduct Facilitator or the Chairperson of the University Conduct Board will decide what information is admissible as part of a hearing.

Court documents, including affidavits of probable cause, preliminary hearing transcripts, and other relevant court and public records, may be utilized at a student conduct hearing given their inherent reliability, even when the person that prepared them is not available to testify or answer questions.

If the Student Conduct Facilitator or University Conduct Board determines that key evidence is missing, the hearing may be continued to a later time to accommodate the presentation of such evidence at the hearing.

Procedural modifications (e.g., the use of a screen during a hearing; and/or utilizing appropriate technology as necessary to ensure that the reporter(s) and responder are in separate locations) may be granted at the discretion of the Dean of Students or designee as long as they are requested and consistent with fundamental fairness. A party wishing to request a procedural modification should do so at least 24 hours prior to the scheduled hearing time.

#### **vi. Responder/Reporter(s)**

Both the reporter and the responder are expected to appear at a hearing. However, in the event that a reporter or responder fails to attend a student conduct hearing, the Dean of Students or their designee reserves the right to dismiss the matter or to proceed with the hearing. If a responder fails to appear, the hearing may be conducted in their absence.

#### **vii. Other Witnesses**

The reporter(s) and responder are required to notify the Dean of Students Office of the names and contact information of their respective witnesses at least 72 hours prior to the scheduled hearing time.

The Dean of Students Office will notify witnesses of the hearing date and time. However, the reporter(s) and responder have the responsibility to arrange for the attendance of their witnesses at the hearing.

Witnesses are only allowed into the room during their period of testimony or when called to answer questions. The Student Conduct Facilitator or University Conduct Board reserves the option of limiting the number of witnesses providing statements at a hearing.

In matters of student organization misconduct, individuals who provide information as part of an investigation may remain confidential throughout the conduct process, provided their identities are known to the University and the investigative entity serves as a witness.

### **viii. General Outline for Hearing Proceedings**

Hearings generally follow, but are not required to strictly adhere to, the format outlined below:

The matter is introduced by either the Student Conduct Facilitator or the chairperson of the University Conduct Board. This includes an introduction of all the parties participating in the hearing and a statement of the charged violations. An overview of the hearing procedures will be presented. A statement of rights and responsibilities, which include an expectation of truthfulness, will be made. The Student Conduct Facilitator or chairperson of the University Conduct Board is delegated the authority to exercise control of the hearing and to rule on questions of procedure.

The reporter(s), when available, will state the information on which their referral is based. The reporter(s) may then call any witnesses to offer information supporting the referral.

The responder presents information favorable to their position. The responder may then call any witnesses in defense of the responder's position.

At this point, the Student Conduct Facilitator or University Conduct Board members may begin questioning both the responder and reporter(s). Witnesses may be recalled for questioning during this period. The responder and reporter(s) also have the right to question each other and all witnesses. At the discretion of the Student Conduct Facilitator or chairperson of the University

Conduct Board, questions from both the responders and reporter(s) to each other and/or to the witnesses may be directed to the Student Conduct Facilitator or chairperson. The Student Conduct Facilitator or chairperson will then restate the questions to the appropriate parties.

After the questioning is completed, both the responder and reporter(s) have the opportunity to make a summary statement. The reporter(s) proceeds first in making the summary statement.

The hearing is ended. At this point the Student Conduct Facilitator or University Conduct Board goes into a private session to determine whether the responder is “responsible” or “not responsible.” A simple majority of the board members hearing the matter is needed to establish “responsible.”

If a decision of “responsible” is reached, the Student Conduct Facilitator or University Conduct Board will make a recommendation of sanctions and stipulations. The Dean of Students or designee makes the final determination of sanctions and stipulations based upon the nature of the code of conduct violation.

Past violations of the student code of conduct will be factored into the determination of the sanctions and stipulations, but will not be considered in establishing whether a responder is “responsible” or “not responsible” of the current charges.

A written decision will be issued, setting forth the findings on the charge(s). Absent extenuating circumstances, the written decision will be issued as expeditiously as possible but in no event later than 15 University business days after conclusion of the hearing. The decision letter will include factual findings and rationale for the decision, and present a complete description of the sanctions and stipulations, if any. Appeal criteria and procedures will be outlined as well.

All hearings conducted by the University Conduct Board are recorded. Other types of hearings may be recorded at the discretion of the Student Conduct Facilitator. Any additional video, audio, stenographic, or photographic recording of any hearing is prohibited.

Both the responder and reporter(s) will be allowed to schedule an appointment to listen to the recording of a hearing they were a party to.

#### **i) Sanctions and Stipulations**

Sanctions are utilized to help students and student organizations develop more productive patterns of behavior, to support the integrity of the academic mission, and to protect the members of the academic community. While the sanctions below are listed progressively, they are selected to correspond with the severity or frequency of violations.

### **Individual Student Sanctions**

**Warning:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. It serves as an official disapproval of acts committed.

**Reprimand:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations most likely will result in more serious disciplinary action. This action serves to formally communicate that certain behavior and activity are unacceptable and need to be corrected.

**Censure:** Official notification of a specified period of review and monitoring during which behavior and activity must demonstrate compliance with University rules, regulations, and policies. Further violations will result in more severe disciplinary action, especially if they occur during the specified period of censure.

**Probation:** Official notification of a specified period of review and monitoring in response to behavior or acts, although not serious enough to warrant suspension, deemed highly inappropriate and strongly against University standards. Further violations of the conduct code will result in more severe disciplinary action, including an examination of continued status as a student or student organization.

**Term Suspension:** Official notification involving a disciplinary separation from the University for a specified period generally not less than one semester (excluding summer). Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. Any stipulated conditions shall be met before readmission.

**Indefinite Suspension:** Official notification involving a disciplinary separation from the University for an indefinite period. Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. A person shall not return to the University from an indefinite suspension without the approval of the Dean of Students or designee. All stipulated conditions, if any, shall be met before readmission.

**Expulsion:** Official notification of permanent disciplinary separation from the University with denial of all affiliated privileges and rights. Use of campus facilities is prohibited.

## **Student Organization Sanctions**

**Disciplinary Organization Reprimand:** The organization is informed in writing that the group has been found responsible of a violation of University regulations.

**Disciplinary Organization Probation:** The organization is informed in writing that it is on probation for a specified period of time. Probation is a period of review and observation during which the group must demonstrate the ability to comply with University rules, regulations, and other requirements as stipulated by the sanction. A student group will remain on Probation at least through the date indicated or until the date all assigned sanctions and stipulations have been completed, whichever occurs later. Conditions that restrict privileges may also be imposed.

**Final Disciplinary Organization Probation:** A final probation status means that any violation of the Code of Conduct by the group, during this time, will result in the group's immediate suspension. A student organization will remain on Final Probation at least through the date indicated or until the date all assigned sanctions and stipulations have been completed, whichever occurs later.

**Disciplinary Organization Suspension:** The organization is prohibited from conducting any and all group activity on- or off-campus. All events should be canceled immediately and not resume until the stated date. This includes, but is not limited to, meetings, recruitment, fundraising, educational programs, and socials. During the period of suspension, if the group is found operating without permission from the Office of Student Conduct, they will be subject to additional disciplinary action. For reinstatement, within 30 days of the conclusion of the suspension period, the executive board or leadership of the student organization will need to make an appointment with the Office of Student Conduct to arrange for the removal of the suspension. A student organization that fails to comply with sanction or stipulations as directed during this period will be subject to a sanction review for Disciplinary Organization Disestablishment.

**Disciplinary Organization Disestablishment:** The organization loses its formal campus recognition and is permanently prohibited from conducting any and all group activity on- or off-campus. All events must be canceled immediately.

Stipulations may be attached to all sanctions as deemed appropriate. The Dean of Students, or designee, has final authority in determining appropriateness of stipulations. The following is a list, while not exhaustive, of stipulations available for use by Student Conduct Facilitators and the University Conduct Board:

### **Individual Student Stipulations**

Restitution: Reimbursement for actual damage to or destruction of property, including that of the University or of other persons.

Housing Transfer: Movement from a current residential assignment to another location in campus housing. A student shall not be transferred from one assignment to another unless minimally at the level of censure.

Housing Suspension: Removal from campus housing for a specified period of time. The room deposit shall be forfeited in all matters. A student shall not be suspended from campus housing unless minimally at the level of probation.

Counseling: Required to meet with a University counselor or private therapist (at the students' expense).

Alcohol/Drug Referral: Participation in the Connection Program which provides alcohol and drug education. This requires an interview with a staff member and possible participation in an educational series or information sessions. It may also require a substance abuse assessment by a professional therapist. Referral to the Connection Program may include a fee for service component.

Community Service: Donating a predetermined number of hours on either the campus or in the community.

Termination of Privileges: Prohibition of participation in campus co-curricular activities or use of campus services, e.g., intramural participation, room reservation privileges, use of bulletin boards.

Community Seminar: A workshop designed to help students develop better citizenship skills.

The Judicial Educator: An online educational program designed to help students consider their decision making processes.

**Other Stipulations:** The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a matter.

### **Student Organization Stipulations**

**Activity:** The required participation by the organization in specified group activity, service projects, educational programs, or other assignments.

**Social Limitation or Suspension:** An organization may be denied formal or informal sponsorship of or participation in one or more of the following for a specified period of time: inter- or intra- organizational social activities, formals, all-Greek or all-University events or activities, or any other event of a social nature.

**Intramural Suspension:** A specific length of time in which the organization may not participate in individual or team sports or the intramural league, earn intramural points, or receive any championship titles.

**Loss or Restriction of Privileges or Activities:** The withdrawal of the use of services or privileges as a student organization or the loss of the privilege to participate in an activity or event. This sanction is generally for a specified period of time. Examples of privileges that can be lost include, but are not limited to, recruitment freeze, suspension of the student organization's funds, suspension of access to the organization's web space, suspension of the ability to reserve rooms on campus, suspension of the ability to apply for Student Activity Fee funding, suspension of fund-raising activities, suspension of access to office space, and others.

**Membership Review:** The organization is required to review and affirm each person's commitment to the expectations of organization membership. This requires a process of one-on-one interviews with each member and a member of the national or international staff, and may also, on occasion, include a University advisor or administrator.

**Member Intake and Recruitment Review:** The organization is required to submit a plan on how it will emphasize values during the intake process. The plan should include details of the expected date and time of activities, goals, participant learning outcomes, and the event assessments.

**New Member Process Board Election:** After receiving permission from the Office of Student Conduct, the organization is to hold an election to identify new leadership to manage the directives in the outcome letter. This election must meet the following criteria:

- The election process will be facilitated by a non-accused upper class student in the presence of the University advisor.
- The sole purpose of this meeting is to elect leaders for the organization.
- Minutes from the meeting, including the outcome of the election, must be emailed to the Office of Student Conduct, and the organization's faculty advisor within 24 hours of the election and include the outcome.

**Educational Workshops:** Educational workshops can be assigned for organizations that violate policies related to University protocols. Examples include, but are not limited to: workshops regarding the process to reserve University space, budget procedures, the appropriate use of Student Activity funds, and others. Educational workshops may be assigned in conjunction with or in lieu of another sanction.

**Document/Policy Development:** The creation of a new internal process or amendment to an organization's bylaws may be assigned to address the absence of a policy and/or continued issues a student organization may be facing on a regular basis.

**Sanctioned Service:** Service projects or service hours may be assigned to a student organization if it is deemed that such an assignment would have the most impact on the organization. The service will be related to the kind of violation that occurred. Sanctioned service may be assigned in conjunction with or in lieu of another sanction.

**Mandatory Restitution:** Financial restitution could be sanctioned for monetary loss or damage.

**Other Stipulations:** The University reserves the right to impose other sanctions in addition to those listed above in response to specific circumstances of a matter

## **k) Interim Measures**

An interim measure may be imposed when the serious nature or immediacy of the situation makes it impractical to follow normal disciplinary procedures. A decision to impose one or more of the interim measures identified in this Section, will be made by the Dean of Students with the approval of the Vice President for Student Affairs or designee.

Interim measures are not formal discipline, nor are such measures in lieu of disposition of student conduct charges.

## **Individual Students**

## **1) Informal Interim Measures**

At its discretion, the University may impose one or more of the following informal interim measures pending disposition of student conduct charges where the student represents a serious threat to the safety of themselves or others, or to University property:

Stayed Interim Suspension: applies certain non-exclusionary stipulations to ensure the safety and well-being of all students and to safeguard university property pending disposition of the underlying charges. Such stipulations may include, but are not limited to: a directive that the student promptly update the Dean of Students on the status of any pending criminal proceedings and/or update the Dean of Students on any ADR progress or dispositions.

Any additional violations of University regulations or failure to abide by the stipulations may result in the imposition of an interim suspension or additional student conduct charges.

There is no right of appeal from a stayed interim suspension.

Interim removal from a University course: removes a student from a particular course prior to a formal hearing being held. This action only applies to the course in question during the interim period and it allows the student to attend their other classes. There is no right of appeal from interim removal from a University course.

## **2) Interim Suspension**

In matters where a student represents an immediate threat of harm to the student, other persons, other university property, an interim suspension may be imposed. An interim suspension requires a student to immediately leave University property prior to a formal hearing being held. The student will not be permitted return to campus nor participate in any university programs or activities during the interim period without the expressed permission of the Dean of Students.

Interim suspension decisions will be reviewed by the University Conduct Board. Absent extenuating circumstances, the University Conduct Board will meet for a hearing on the interim suspension within ten (10) University business days following the issuance of the interim suspension. If an extension occurs, the hearing will be held at the earliest possible date.

The purpose of the interim suspension hearing will be to: (1) review the reliability of the information and decision-making rationale that resulted in imposition of the interim suspension; and (2) determine whether the student's presence represents an ongoing threat to themselves, other persons, or University property.

If, in the University Conduct Board's opinion, the interim suspension was not warranted or the student no longer represents a threat of harm to themselves, others, or University property, the student will be reinstated immediately. A written decision will be issued setting forth the finding of the University Conduct Board following the interim suspension hearing.

A student may appeal the University Conduct Board's decision to the Associate Vice President for Student Affairs within 3 University business days following the issuance of the decision.

A formal hearing before the University Conduct Board on the underlying student conduct charges will occur regardless of the decision on the interim suspension. The hearing on the underlying student conduct charges will be scheduled with different members of the University Conduct Board panel to adjudicate the matter.

## **Student Organizations**

**Interim Disciplinary Organization Suspension:** The Dean of Students or designee may impose an interim suspension upon any student organization whose presence on-campus constitutes a threat to the health, safety, and welfare of its members or others, or the welfare of the University, its property, or personnel.

**Interim Organization Action:** The Dean of Students or designee may impose a loss of privileges upon any student organization.

Following imposition of either of the interim measures, the conduct process will continue as outlined above. If it is established that an organization is "responsible" a sanction consistent with the violation(s) will be imposed.

### **I) Appeals**

Appeals must be presented in writing within five (5) University business days following issuance of a written decision.

The University allows one level of appeal review. The designated appeal agents are set forth below:

- Appeals of Student Conduct Facilitator decisions will be directed to the Director of the Office of Student Conduct;
- Appeals of decisions made by the Director of the Office of Student Conduct will be directed to the Dean of Students; and
- Appeals of decisions made by the Dean of Students or the University Conduct Board will be directed to the University Appeals Agent.

No further appeals are permitted.

An appeal may be sought on the following grounds:

1. That a fundamental error occurred in the hearing procedures that unreasonably interfered with the responder's rights. Such claims must be specifically described in the appeal letter.
2. That new evidence or information germane to the matter and not available at the time of the hearing has been uncovered. This evidence must be clearly presented in the appeal letter.
3. That the sanction imposed was unjust, unreasonable, or inappropriate. The letter must clearly explain the reasoning for this appeal.

An appeal is not a new hearing, but is a review of the records from the original hearing. An appeal may be dismissed if not sought on proper grounds. Additionally, any appeal that fails to set forth the required supporting information may be rejected. Any rejected appeal may be corrected and resubmitted for review within 2 University business days.

Upon review, the appeal agent may decide to: (a) uphold the original decision in full; (b) modify the stipulations attached to a sanction; or (c) return the matter back to the original hearing entity for reconsideration.

No appeal agent, other than the Dean of Students or the University Appeals Designee shall have the authority to modify an original sanction in any way. The original sanctions and stipulations remain in effect during the appeal process. However, the appeal agent has the authority, under extenuating circumstances, to defer the imposed sanctions and stipulations while an appeal is in process.

Absent extenuating circumstances, the written decision will be issued as expeditiously as possible but in no event later than 15 University business days after receipt of the appeal.

## **☒VI. Student Conduct Records**

Student conduct records are retained by the office of the Dean of Students and are considered confidential.

A student conduct file will not be released to non-University parties without the written consent of the specific student or pursuant to a judicial order or lawfully issued subpoena.

Disciplinary information may also be provided in certain limited circumstances in accordance with the Family Educational Rights and Privacy Act of 1974 (as amended).

Student conduct files are maintained separately from all other University files and are not considered part of the academic record. A student's conduct file, including tape recordings of hearings, shall be retained for the following lengths of time before being destroyed:

- Indefinitely maintained: Actions related to student organizations, fraternities, and sororities; Expulsion.
- Maintained for three academic years from the date of the sanction letter: Suspension (Term, Indefinite).
- Maintained for three academic years from the date of the sanction letter: Censure, Probation.
- Maintained for three academic years from the date of the sanction letter: Warning, Reprimand.

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## **☒VII. Parent or Guardian Notification**

Effective October 1, 1998, the Family Educational Rights and Privacy Act allows Shippensburg University personnel to notify the parents or legal guardians of a student if the student is found in violation of Regulations (B)(6) (Alcohol, Illegal Drugs, and Gambling) sections (a) through (i) as set forth in this Code. The student must be under the age of 21 at the time of notification to comply with the law. Parents or legal guardians shall typically receive notification via a letter from the Office of the Dean of Students. The letter will be sent to the home address on record at the University.

Parents or legal guardians, students, and the University are viewed as a partnership in promoting responsible decision-making, healthy lifestyles, positive community behavior, academic success, and personal development. Thus notifying parents or legal guardians of alcohol and/or other drug-related incidents is a fulfillment of the obligations associated with this partnership. Notification should not be viewed as punitive but rather as an attempt to engage in productive dialogue.

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## **☒VIII. Code of Conduct Revisions**

The University reserves the right to make changes to this document as necessary and once those changes are posted online, they are in effect. Minor modifications to procedure may be made that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules, etc.

The Dean of Students may also vary procedures materially with notice (on the website of the Office of Student Conduct and/or the Office of Equity, Inclusion, and Compliance as appropriate) upon determining that state or federal law(s) or regulation(s) require policy or procedural alterations not reflected in this policy and procedure. Procedures in effect at the time of offense will apply even if the policy is changed subsequently but prior to resolution, unless the parties consent to be bound by the current policy. If government regulations change in a way that impacts this document, this document will be construed to comply with government regulations in the most recent form. This document does not create legally enforceable protections beyond the protection of Pennsylvania and federal laws which frame such codes generally.

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## **☒IX. Approvals**

Proposed Code of Conduct revisions shall be initially submitted by the Dean of Students to the Student Affairs Committee for approval. If approved, the document shall be submitted to the University Forum for consideration. If judged acceptable, the document proceeds to the University President for approval prior to submission to the Council of Trustees for their review.

Student Affairs Committee: 4/8/20

University Forum: 4/14/20

Council of Trustees: 5/15/20

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## **X. Appendix**

### **Residence Hall Policies**

#### ***Residence Hall and Room Visitation Policy***

Students living in University owned residence hall rooms and suites may have visitors twenty-four hours, seven days per week. It is assumed that all visitors are invited and/or welcome. The terms guest and visitor are used interchangeably, defined according to the following categories:

- Those individuals not officially assigned by the University to a particular residence hall room.
- Those individuals not officially assigned by the University to a specific residence hall.

#### ***General Parameters***

Roommates are expected to discuss with each other the general parameters for hosting visitors within the confines of the room (e.g., advance notice, acceptable visitation hours, visitor behavior, etc.). It is the responsibility of the host to ensure that the presence of a guest does not infringe upon the rights of their roommates. Any resident planning to host an overnight visitor is expected to secure prior permission from all their roommates before inviting a guest to stay. Cohabitation is not allowed. No visitor will be allowed to stay within a room for more than two consecutive days.

Visitors are expected to follow the rules and regulations of the University, with hosts required to assume full responsibility and accountability for the behavior of visitors. Visitors who are Shippensburg University students will also be held accountable for violations of the Student Code of Conduct. Any resident negatively affected by another student's guest is encouraged to contact the residence life staff for assistance.

Guests of residential students are required to register their motor vehicle with the University Police upon arrival. There is no charge for this service. The University Police Station is open twenty-four hours per day, seven days per week. Failure to register a vehicle may result in the issuance of a parking citation.

Residents of campus residence halls may, by secret ballot and after at least two weeks of classes, choose to restrict the visitation on their particular floor. If residents desire to limit visitation hours on their floor only, a meeting must be called that allows open debate regarding the proposed restrictions. Within three class days following the meeting, a secret ballot will occur. Only floor members are eligible to vote. Residence life staff will administer the election and tally the results.

Seventy-five percent of the total floor residents must vote in favor of the proposed visitation restrictions in order to implement them. If passed, restricted visitation hours go into effect immediately, subject to enforcement by both the residents and the residence life staff.

#### *Residence Hall Sign-In Procedures (Out-of-Hall Visitors)*

Nonresident visitors must be met in the main lobby by a host who resides within that particular residence hall. The host and guests are expected to proceed directly to the lobby desk and complete the registration process. Note: During periods when the hall desk is staffed by a desk assistant, he or she will assist in the registration process. During periods when the desk is closed, residents are expected to register guests by completing the card and placing it in the registration box which is available at each residence hall desk. It is a violation of this policy to host visitors without registering them at the hall desk. Violators are subject to University judicial action.

#### *Residence Hall Escort Policy (Out-of-Hall Visitors)*

Any visitor, regardless of gender, must be escorted by their host if not a resident of the hall he or she is visiting. Any situation involving an unescorted visitor will be considered a violation of this policy and will subject the host and visitor to judicial action by the University.

#### *Overnight Guest Policy Specific to Minors*

Housing and Residence Life welcomes all visitors in residence halls provided that they are in accordance with all university rules and regulations. However, because of the significant responsibility and level of care required for children, siblings or individuals under the age of 18 that are not currently enrolled at Shippensburg University, they are not permitted to stay in residence as an overnight visitor unless taking part in a recognized university special event, i.e. Siblings Weekend or are on-campus at the behest of the University. All overnight guests must have and provide a photo ID.

### *Residence Hall Room Entry Policy*

Shippensburg University is committed to the protection of students' right to privacy within the confines of their assigned residence hall rooms. This right to privacy is balanced by a responsibility to ensure the health and safety of the University community. The University also has an obligation to protect its property, service functions, and educational mission from damage or disruption. It is within this context that the following guidelines were established:

University staff members shall generally enter a residence hall room within the following parameters:

- Under conditions of serious threat to the safety or well-being of persons or property. Such conditions must be above and beyond the routine responsibilities of the staff members.
- To eliminate disturbing noise emanating from an electronic device (e.g., alarm clocks, stereos) in a room with no occupants present. The staff members may enter the room, disable the device, and immediately leave.
- To perform routine maintenance, complete repairs, or to conduct regular room inspections. Room inspections are generally for assessing compliance with fire safety regulations, damage, health conditions, maintenance needs, and cleanliness. Such inspections are generally announced at least twenty-four hours in advance. Residents need not be present during the room inspection.
- When instructed to by an authorized police officer.
- With the permission of an assigned resident.
- Upon the issuance of an administrative search warrant.

Upon entering a room according the aforementioned guidelines, staff members may confiscate and document items that constitute violations of law or University rules, regulations, and policies. These items must be in plain, unobstructed view of the staff member. Police personnel may also be called when appropriate. Confiscated items (e.g., cooking appliances) not in violation of local, state, and federal laws will be returned to the owner when appropriate. Additionally, University staff members will not routinely admit a third party to another person's assigned room without the consent of the occupant.

State and federal law governs the protocol for entry into and/or search of campus rooms when enforcing criminal statutes. Such entry is normally the responsibility of police personnel.

The issuance of an administrative search warrant is typically based on probable cause. Probable or reasonable cause is less than certainty and more than mere suspicion that the search of a particular dwelling will disclose specific evidence. Absent exigent circumstances, administrative searches must have the advance approval of the President, or the Vice President for Student Affairs, or the Dean of Students, or a designee. Once approval is received, persons entering a dwelling should announce themselves and their purpose. A lack of response from within the dwelling in a reasonable amount of time may justify the use of a master key to enter the premises. The search for evidence justifies intrusion only into the areas of the dwelling where such items may be found. Violations discovered during this administrative action will be subject to resolution within the University student conduct system.

### ***Residence Hall Rules & Regulations***

1.0 Rooms shall be kept clean and sanitary at all times, including the proper disposal of empty beverage and food containers.

2.0 No nails, tacks, double-sided tape, cellophane tape, adhesive-backed wall coverings, paint, and stain shall be used on any room, door, lobby, stairwell, or hallway surface. Tacks may be used to hang items on University installed bulletin boards. Residents will be charged for any damage caused by items placed in rooms.

3.0 Furniture shall not be moved from its designated location to another location. This includes, but is not limited to, removal of furniture from public areas to private rooms. Room furniture is the responsibility of the occupants and shall not be moved, lost, or damaged. Occupants will be financially responsible for loss and/or damage.

4.0 The possession and/or use of cooking appliances in residence hall rooms is prohibited. Examples of such include, but are not limited to, hot plates, immersion coils, electric frying pans, toaster ovens, electric griddles, air fryers, hot pots, toasters, grills, popcorn poppers that use oil, and hot shots. Hot-air popcorn poppers and drip coffee makers under 12-cup capacity are permitted in all rooms. Blenders and Juicers are permitted. Slow cookers and rice cookers are not permitted. One microwave with a maximum wattage of 750 is permitted per room or suite.

5.0 One compact refrigerator drawing less than three amps and no larger than 4.3 cubic feet is permitted in each residence hall room. Refrigerators must carry UL approval, be positioned to allow adequate ventilation, and be connected directly into a wall socket or power strip with a circuit breaker.

6.0 All electrical appliances must be in good working order and carry the UL approval. Electrical appliances must be plugged directly into the wall socket or into a UL approved power source with an internal circuit breaker. Power sources must be free of defects such as cracked, split, or nicked insulation; exposed wires; knots, burn marks; and loose connections. Power sources shall not be connected in a series to one another and they must not be covered, e.g., with carpet. Extension cords are not allowed.

7.0 Light cords and appliance cords shall be free of kinks and knots, must be UL approved, and must not have breaks, worn insulation, or broken plugs.

8.0 External antennas for TV or radio and tampering with the cable TV system are prohibited. Misuse or redirection of cable TV for personal use is a criminal offense.

9.0 Open flames, smoldering embers, and spark/flame producing items are prohibited in residence halls. This includes, but is not limited to, the burning and/or possession of incense, candles, oil lamps, lanterns, lava lamps, Scentsy candle warmers, electric wickless candles, and potpourri burners.

10.0 Smoking is prohibited in all residential facilities.

11.0 No animals or pets of any kind are permitted in residence halls, except assistance animals and fish. Aquariums up to a 10-gallon capacity are allowed. No more than one aquarium per bedroom is acceptable. The aquarium shall only contain fish.

12.0 Road signs (e.g., parking, street, stop) and parking cones are not permitted in residence halls.

13.0 No athletic games shall be played or athletic equipment used within a residence hall except in designated areas. This includes, but is not limited to, the use of free weights, roller blades, rackets, dart boards, hockey equipment, skates, balls, and frisbees.

14.0 Only university provided beds are allowed in student's rooms. Waterbeds, lofts, bed risers, and hanging or suspended bed frames are not allowed.

15.0 Storing or using flammable/combustible liquids, flammable/explosive gases and dangerous chemical mixtures are prohibited. Kerosene heaters and charcoal stoves are also prohibited.

16.0 No alteration or modification of the room accommodations shall be made. Closet doors and venetian blinds/curtain rods must remain in place. Smoke detectors and sprinkler systems must not be tampered with.

17.0 Bicycles may be parked in the racks by the residence halls or placed in the designated hall storage area. They may be kept in residence hall rooms if all roommates agree. Bicycles shall not be kept in any other area of the residential facility because of the possibility of interfering with exit routes and housekeeping services. All bicycles must be registered with the University Police.

18.0 Motorcycles, mopeds, and any other type of gasoline motor shall not be stored/parked in rooms. Such items shall only be parked in accordance with University parking regulations and procedures.

19.0 Decorations used for seasonal or special events must be made of fire retardant materials. Natural Christmas trees and natural decorations are not allowed. No holiday lights are permitted in private rooms.

20.0 Outside window sills must be kept clear of all objects. Window screens shall not be removed.

21.0 Only the following additional furniture items are permitted in residence hall rooms: rugs/carpets, futons, computer stands and chairs are allowed if positioned to allow proper exit or entrance.

22.0 No items, e.g., posters, flags, tapestries, etc. shall be hung from room ceiling; nor shall they be hung on or in front of windows or exit doors.

23.0 Space heaters are prohibited in residence hall rooms.

24.0 Room keys, mailbox keys, and access cards are for the exclusive use of the resident to whom they are assigned. They remain the responsibility of the resident and they must never be given to other parties for use.

25.0 Students shall not use their assigned space as a sales room or storage location for commercial activity. Solicitation and fund raising activities must conform to the limited enterprises regulations outlined in the Swataney.

26.0 All residence hall rooms are subject to regular maintenance and safety inspections. Residents must allow University personnel into rooms for health, fire, safety, and maintenance inspections. Physical plant personnel and employed contractors will be allowed to enter private rooms to perform their duties. When possible, advance notice of such events will be given.

27.0 Students are responsible for any damage that occurs within the confines of their rooms. Students are also responsible for any damage they create, or help create, on the campus.

28.0 Trash and personal items shall not be left or deposited in any public areas of the residence halls.

29.0 Students shall not tamper with, overload, damage or vandalize elevators.

30.0 Students are prohibited from engaging in activities that violate any health, safety, maintenance, or fire codes as defined by University policy, rules, and regulations; as well as those defined by local, state and federal laws.

31.0 Students are expected to abide by all the terms and conditions outlined in the "Student Housing Agreement" (Refer to the electronic copy of the Housing Agreement on the Housing and Residence Life website for the specific academic year.)

32.0 Students shall not operate any computer network servers from any residence hall location. This includes, but is not limited to, chat, file, print, web, ftp, and unix shell servers.

It is the policy of Shippensburg University to expect academic honesty. Students who commit breaches of academic honesty will be subject to the various sanctions outlined in this section. This policy applies to all students enrolled at Shippensburg during and after their time of enrollment.

As used in this policy, the term academic dishonesty means deceit or misrepresentation in attempting (successfully or unsuccessfully) to influence the grading process or to obtain academic credit by a means that is not authorized by the course instructor or university policy. A breach of academic honesty is committed by students who give, as well as receive, unauthorized assistance in course and laboratory work and/or who purposefully evade, or assist other students in evading, the university's policy against academic dishonesty.

### ***Definition***

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Academic dishonesty includes but is not limited to:

- Bribing, or attempting to bribe, faculty or staff personnel in order to attain an unfair academic advantage.
- Possessing course examination materials prior to administration of the examination by the instructor without the instructor's consent.
- Using unauthorized materials or devices such as crib notes during an examination. Providing and/or receiving unauthorized assistance during an examination.
- Using a substitute to take an examination or course.
- Misusing transcripts, records, or identification, such as forgery or alteration of transcripts.
- Allowing others to conduct research for you or prepare your work without advance authorization from the instructor, including, but not limited to, the services of commercial term paper companies.

- Intentionally and without authorization falsifying or inventing any information or citation in an academic exercise, such as making up data in an experiment or observation.

The preceding list is only for purposes of illustration. Other forms of inappropriate conduct may also be subject to charges of academic dishonesty.

### ***Resolution of Charges***

When an instance of academic dishonesty is alleged, the issue should be resolved on an informal basis between the student and faculty member. If an informal resolution cannot be achieved, a formal process of deciding culpability and assessing sanctions will be followed. If the student has committed a previous violation, the formal process must be followed.

#### ***Informal Resolution***

A faculty member who obtains information that a student has been dishonest should act promptly to resolve the issue. The faculty member should first contact the Dean of Students to determine if this is the first violation for the student. If the suspected incident is not the first violation, the offense must be handled through the formal resolution process.

For a first violation, the faculty member may attempt to resolve the issue informally with the maximum penalty to be a grade of “F” in the course. If the faculty member feels that the offense warrants a more severe penalty, the matter must be resolved through the formal process.

For the matter to be resolved informally, the faculty member must meet with the student and present any evidence of a violation. The student will be given an opportunity to provide an explanation after hearing the evidence. If the faculty member determines that violation has occurred, he/she will complete the form

“Settlement of a Charge of Academic Dishonesty.” This form will include the penalty that the faculty member will apply.

The form is then given to the student, who has 72 hours to seek advice and decide whether to sign. If the student agrees to accept the penalty, he/she must sign in the presence of the faculty member. The faculty member will then implement the accepted penalty and forward the settlement form to the Dean of Students. The form will be kept on records for five years and may be used if the student is accused of another academic dishonesty offense or any other violation of the Student Code of Conduct. The information will only be used for internal purposes and will

not be disclosed outside the University. Once a violation of academic dishonesty has been alleged, the student is not permitted to withdraw from the course until the alleged violation has been resolved.

If the student refuses to sign, the faculty member may pursue the matter through the formal resolution process.

### ***Formal Resolution***

An allegation of academic dishonesty must be resolved through a formal process if the student disputes the charges or does not accept the penalty proposed by the faculty member. The formal process must also be followed if the incident is not the student's first violation.

In the formal process, an allegation of academic dishonesty will be treated as a violation of the Student Code of Conduct. The charges will be resolved through the Conduct Process administered by the Dean of Students. The Dean of Students and an academic administrator designated by the Provost will consult to determine if sufficient information is present to warrant further action.

If there is sufficient information to proceed with the complaint, the steps outlined in the "Student Conduct Process" section of the student handbook Swataney will be followed. Academic dishonesty matters must be heard by the University hearing board; the student conduct hearing officer option is not available for these matters.

Appeals of academic dishonesty decisions will be handled by the Vice President for Student Affairs and the Provost.

### ***Penalties***

The Student Code of Conduct contains a list of sanctions which may be imposed for violations. In addition to those in the Code of Conduct, the following two sanctions may be imposed against students found to have committed acts of academic dishonesty:

#### ***Grade Reduction***

The grade for a particular unit of work or for the entire course may be reduced. Imposition of a Failing ("F") Grade.

The student may receive an "F" grade for the course.

These two penalties may be imposed through the informal settlement process or the formal hearing process. More severe penalties, including suspension or expulsion may only be imposed through the formal process. Additional stipulations may also be attached to any sanctions.

## **Plagiarism**

Plagiarism is a form of academic dishonesty. Shippensburg University will not tolerate plagiarism, and the faculty will make all reasonable efforts to discourage it.

Plagiarism is your unacknowledged used of another writer's words or specific facts or propositions or materials in your own writing. When other writers' words or materials (even short phrases or specific terminology) are used, you should put these words, phrases or sentences inside quotation marks (or else indent and single-space more extended quotations), and you should then cite the source of the quotation either in the text of your writing or in footnotes. Failure to do so may be considered plagiarism. When the propositions of another writer are restated in your own words (paraphrased), you should also indicate the source of the paraphrased material in your own text or in footnotes. Comparable citation should be made for borrowings from media other than printed texts, such as lectures, interviews, broadcast information, or computer programs.

The more flagrant form of plagiarism is your submission of an entire paper or computer program or lab report (or a substantial portion of a longer work) written by someone else and presented as your own work. This can include material obtained from a friend, from a fraternity or sorority file, from duplicated student writings used for analysis in other writing courses, from commercial sources, or from published materials. Another common form of plagiarism is the unacknowledged borrowing from other sources (either words or propositions) and the integration of such material in your own work.

Certain situations may cause conscientious students to fear plagiarizing when they are not really plagiarizing. These include:

## **Improper format for documentation**

Improper documentation is not plagiarism but a technical academic problem. Different professors, different academic departments, and different academic disciplines have various ways of documenting borrowed materials. Each professor should make clear to you how he/she wants borrowed materials documented for given writing or programming assignments. You should make every effort to understand precisely what your professor expects regarding documentation. As long as you make a clear effort to document all borrowed materials, you are not plagiarizing.

### **Use of supplemental individualized instruction on an assignment**

Various tutorial resources are available at the university, including a writing center and assistance from faculty who assist students during the process of composing a paper. When you seek these kinds of legitimate academic assistance, you are not plagiarizing. In fact, you are making an extraordinary attempt to improve your writing and academic performance. In such matters, you should inform your instructor of the fact you have sought assistance from a given source on an assignment. This acknowledgment should be stated on the cover sheet of your paper or program. The prohibition against plagiarism should in no way inhibit or discourage you from seeking legitimate supplemental instruction in developing an assignment.

### **Use of a proofreader**

If you are unsure of your ability to produce finished drafts which are virtually error-free, you may use such resources as hired typists, more editorially proficient friends, tutors, or writing center personnel to insure your finished papers are relatively error-free. You should indicate on the title page the fact your paper was typed and/or proofread by someone else. The prohibition against plagiarism should in no way inhibit or discourage you from using available reference and/or human editorial resources in seeking to produce an error-free final copy of a paper.

In summary, plagiarism is the unacknowledged borrowing of another writer's, speaker's or programmer's words and/or propositions. To avoid plagiarism, you should acknowledge assistance received in developing and/or proofreading a paper. If you need or desire such assistance, you should not be discouraged from seeking it because of the university policy on plagiarism.

**Antihazing Policy Originating Office:** Office of the Vice President for Student Affairs

**Purpose:** Shippensburg University ("University") is committed to maintaining an educational environment that fosters the health, safety, and dignity of all those within its University community. Consistent with that commitment, the University has promulgated this Antihazing Policy.

**Scope:** This Policy applies to individuals and organizations associated with the University. In addition, this Policy applies to acts that are conducted on or off-campus if such acts constitute hazing under this Policy. This Policy does not apply, however, to reasonable and customary athletic, law enforcement or military training, contests, competitions or events.

**Objective:** To provide clear guidance on what constitutes hazing and the consequences for engaging in such hazing.

**Definitions:**

Hazing - Intentionally, knowingly or recklessly, for the purposes of initiating, admitting or affiliating a minor, student, applicant or admitted individual into or with an organization, or for the purposes of continuing or enhancing the membership or status a minor, student, applicant or admitted individual in an organization, causes, coerces or forces the minor, student, applicant or admitted individual to do any of the following:

- Violate federal or state criminal law;
- Consume any food, liquid, alcoholic liquid, drug or other substance that subjects the minor, student, applicant or admitted individual to a risk of emotional or physical harm;
- Endure brutality of a physical nature, including whipping, beating, branding, calisthenics or exposure to the elements;
- Endure brutality of a mental nature, including activity adversely affecting the mental health or dignity of the individual, sleep deprivation, exclusion from social contact or conduct that could result in extreme embarrassment;
- Endure brutality of a sexual nature;
- Endure any other activity that creates a reasonable likelihood of bodily injury to the minor, student, applicant or admitted individual.
- Any willful destruction or removal of public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in an

organization.

**Organization** - Includes any of the following:

A fraternity, sorority, association corporation, order, society, corps, club or service, social or similar group, whose members are primarily minors, students or alumni of the organization or University.

A national or international organization with which a fraternity or sorority or other organization, as enumerated under paragraph (1), is affiliated.

**Enforcement:** Any individual or organization associated with the University, who is found responsible for committing hazing, will be held accountable under this Policy, as well as the University's Code of Conduct. For information on the University's Code of Conduct, please refer to the website or call the Dean of Students at 717-477-1164.

In addition, the University, organizations, and individuals may also be criminally charged under Pennsylvania law.

**Sanctions:**

Possible sanctions for a student include, but are not limited to:

- Imposition of fines;
- The withholding of diplomas or transcripts pending compliance with the rules or payment of fines;
- The imposition of probation, suspension, dismissal or expulsion.
- Possible sanctions for an organization include, but are not limited to: Imposition of fines;
- Rescission of permission to operate on campus or other University property;
- Rescission of permission to operate under the sanction or recognition of the University.

**Prohibited Defenses:** It is not a defense that the consent of the minor or individual was sought or obtained. It is also not a defense to hazing that the conduct was sanctioned or approved by the University or organization.

**Reporting Hazing Activity:** All reports of hazing are taken very seriously. If you have been hazed, have witnessed hazing, or suspect that someone you know has been hazed, you can report such information confidentially via our website or by phone to University officials. If you wish to speak

to someone directly, please contact the Dean of Students at 717-477-1164. If the situation requires immediate attention and/or an individual's safety is at risk, please contact the University Police Department 717-477-1444, or 911 if off-campus.

Please provide as much detail as possible when reporting.

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