



The Office of Student Conduct is committed to developing students and supporting the campus and University culture of respect and responsibility through the application of a fair and equitable educational process. Our goal is to promote your development by creating a supportive environment to prepare you to meet lifelong ethical, social, and professional

challenges. This is accomplished through the fair, equitable, and progressive application of the Student Code of Conduct.

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In short, helping you learn from mistakes and restoring the community is the focus of our work.

Student Code of Conduct

Overview

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Prohibited Conduct

Academic Integrity

Academic Integrity refers to the adherence to agreed upon moral and ethical principles when engaging in academic and scholarly pursuits. An act of academic dishonesty involves fraud, deceit, or misrepresentation in attempting to obtain academic credit or influence the grading process by means unauthorized by the course instructor or inconsistent with university policy. Academic honesty is breached when a student willfully gives or receives assistance not authorized in course work, and/or intentionally fails to adhere to, or assists others in failing to adhere to, the university policy on academic honesty. The university's academic integrity policy is part of an effort to nurture a community where trust, honesty, and personal integrity guide all of our dealings with one another. Personal integrity is vital to our pursuit of educating and becoming educated. Faculty are expected to instruct students in ways of avoiding these forms of academic dishonesty.

Alcohol

(a) Underage use or possession (including constructive possession); (b) public intoxication; (c) distributing, selling, or furnishing of alcoholic beverages without a license or to underage individuals; (d) driving or operating a vehicle under the influence; (e) possession of open

containers of alcoholic beverages;* (f) paraphernalia used for consumption of alcohol;* or (g) use, possession, or consumption of alcohol over 21 years of age on University property.*



**Violations apply except as expressly permitted by law and the University's Policies.*

PLEASE NOTE: The University maintains a Medical Amnesty Policy, which provides limited exceptions to charges under this section in the interest of encouraging Students to seek help for drug- or alcohol-related medical emergencies.

Medical Amnesty

The Commonwealth University of Pennsylvania's priority is for the safety and well-being of its students and visitors. Consistent with the intent of Pennsylvania's Medical Amnesty Law, This Medical Amnesty Policy is intended to encourage students to seek emergency medical assistance without fear of conduct violations for alcohol and drug use, including hazing-related instances. In order for a student to receive medical amnesty, the student seeking assistance for themselves or another must:

- 1.** Call 911, Police, Emergency Services, or notify Residence Life personnel based on a reasonable belief that someone, including themselves, is in need of immediate medical assistance; Reasonably believe that they were the first person to make the call or notification;
- 2.** Provide their own name to 911, Police, Emergency Services, or

Residence Life personnel, as well as any additional relevant information;

3. Remain with the person needing medical assistance until Emergency Medical Service Providers and/or the Police have arrived and released the student from the scene; and
4. Cooperate with any post event outreach.

The Medical Amnesty Policy does not excuse or protect individuals or students that repeatedly and deliberately violate University policy. It should be noted that this provision does not preclude the University or other appropriate authorities from taking disciplinary action for other University policy violations (i.e. vandalism, physical violence, or harassment), nor does this policy exempt students from any criminal or other legal proceedings associated with the use of alcohol and/or drugs, other than as provided for under Pennsylvania's Medical Amnesty Law.

University Officials within the Office of Student Conduct will make the determination as to whether or not, based upon the totality of the circumstances, this Medical Amnesty Policy will be applied in each case.

Complicity

(a) Actively assisting in the commission of a violation; or (b) actively supporting or encouraging the violation.

Disruptive Conduct



Actions that are disorderly, unnecessarily disturb others, or are disruptive to the normal University activities, operations or functions.

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Drugs

(a) Use, possession, constructive possession, sale, and/or use of controlled substances; (b) possession of drug paraphernalia; (c) possession of a significant quantity, manufacturing, distribution, or sale of any controlled substances; (d) driving or operating a vehicle under the influence; (e) administering any prescribed, controlled, or illegal substance to another person without their consent; (f) misuse of prescribed or controlled substances, except as expressly permitted by law and the University's Drug Policy.

[Commonwealth University of Pennsylvania Drug Policy](#)

PLEASE NOTE: The University maintains a Medical Amnesty Policy, which provides limited exceptions to charges under this section in the interest of encouraging Students to seek help for drug- or alcohol-related medical emergencies. Please refer to the University's Medical Amnesty Policy. (See above under Alcohol Policy).

Failure to Comply

(a) Failure to follow the reasonable directive(s) of University officials made in the performance of their duties, including providing identification, (b) failure to comply with an Educational Outcome or condition issued in connection with a Student conduct action.

False Information



(a) Making, using, or possessing any falsified document or record; (b) knowingly making a false Report or providing false information in connection with a University inquiry or investigation; (c) altering or forging any University document or record, including identification, meal or access cards, and parking permits; or (d) other intentional misrepresentation to, or deception of, a University official.

Gambling

Engaging in any gambling activities except as authorized by state or federal law.

Harassment

Engaging in conduct with the intent to harass, annoy, or alarm another person. This provision is not intended to prohibit constitutionally protected activity. The following behaviors are examples of harassing conduct when engaged in with the requisite intent: following another person in a common or public space; repeated communication during extremely inconvenient hours or after the other person objects to further communication; and otherwise engaging in a course of conduct that serves no legitimate purpose. This includes, but is not limited to, conduct in person or delivered by direct or indirect means via notes, phone calls, and/or use of social media or other electronic media.

Hazing

Engaging in conduct by any individual or organization that is prohibited by the Anti-Hazing Law of Pennsylvania, and/or the University's Anti-Hazing Policy. A copy of the University's Anti-Hazing Policy can be found at:

[Commonwealth University of Pennsylvania Anti-Hazing Policy](#)

Information Technology Policy

Engaging in conduct that violates the University's acceptable use policy, a copy of which can be found at:

[Commonwealth University of Pennsylvania Acceptable Use Policy](#)

Law

Conduct resulting in: (a) evidence of violation of local, state or federal criminal laws as substantiated through the University/College's conduct process; or (b) disposition of local, state or federal criminal charges that have resulted in a finding of guilt, regardless of whether the finding is the result of a guilty plea, no contest (also known as nolo contendere) plea or finding of guilt at trial.

Misuse of University Brand

Unauthorized use of the University name, logo, insignia, trademarks or other protected marks of the University.



Physical Harm

Intentionally or recklessly engaging in conduct that causes physical harm or that creates a substantial risk of harm to the health or safety of another person.

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Residence Life Policies

Engaging in conduct that violates the University's residence life agreement, addendums and policies, which can be found at:

[Bloomsburg University Residence Life Policy](#)

[Mansfield University Residence Life Policy](#)

[Lock Haven University Residence Life Policy](#)

Retaliation

Any action, directly or through others, including but not limited to, intimidation, threats, coercion, or discrimination, which is engaged in for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations; or because the individual has made a Report or Referral, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing regarding an incident of alleged misconduct, including sexual misconduct. A finding of responsibility for retaliation is not dependent on a finding that the underlying misconduct occurred.

Safety

Engaging in conduct that violates University fire and safety regulations, policies and rules. Prohibited conduct includes:

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setting intentional or unintentional unauthorized fires;

blocking or obstructing University walkways, roadways, and paths of ingress/egress;

use and/or possession of prohibited incendiary or combustible materials and devices (for example, candles, torches, vaping equipment, e-cigarettes);

unauthorized use of electrical devices or chemical agents, regardless of whether such unauthorized use results in fire or damage to University or personal property;

failure to evacuate when directed by an official, alarm, or other reasonable means

creating any hazardous condition that endangers the health and safety of themselves or others;

tampering or improper use of fire safety systems and equipment;

tampering or improper use of other safety equipment (e.g., AEDs, Emergency Phones, First-Aid kits, opioid or other medication rescue materials) or devices (e.g., safety signage, door locks, etc.)

initiating bomb threats or false reporting of a bomb, fire or other emergency.

Sexual Misconduct



The University prohibits all Sexual Misconduct violations, as defined below, and as set forth in the University's Sexual Misconduct Policy. This prohibited conduct can affect all genders, gender identities and sexual orientations. Some of these prohibited forms of conduct may also be crimes under Pennsylvania or federal law. Please refer to the University's Sexual Misconduct Policy for a full statement of definitions and procedures related to complaints of sexual misconduct.

Prohibited Conduct:

Dating Violence – (as defined in the Violence Against Women Act (VAWA) amendments to the Clery Act) includes any violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of Domestic Violence.

Dating Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Dating Violence will be categorized as Non-Regulatory.

Domestic Violence – (as defined in the VAWA amendments to the Clery Act), includes any violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the



Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under Pennsylvania's domestic or family violence laws or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Pennsylvania.

Domestic Violence is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Domestic Violence will be categorized as Non-Regulatory.

Sexual Assault – (As defined in the Clery Act) – This includes any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. Sexual Assault may be one of the following categories:

Sexual Penetration Without Consent – Any penetration of the mouth, sex organs, or anus of another person, however slight by an object or any part of the body, when consent is not present. This includes performing oral sex on another person when consent is not present.

Sexual Contact Without Consent – Knowingly touching or fondling a person's genitals, breasts, buttocks, or anus, or knowingly touching a person with one's own genitals or breasts, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or

inducing a person, when consent is not present, to similarly touch or fondle oneself or someone else.

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Statutory Sexual Assault – The age of consent for sexual activity in Pennsylvania is 16. Minors under the age of 13 cannot consent to sexual activity. Minors aged 13-15 years old cannot consent to sexual activity with anyone who is 4 or more years older than they are at the time of the activity. Minors aged 16 years of age or older can legally consent to sexual activity, as long as the other person does not have authority over them as defined in Pennsylvania’s institutional sexual assault statute^[1].

Sexual Assault is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Sexual Assault will be categorized as Non-Regulatory.

Sexual Exploitation – Engaging in sexual behaviors directed toward or involving another person or use of another person’s sexuality for purposes of sexual gratification, financial gain, personal gain or personal advantage when consent is not present. This includes, but is not limited to, the following actions, including when they are done via electronic means, methods or devices:

Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person’s consent;

Indecent exposure or inducing others to expose private or intimate parts of the body when consent is not present;

Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person’s consent;

Prostituting another individual;



Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and

Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

Regulatory Prohibited Conduct – For purposes of this Policy, the term includes the defined violations of Regulatory Quid Pro Quo, Regulatory Hostile Environment Sexual Harassment, Regulatory Dating Violence, Regulatory Domestic Violence, Regulatory Sexual Assault and Regulatory Stalking. **Regulatory Quid Pro Quo Sexual Harassment** – An Employee conditioning the provision of aid, benefit or service of the University on an individual's participation in unwelcome sexual conduct.

Non-Regulatory Quid Pro Quo Sexual Harassment – An official, volunteer or Student conditioning the provision of aid, benefit or service of the University on the individual's participation in unwelcome sexual conduct.

Regulatory Hostile Environment Sexual Harassment – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's Education Program or Activity.

Non-Regulatory Hostile Environment Sexual Harassment – Unwelcome conduct, on the basis of sex, that a reasonable person would determine is sufficiently severe, pervasive, and objectively offensive that it unreasonably interferes with, limits, or deprives an individual from participating in or benefitting from any

educational, employment, social or residential program offered in connection with the University.

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Stalking -- (as defined in the VAWA amendments to the Clery Act) means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, in which electronic media such as the Internet, social networks, blogs, cell phones, texts, email or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Stalking is categorized as Regulatory when it occurs in the United States, within an Education Program or Activity and when the Complainant is participating or seeking to participate in an Education Program or Activity at the time of the filing of the complaint. Otherwise, Stalking will be categorized as Non-Regulatory.

Theft



(a) The unauthorized possession, removal, and/or receipt of property without the express consent of the owner; or (b) the attempt to possess, remove or receive without the express consent of the owner.

Threat of Harm

Intentionally or recklessly engaging in physical, verbal or written conduct that creates a reasonable fear of infliction of physical pain or injury to another person or damage to property. This includes a single threat, or a course of conduct, regardless of whether such incidents are in person or conveyed through electronic means.

Unauthorized Access

Access, entry, presence, or use of buildings, rooms, property, and/or accounts (electronic or otherwise) without permission.

University Policy

Violation of any published University policy or rule (official University policies can be found at:

[Commonwealth University of Pennsylvania Policies](#)

Vandalism

intentional, reckless and/or unauthorized damage, destruction or defacement of property of another, including University property.

Weapons

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Violations include the following:

The use, possession, and/or transportation of:

fireworks;

a paintball, air soft, and/or BB gun;

explosives;

any item designed and/or used in such a way to threaten, inflict bodily harm, and/or physical damage

The unlawful or unauthorized use, possession, or transportation of (i) a firearm and/or (ii) firearm ammunition.

A copy of the University's rules regarding use, possession, and transportation of firearms on campus can be found at:

[Bloomsburg Firearms Policy](#).

[Mansfield Firearms Policy](#).

[Lock Haven Firearms Policy](#).

Student Conduct Process (Non-Sexual Misconduct Matters)

Disclosure of Discipline Records & Records Retention

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