



Judicial Affairs

Division of Student Affairs

STUDENT CODE OF CONDUCT

HANDBOOK

Conduct Standards, Policies, and Procedures

* The University reserves the right to enter and search any office, locker, or room on University premises, including but not limited to any office for which a student, employee or student organization has been given a key. All property within such premises is subject to search, including locked drawers or cabinets.

Office of Judicial Affairs

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Judicial Affairs Handbook
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Welcome Back Hornets!

Hello Hornets,

The office of Judicial Affairs (formally Community Responsibility) has a new title and a new look! There have also been some changes to the Student Code of Conduct Handbook. Please make sure to review the handbook in its entirety, as there are some updated policies that everyone will be expected to adhere to and follow. Should you have any questions or concerns pertaining to the Student Code of Conduct booklet, please contact me.

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CONDUCT STANDARDS, POLICIES AND PROCEDURES

(As approved by the faculty senate on May 18, 2006, and published online in the Delaware state university student handbook) (updated and approved by DSU administrative council on October 18, 2011) (updated by the Office of Judicial Affairs on September 1, 2022; Updated by the Office of Judicial Affairs on May 24, 2023)

Preamble

Attending an institution of higher learning is a privilege that many people cannot enjoy. Students are expected to respect this privilege while attending Delaware State University and engage in responsible behavior. Students must conduct themselves with propriety, conforming to the high standards of the university, and respect the rights and opinions of others. Students are expected to abide by the university's policies, regulations, and rules. This means that students must comply with this handbook and all other current and future policies, regulations, and rules issued by the university or face disciplinary measures, up to, and including suspension or expulsion from the university and other university premises. In appropriate cases, the university may refer a matter to the authorities for criminal prosecution.

Coverage

The student code of conduct and other policies and rules described in this handbook or adopted by the university, are not limited to the main campus, and apply to all of the following (collectively defined as "university premises and activities"):

University premises: Students must comply with all university rules and regulations when they are on the main campus, on any land, other property leased, owned, used, or controlled by the university, or at which the university provides programs or services. This includes, but is not limited to residence halls, university village, and the university courtyard apartments.

University activities and representation of Delaware state university: Students must comply with all university rules and regulations when attending any university activities. University activities are defined as any activity, whether on or off-campus, that is sponsored by and/or funded by the university or its affiliates, or by a student organization, or by any university-recognized or supported organization. University activities also include any event, regardless of sponsor, where students are representing the university or a sponsored organization (see definitions).

Off-campus offenses: The university has the jurisdiction to discipline students for engaging in conduct that occurs off-campus, study abroad, and outside of university premises and university activities, if such conduct adversely affects the vital interests of the university. This includes but is not limited to behavior that is disruptive of the education process; behavior that potentially harms the institutional educational interests of the university; behavior that involves another member of the university community; a behavior that threatens or poses a substantial risk to the safety or well-being of students, employees, or other members of the university community.

The university also has a vital interest in the character of its students and regards off-campus/study abroad behavior as a reflection of a student's character and his/her fitness to be a member of the student body, even if the student does not pose a direct risk to the university community. Therefore, off-campus

behavior that indicates disregard for the health and safety of people or their property, including, but not limited to, criminal conduct, may be subject to disciplinary action by the university.

GENERAL STANDARDS OF RESPONSIBILITY AND DECORUM

Student responsibilities

1. Students are responsible for informing themselves of their responsibilities as described.
2. throughout this student handbook and in other university publications, and of their rights under the student judicial system.
3. Students have the responsibility to comply with the university's policies, regulations, and rules that apply to students and student conduct.
4. Students are expected to conduct themselves with propriety and uphold the reputation and high standards of the university.
5. Students must respect the rights and opinions of others.
6. Students are expected to preserve healthful, wholesome physical and hygienic conditions.
7. Students have the responsibility to attend classes punctually and regularly and to devote themselves earnestly to their studies to learn.
8. Students have the responsibility to assist and take pride in the maintenance and preservation of university property.
9. Students have the responsibility to adopt positive patterns of behavior and values in order to develop a wider understanding of themselves and society.
10. Students are expected to use their varied abilities to make their years at Delaware State University a meaningful experience.

Decorum

1. Students are expected to adhere to recognized university standards of conduct, behave with decency, and dress appropriately (including, but not limited to revealing undergarments and saggy pants) while on university premises and during university activities, including academic settings, social events, extracurricular activities, and other public functions.
2. Male students are required to remove hats and any other form of headwear or covering when the alma mater is being sung or played, or prior to entering any university premises, including the dining hall, library, classrooms, and any other campus buildings, except for the student center and student housing when head coverings are worn for religious or medical reasons.
3. All students are expected to stand when the alma mater is being sung or played.
4. Students are expected to refrain from using four-letter words, obscenities, and non-verbal behavior that is not acceptable under Delaware State University's standards of decency when communicating (verbally, nonverbally, or in writing) with parents, students, visitors, professional staff, and others on university premises or during university activities. This policy does not extend to private conversations where no one present is offended by the language but does include any communication in public where others may overhear and be offended by the conduct or behavior. Nor does this policy extend to any communications protected by the first amendment. Violations may be subject to judicial action under the category of verbal abuse and, where applicable, insubordination (see violations for details).

5. **No cellular telephone usage in classroom** – because of the emergency alert system, students should put their cellular telephones on vibration whenever they are in class. Students should not respond to or make telephone calls in class or go outside the class to respond to or make telephone calls. Students should not text whenever they are in class. A student will be ordered out of the class and suspended from the class for one week if he or she is caught violating these rules for the first time. During the suspension period, a suspended student will not be allowed to take part in any class activities including examinations, quizzes, papers, assignments, presentations, and other class activities. A student who violates the above telephone usage rules for the second time will be expelled from the class.

Integrity

Integrity must be practiced in all endeavors and relationships on university premises and during university activities. Students found to have engaged in acts of dishonesty, such as: cheating on tests or examinations; plagiarism, alteration or misuse of university documents, records, or identification cards; forgery, misrepresentation, or any other form of deceit, may lead to dismissal from Delaware State University.

Purpose And Philosophy of Student Conduct

The aim of a judicial conduct system, serving an educational institution, is to

- 1) increase student responsibility,
- 2) provide for a fair method of deciding alleged violations of University policies and rules,
- 3) provide due process prior to imposing sanctions.

The Student Judicial System at Delaware State University also provides an opportunity for students to participate in the governance of their own lives within the educational community. To that end, students have significant responsibility for the formulation and maintenance of standards of behavior and for sharing responsibility with the faculty and administration. To safeguard the rights of an individual who comes before the judiciary system, the rights of the individual must be clearly stated, and the principles of procedural due process clearly explained. To protect that individual against possible errors in judgment that may occur in any judicial system, a right of appeal to a higher judicial body should be provided.

Purpose of Delaware State University's Student Code of Conduct:

1. The Student Code of Conduct helps to motivate good behavior, enhance respect for individual differences and emphasize a commitment to the overall positive welfare of the community.
2. The Student Code of Conduct represents limits and describes examples of behaviors that are unacceptable conduct of students at Delaware State University and their guests.
3. The Student Code of Conduct assists students in learning how to assume public responsibilities beyond the campus and in society.

While members of this community contribute a diverse mix of ideas and backgrounds, we hold in common those Codes of Conduct that exemplify personal integrity and ethical behavior and which advance the mission of the University, its traditions, and values. The Student Code of Conduct represents both the rights and responsibilities of individual members of the Delaware State University community and the good of

the community and make it possible for a diverse student body to live, interact and learn together.

NOTE: Students at Delaware State University are responsible for knowing and are bound by local, state and federal laws.

CONFIDENTIALITY OF STUDENT JUDICIAL SYSTEM RECORDS

- 1) In accordance with the Family Educational Rights and Privacy Act (FERPA), a student may inspect and review his/her judicial file upon request to the associate director of Judicial Affairs. Student disciplinary records are for internal use only, and may not be released to any party outside the judicial system except when records are officially subpoenaed. Upon request, a student may view his/her disciplinary file in the Office of Judicial Affairs to prepare his/her case for a particular University judicial hearing.
- 2) A student's disciplinary records will be retained for no less than five (5) years after the student has left the University due to graduation, transfer, or permanent academic dismissal.

Confidentiality of Records

Before information in any student file is released to anyone, the student must give prior written consent. The only exception is when the Vice President for Student Affairs or designee determines that one of the exceptions to FERPA applies, and that release of the records is appropriate. The types of disclosures that can be made without the student's consent include:

- a. To administrators, faculty, and staff for legitimate educational purposes.
- b. To accrediting organizations to carry out their functions.
- c. To appropriate personnel to protect the health and safety of the University community or the public in emergencies.
- d. Pursuant to a subpoena or other legal process.
- e. Parental notification of alcohol and drug violations.

MOST SEVERE VIOLATIONS

The University will not tolerate and prohibits all illegal or unauthorized possession and/or use of weapons, drugs, fighting or other forms of assault and battery on university premises or during University activities. In addition, the University may take action when such conduct occurs outside of university premises or during University activities if it adversely affects the vital interests of the University. Under normal circumstances, policy violations will result in a minimum sanction of one year of suspension however, the judicial council may consider special mitigating circumstances and recommend a lesser sanction. This recommendation must be unanimous and accompanied by a detailed justification.

Violence and Criminal Behavior

Students who commit criminal behavior, acts of violence, threats, or conduct that demonstrates lack of respect for the property of others, may lose the privilege of attending Delaware State University, or be subject to other disciplinary measures. In addition to the specific infractions of community life and criminal law proscribed in this handbook, shoplifting, drug violations, violent acts, use of a weapon on or

off-campus, conveying bomb threats, or other obvious violations of criminal law, may be dealt with through both the criminal court system and the University's disciplinary system.

Students are expected to report all off-campus arrests to the Office of the Vice President for Student Affairs. Failure to do so will be considered a violation of University policy. The University does not assume responsibility for posting bail or bond for students who are arrested. The University will notify parents or guardians of students who are arrested. To review the judicial process, see page 25.

The Most Severe Violation Policy Applies To:

- Drugs (possession of (more than an ounce of marijuana) or distribution)
- Assault & Battery (see definition)
- Hazing/Illegal Pledging
- Sexual Assault and Rape (See Title IX section)
- Weapons/Firearms (see definition)
- Explosives (possession or use)
- Other Criminal Acts (including, but not limited to burglary, robbery, arson, identity theft, and forgery). (see definition)

*Any student charged with these violations will be referred to the student conduct system for severe disciplinary sanctions, and possible criminal prosecution by state or federal authorities.

Pledging and Hazing Policy

Delaware State University does not tolerate hazing. Hazing is prohibited for any University recognized or Sanctioned organization, student, or other person associated with an organization operating under the sanction of or recognized by the University. Organizations or individuals found responsible for hazing under this Policy, whether occurring on or off campus, may be subject to disciplinary action by the University, and may also face criminal charges under the State of Delaware law, Anti-Hazing Law, § 9302.

Hazing Definition as follows:

Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher learning.

The action of Hazing shall include, but not be limited to,

- any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual.
- any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual.
- any willful destruction or removal of public or private property.
- activities that are expressly or impliedly required as a condition of membership or admission to the organization, initiated, condoned, or ratified by the organization or its members, which involve creation of excessive fatigue, physical and psychological shock.
- require public wearing of apparel which is conspicuous and not normally in good taste.
- engaging in public stunts and buffoonery; morally degrading or humiliating games and activities:

and other activities intended or reasonably expected to result in extreme embarrassment.

For purposes of this definition, any activity as described in this definition upon which the admission or initiation into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be 'forced' activity, the willingness of an individual to participate in such activity notwithstanding.

Pledging Definition as follows:

Is defined as the employment of a program that may include hazing. The University believes that this unproductive and hazardous custom has no rightful place in an organization intake system. Therefore, pledging and all forms of hazing are strictly prohibited.

Additional Prohibited policies:

- Fraternity and sorority organizations not sanctioned by the university, extension groups, and any other unofficial affiliates unrecognized by the University are prohibited, regardless of whether they operate on University premises.
- Any student soliciting the services of another under guise/pretenses of such an organization, or any person participating in such a group, will be subject to disciplinary action by the Student Judicial System.

Possible Penalties:

- Imposition of fines, the
- withholding of diplomas or transcripts pending compliance with the rules
- pending payment of fines
- imposition of probation, suspension, or dismissal.

In the case of an organization which authorizes hazing in blatant disregard of such rules,

- penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction or recognition of the institution.

All penalties imposed under the authority of this section shall be in addition to any penalty imposed for violation of subsection (b)(3) or any of the criminal laws of this State or for violation of any other institutional rule to which the violator may be subject.

The University believes that true fraternalism is nurtured in an atmosphere of social and moral responsibility, with respect for duly constituted authority, and loyalty to the principles of higher education. While social behavior cannot be legislated, an organization without morally-sound precepts and practices are not a constructive influence upon university students. Fraternities and sororities are permitted to have intake systems and a process for selecting new members. However, every organization has a solemn obligation in the development of its prospective members. Although much progress has been made, one of the most damaging instruments is a pledging system.

SERVICE AND ASSISTANCE ANIMALS

University Expectations, The Center for Disability Resources (CDR)

Purpose

Delaware State University is committed to providing equal education and employment access to individuals with disabilities, including the appropriate use of a Service or Assistance Animal to participate fully in all programs and activities.

Regarding Service Animals

Individuals with disabilities are permitted to be accompanied by their Service animals on all Delaware State University campuses where members of the public, participants in services, programs or activities, or invitees, as relevant, are allowed to go. This includes but is not limited to: University buildings, classrooms, residence halls, meetings rooms, dining area, recreational centers and facilities, activities, and events when the Service animal is accompanied by an individual with a disability who indicates the Service animal is trained to provide, and does provide, a specific service for them that is directly related to their disability.

Additional information regarding the use of Service Animals on campus is available from the Center for Disability Resources (CDR). The CDR can be reached at 302-857-7042 or via email at cdr@desu.edu.

Service animals living in University Housing must comply with all applicable Delaware dog laws. Information related to licensing, ID tags, vaccinations, rabies and other requirements under Delaware Dog Law can be found at: <http://dhss.delaware.gov/dph/oaw/animallawsandregs.html>

Regarding Assistance Animals

Individuals with disabilities are not permitted to be accompanied by Assistance Animals while on campus. The only exception is the allowance of an Assistance Animal in an On-Campus Housing Residence Hall or other campus location(s) if the presence of that animal has been determined to be a reasonable accommodation by the Center for Disability Resources (CDR) and is listed on an individual's Accommodation letter.

Additional information regarding the use of the Assistance Animals on campus is available from the Center for Disability Resources (CDR). The CDR can be reached at 302-857-7042 or via email at cdr@desu.edu.

Assistance Animals that are dogs living in University Housing must comply with all applicable Delaware dog laws. Information related to licensing, ID tags, vaccinations, rabies and other requirements under Delaware Dog Law can be found at: <http://dhss.delaware.gov/dph/oaw/animallawsandregs.html>

TITLE IX AT DELAWARE STATE UNIVERSITY

Delaware State University is committed to protecting the rights of its faculty, staff, and students to ensure that policies and procedures are implemented in complete fairness and within the full scope of the law. Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities which receive Federal financial assistance. Title IX states that:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Helpful numbers:

DSU Counseling Office (Mon-Fri, 8:30-4:30) 302-857-7381

DSU Sexual Assault Hotline 302-420-5751

Call DSU Police at (302) 857-7911 (after hours) for DSU On-call Counselor

Delaware CONTACTLIFELINE 1-800-262-9800

Crisis Intervention Service 1-800-345-6785

National Sexual Assault Hotline 1-800-656-HOPE

DSU office of Title IX 302-857-7698

<https://www.desu.edu/about/administration/university-policies-procedures/title-ix-office>

ALCOHOL, DRUGS, AND TOBACCO POLICY WITH VIOLATIONS and SANCTIONS

Alcohol Policy

Delaware State University has Prohibited Alcohol use on all of its' campuses to mitigate high risk behaviors amongst all college students. Although the legal drinking age in Delaware is 21, university regulations prohibit any student from possessing or consuming alcohol (including empty containers) on University premises or at University activities. Any student found in violation of this policy will be subject to University disciplinary, and where applicable, criminal action. Further, the parents of any students violating this policy who are under 21 will be notified of the violation.

ALCOHOL VIOLATIONS:

- possession and/or consumption
- open container of alcohol on any DSU property
- hosting a party involving the use of alcohol
- dispensing alcohol to minors
- intoxication on campus or arriving to campus intoxicated
- constitution of a public nuisance by being offensive to public order or decency

SANCTIONS:

- 1st Offense: Deferred Suspension, Probation without Privilege for a minimum of one (1) Semester
- 2nd Offense: Suspension from Delaware State University for a minimum of one (1) year

Drug Policy

The University will uphold the federal and state laws concerning the illegal use, possession, consumption, sale, trafficking, manufacturing, dispersing, and/or distribution of drugs, narcotics, controlled or counterfeit substances and drug paraphernalia. The illegal use, possession, sale, distribution, or consumption of drugs, narcotics, or other controlled or synthetic substances on University premises or during University activities is prohibited. Students will be held accountable for any drug paraphernalia that test positive for illegal drugs as result of the ongoing field testing. Individual drug testing of any accused student is voluntary. Students

who take this option do so at their own expense, and must complete the test within 24 hours of the alleged violation for consideration by a campus judicial body. Any student found in violation of this policy will be referred to the judicial system.

Illegal possession, use, sale, or distribution of any quantity, whether usable or not, of any drug, narcotic, or controlled substance and/or paraphernalia, is prohibited. Students found present where drugs are being used illegally, whether participating or not, may also be in violation of this policy. The amnesty provision set forth in the University's Title IX Sexual Misconduct Policy may be invoked where the terms of that provision are satisfied.

Drug Violations:

Level One: Possession of drug paraphernalia; evidence of possession or use of illegal substances, Possession and/or use of illegal substances; inducing or encouraging others to consume illegal substances.

Level Two: Possession of a larger quantity and/or use of illegal substances; dealing or distributing illegal substances, controlled substances, or prescription drugs.

- Though use of any Schedule I substance as defined by the Controlled Substances Act is strictly prohibited on the Delaware State University campus, students who are currently legally prescribed medical marijuana in the state of Delaware should contact the Office of Disability Services and Support (DSS). The DSS Office will discuss specific guidance as it pertains to Section 504 of the Rehabilitation Act and ADA Amendments Act (ADAAA) of 2008 for consideration of disability accommodations. Prescribed medication must not be utilized in such a way that violates the University's policies as listed above.

Drug/Drug Paraphernalia and other various drug violations

The following will act as a guide should a student be found responsible for violation of our conduct code for Drug and/or Drug Paraphernalia.

The University reserves the right, based upon the seriousness of said violation, to enforce any of the below sanctions regardless of student's conduct history.

SANCTIONS –

Level One:

- 1st Offense: Deferred Suspension, Probation without Privilege for a minimum of one (1) Semester
- 2nd Offense: Suspension from Delaware State University for a minimum of one (1) year

Level Two:

- 1st Offense: Subject to Immediate Suspension (minimum of one (1) year) or Expulsion

Smoking

As of August 2015, Delaware State University implemented its totally tobacco-free policy. Smoking includes drug paraphernalia, cigarettes, e-cigarettes, hookah, and vapor pens of any kind. Students are prohibited from smoking in cars, buildings, and residential housing or on any property of Delaware State University. All individuals found smoking on Delaware State University property and adjacent properties will be found in violation of the Student Code of Conduct and sanctioned accordingly.

SEARCH AND SEIZURE POLICY

The following are some specific policies that are not subject to the most severe sanctions but will nevertheless draw disciplinary action from the University. A student who commits one or more of the

following offenses is subject to discipline under the standard procedures of the student judicial system. To the extent that any of the following acts directly contribute to the emotional or physical detriment of members of the University community or constitute serious criminal conduct under federal or state law, the Vice President for Student Affairs has the discretion to impose the most severe sanctions.

Search and Seizure Policy

Delaware State University, as a state-related institution of higher education, recognizes that there must be a balance between its responsibility to maintain and protect an orderly educational environment and the privacy rights of members of the University community. The purpose of this policy is to address the rules for searches and seizures that are needed to protect the safety and operation of the University and enforcement of University policies and procedures. Searches conducted primarily for law enforcement purposes will be subject to different procedures.

Search during Public Events

The University has the discretion to conduct mandatory bag checks and/or pat down checks of persons entering any University activities, such as football games or concerts. Prohibited items will be confiscated, and those individuals may be referred for discipline. It is the student's responsibility to obtain information on what items are prohibited. Individuals refusing to allow such searches will be prohibited from entering the event, and no refunds will be provided.

Reasonable Suspicion and Administrative Search Warrants

Searches can be conducted of persons with either an administrative search warrant or based on reasonable suspicion.

The Vice President for Student Affairs or designee through an administrative search warrant must approve all searches including those conducted by University police officers.

In circumstances where any University Public Safety officer has "reasonable suspicion" to believe that a person on University premises or during University activities is in possession of objects in violation of federal, state, or local law or University policy, and there are exigent circumstances that make it infeasible to secure an administrative search warrant, that officer or authorized person has authority to conduct a search of persons or property. Exigent circumstances include any situation in which the person poses a risk to members of the University community, or where delay would likely cause damage to or loss of the property of members of the University community. In such cases, the officer shall promptly notify the Vice President for Student Affairs or designee.

"Reasonable suspicion" is defined as facts and/or circumstances or information sufficiently strong to warrant a reasonable person to believe that the person, property, or location contains materials in violation of law or University policy. Examples of situations that would justify issuance of an administrative search warrant or a warrantless search, include possession of drugs or alcohol, possession of weapons, possession of stolen property (including documents), or possession of evidence of a crime or of a violation of University policies.

When an employee of the University, including University Public Safety officers, believes reasonable suspicion exists, a search authorization form must be completed specifying the name of the applicant(s), date, person, or location(s) to be searched, facts and circumstances constituting reasonable suspicion, material to be seized, and name of the staff member(s) who will accompany the University Public Safety officer conducting the search. This information will then be presented to the Vice President for Student Affairs or designee for approval or disapproval. If approved, an administrative search warrant will be issued. The University Department of Public Safety will carry out all room searches, and at least one professional member of the Student Affairs staff will serve as a witness to the procedures followed.

In conducting a search, the individual (if present) should be:

- Informed that any material found may be used as evidence in a University judicial hearing.
- Presented a copy of the administrative search warrant; and
 - Given the reason for the search and materials to be seized. If the occupants are not present, the search may still be conducted. Copies of the administrative search warrant and signed inventory of items confiscated or observed should be provided to the individual or left at the residence.
- In the event that an item of personal property is locked and cannot be searched, it may be confiscated and held until the item is opened for inspection.
- Should the search for specified material uncover other material indicating a violation of university regulations, it may also be seized.
- When the search is completed, the University Public Safety Officer(s), should complete an after-search form specifying the place searched, name of occupants, present staff member(s), University Public Safety Officer(s) conducting the search, and a detailed explanation of material seized and possible ownership. These forms should be given to the Vice President for Student Affairs or designee.

Any member of the University community who wishes to challenge the appropriateness of a search or seizure of his or her person or property must do so by filing a challenge with the Vice President for Student Affairs or designee within ten (10) days after the search is conducted or, if not present at the search, within ten (10) days of receiving notice of the search. The matter will then be referred to University General Counsel who shall determine whether the search was appropriate. Searches or seizures that the Vice President for Student Affairs determines have been made in violation of this policy may not be used in any University disciplinary proceeding (contraband and property not properly belonging to the student will not be returned).

Other Searches of University Premises

The University reserves the right to enter and search any office, locker, or room on University premises, including but not limited to any office for which a student, employee or student organization has been given a key. All property within such premises is subject to search, including locked drawers or cabinets.

These offices are University property, and no person has a reasonable expectation of privacy in the contents of those offices.

Individual or Group Protest Action Policy

Delaware State University policy on demonstrations and protests is in keeping with the freedoms and rights of every individual. The right of freedom of expression at the University includes peaceful protests and orderly demonstrations. With that there is an expectation for all who interact on Campus that these freedoms and rights do not substantially disrupt the work of the institution or does not interfere with the opportunity of other students to obtain an education or otherwise infringe upon the rights of others. The university shall establish a reasonable time, place, and manner restrictions. All students who wish to organize a group protest, whether they are members of a recognized student organization, must follow the same procedures as student organizations to request access to facilities or a location on University premises. The University reserves the right to set limits on the appropriate time, place, and manner of the protest.

1. Students may be subject to disciplinary action if they:

- initiate or participate in a demonstration or any form of protest on campus without following the above procedures.
- participate in any activity during an authorized demonstration that obstructs the academic process, interferes with the rights of others on campus, or results in physical violence or property damage.

Solicitation and Sales Policy

Soliciting and selling are not allowed on the university campus except by administrative approval, which may be obtained by completing the appropriate forms at the Office of Student Leadership and Activities.

Only student organizations in residence halls may solicit within the residence halls. A Student Event Form should be obtained from the Office of Student Leadership and Activities and taken through the proper channels for approval.

Trespassing Policy

No students or visitors are permitted on any University premises without official authorization. Unauthorized persons will be treated as trespassers and may be banned from all University premises. Students who have unauthorized persons in their rooms are subject to disciplinary sanctions, up to and including expulsion from campus housing.

JUDICIAL AFFAIRS VIOLATIONS

Students will be subject to disciplinary action for committing any of the following violations, and for violating any other policies, rules, or regulations issued by the University. The following list is not exhaustive, merely illustrative of the type of behavior prohibited by the University. If a student is unsure whether certain conduct would be subject to disciplinary action by the University, he/she should contact the Vice President for Student Affairs or designee before engaging in such conduct.

Students may also be found in violation by being an accessory, defined as one who aids, abets, commands, conspires with or counsels another in the commission of a violation. Student organizations can be held responsible if they authorize or ratify violations committed by their members as members of that organization, or if the organization is negligent in monitoring the conduct of its members (see Student Organization section).

Some of the following offenses may fall into the most severe policy violations, even where not specifically stated. Additionally, the student judicial system can decide some of the following offenses whether committed on- or off-campus, even where not specifically stated (see Coverage section to see when off-campus offenses may be decided). *(in alphabetical order)*:

Academic Dishonesty and other Academic Violations

<p>A1- Academic dishonesty and cheating include but is not limited to: (a) use of any unauthorized assistance in taking quizzes, tests, or examinations; (b) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (c) the acquisition, without permission, of test or other academic material belonging to a member of the University faculty or staff. (Referral to Academic Affairs)</p>
<p>A2- Plagiarism is a type of academic dishonesty. It includes but is not limited to, the use, by paraphrase or direct quotation, of published or unpublished work of another person without full and clear acknowledgment and indication of direct quotation. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material. Direct cutting and pasting of material from websites without use of quotation marks and appropriate attribution is a form of plagiarism. (Referral to Academic Affairs)</p>
<p>A3- Knowing and intentional violation of federal copyright or patent laws, and other laws protecting the intellectual property of others.</p>
<p>A4- Committing perjury: the practice of lying before a council or committee and/or an official of the university.</p>
<p>A5- Disruption of academic process—the acts or words of a student in a classroom or teaching environment which in the reasonable estimation of a faculty member: (a) directs attention from the academic matters at hand, such as noisy distractions, persistent, disrespectful or abusive interruptions of lecture, exam or academic discussions, or (b) presents danger to the health, safety or well-being of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus. Students may be required to turn off cell phones, pagers, and other electronic devices.</p>

University Building Violations

<p>B1- Failure to vacate a building immediately following the activation of a fire alarm system or as directed by a University official. All students are required to respond to fire drills whenever they occur. Posted fire regulations require strict compliance. Any violations may result in disciplinary action. In the case of a fire</p>

alarm, students are to immediately vacate the building which they occupy and follow directions from the Public Safety Department, or the residence life staff.

B2- Illegal entry into any building or restricted areas within that building.

B3- Illegal possession, duplication, or unauthorized use of keys to University buildings, offices, or facilities.

B4- Participation in a campus demonstration, which disrupts the normal operations of the University, infringes on the rights of other members of the University community, or is in violation of the Individual and Group Protest Action Policy (see Other Policies section for details).

B5- Tampering with doors:

- a. Installing or attaching a device to prevent authorized entry.
- b. Preventing the latching and/or locking of any door so designed to automatically latch, lock, or to be manually latched or locked.
- c. Tampering with or interfering with any other aspects of University facilities and equipment, including communication and information technology.
- d. Trespassing: entering a University building that has been officially closed from use. An unauthorized non-student found in a campus building is subject to immediate arrest. An unauthorized Delaware State University student found in a campus building or restricted area is subject to disciplinary action.

Residential General Violations: Except where expressly permitted under an agreement or separate policy, the following actions are violations in all campus housing, including the residence halls, the University Village, the University Courtyard Apartments, and any other housing owned and/or operated by the University.

C1- Engaging in sports/horseplay and any other inappropriate physical activity in the hallways.

C2- Failure to obey the visitation policies of University housing which are:

- Visitation hours are Sunday through Thursday from 10:00 a.m. to midnight and Friday and Saturday from 10:00 a.m. to 2:00 a.m. (hours are subject to change).
- The visitor must have a photo ID.
- The roommate should agree with having the visitor(s) in the room.
- The visitor must be 18 years of age or older. If the visitor is under 18, he/she must be accompanied by a parent or guardian.
 - a. Housing unauthorized guest(s).

- b. Having more than six (6) people in a residence hall room at the same time during inter-dormitory visitation hours. **No more than two (2) DSU student guest per Resident**
- c. Failure to sign in visitors at the front desk.

C2a- General Residential Living Violations

- a. Cooking in campus housing rooms (except in the University Village or Courtyard Apartments)
- b. Failure to care, clean and maintain a residence hall room in a reasonable sanitary and orderly condition.
- c. Failure to get permission from the resident director before placing articles on the bulletin boards.
- d. Failure to always keep screens in the windows.
- e. **Failure to observe quiet hours during the hours of 9 p.m. – 7 a.m. Sunday-Saturday (hours are subject to change).**
- f. Installing aerials, masts, radio or television antennas, computer wireless routers, or other shortwave transmitting equipment.
- g. Storing motorcycles, cooking grills, anything with gas or lighter fluid, etc. in the residence halls, Courtyard Apartments, or University Village.
- h. Throwing articles from windows or hanging articles in windows and storing food or beverages between windows and screens or the outside ledges.
- i. Any other violations of federal, state, or local law, University policy or terms of any contract regarding use of housing.

C3- Unauthorized Violations

- a. **Unauthorized Animals and/or pets in residence hall rooms and campuses. Not having your animal authorized by DSU’s Center for Disability Resources (CDR) (cdr@desu.edu) prior to moving into a residence hall (*See Service and Assistance Animals policy and sanctions)**
- b. Possession of an unauthorized appliance.
- c. Making an unauthorized room change.
- d. Unauthorized entry or exit of a residence hall through any door or opening other than the main lobby doors.
- e. Unauthorized entry or use of laundry room. Only residents of the building are authorized to enter or use the laundry facilities within that building.

Community Violations

D1- Committing perjury: the practice of lying before a council or committee and/or an official of the university.

D2- Abuse of the judicial system, including but not limited to:

- a. Falsification, distortion, or misrepresentation of information before a judicial body.
- b. Disruption or interference with the orderly conduct of a judicial proceeding.

- c. Attempting to discourage an individual's proper participation in, or use of, the judicial system.
- d. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the judicial proceeding.
- e. Harassment (verbal or physical) and/or intimidation of a member of a judicial body, witness or complainant or reporting party prior to, during, and/or after a judicial proceeding.
- f. Influencing or attempting to influence another person to commit an abuse of the judicial system.
- g. Failure to cooperate in any proceeding upon request by a judicial officer or other University official.

D3- The refusal to accept notification of an official, written, University communication.

D4- Insubordination: willful disobedience of any reasonable requests or regulations, intentional interference with teaching or learning at the University, or voicing of disrespect to those in authority. Insubordination includes, but is not limited to, failure to comply with the order of a duly designated University official acting within the scope of employment responsibility, e.g., faculty, administration, staff, campus police officers, and any other employee or contractor working for the University.

D5- Failure to provide a correct mailing address. Every Delaware State University student is required to have a current mailing and active University email address on file in the Registrar's Office.

D6- Failure to identify oneself when requested to do so by showing student identification card to a University official (e.g., president, executive assistant to the president, vice presidents, faculty, and staff, including food service staff).

- a. Prohibited from sharing School Identification (ID) with a non-student for any reason.

D7- Infraction of University regulations intended for the health, safety, and welfare of the University community. These violations include but are not limited to:

- a. Setting unauthorized fires.
- b. Tampering with fire safety and/or lighting equipment.
- c. Triggering a false fire alarm or otherwise making or causing to be made a false report of a fire.
- d. Unauthorized blocking or closing of any passageway in corridors, exits, entrances, walkways, and/or driveways.
- e. Propping open the doors of any building on the University campus.
- f. Burning incense or candles without authorization by an appropriate University official.
- g. Smoking in any University building.
- h. Obstruction or disruption of research, administration, meetings, or other authorized activities of the University, including disciplinary procedures.

Automatic \$50 Fine for triggering fire alarm panels due to the following, but not limited to smoking in room/building, burning candles and/or incents, cooking in a prohibited area, etc.

D8- Gambling in any form on or at University premises/University activities: betting or playing a game of chance for profit (as for money or property). Gambling shall exclude bingo and raffles if approved by the appropriate university official and under proper supervision on the University premises.

D9- Failure to comply with the sanction(s) imposed under the Student Judicial System. A student who fails to complete the requirements of any sanction imposed upon her/him within the time limits specified by the judicial system is not eligible to register for classes or obtain any transcripts (official or unofficial) until he/she complies with the terms of the original sanction and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner. Failure to provide a valid DSU ID card, or other valid identification upon the request of any DSU official, employee, or Residence Life staff member. Failure to make a reasonable, positive effort to remove themselves from the environment where these standards are being violated. Failure to appear for a scheduled judicial conference, administrative Hearing or Conduct Board Hearing

D10- Resisting or obstructing a Public Safety Officer acting in the performance of his/her duties or ignoring citations issued by Public Safety Officers.

D11- Violation of University regulations or policies approved by either the board of trustees or the president and published in University publications. (i.e., large gatherings)

- **(D12)- Violations of State or Federal Law**

- b) **Intoxication on University property** - Being under the influence of alcohol or narcotics or any other drug not administered or prescribed to be taken by a physician, which may endanger self or other persons or property or harass persons in the vicinity.
- c) **Possession and/or consumption of alcoholic beverages (including empty containers) on University premises** - Off-campus criminal acts involving possession and/or consumption of alcoholic beverages may also be processed through the University Judicial System.
- d) **Shoplifting** - Students who are charged and convicted for shoplifting on campus or in the surrounding community are also subject to disciplinary action by the University. Such action may result in suspension from the University.
- e) **The illegal use, possession, consumption of drugs, narcotics, or other controlled substances or synthetic substances or drug paraphernalia** - on or at University premises or during University activities will be automatically reported to local authorities and will result in the initiation of appropriate disciplinary procedures (see Most Severe Violation Policy sections for details).
 - **The illegal possession, sale or distribution of drugs, narcotics, other controlled substances or synthetic or drug paraphernalia** - on or at University premises/University activities will result in the initiation of appropriate disciplinary procedures. Off-campus criminal acts involving the use, possession, consumption of illegal drugs, narcotics or other controlled substances or synthetic substances will also be processed through the University Judicial System (see Most Severe Violation Policy sections for details).
 - **Suspicion of the use or possession of illegal drugs** - as defined in Section 4.
 - **The possession, storage, or use of any kind of ammunition, firearms, explosives,**

fireworks, air rifles, air pistols or lethal weapons of any kind - on University owned or operated property or student housing is prohibited, unless authorized in writing by the University Director of Public Safety. Off-campus criminal acts involving the use or possession of weapons may also be processed through the University Judicial System (see Most Severe Violation Policy sections for details).

- **Off-campus criminal acts involving the use, possession, and/or storage of explosives, firearms, or lethal weapons of any kind** - (including but not limited to pistols, rifles, shotguns, BB guns, pellet guns, stun guns, martial arts weapons, knives, and ammunition) will also be processed through the University Judicial System (see Most Severe Violation Policy sections for details).
- f) **Burglary** – A student who knowingly enters or remains unlawfully in a building with intent to commit a crime therein.
- g) **Robbery** – In the course of committing theft (see Property Violations), the student uses or threatens the immediate use of force upon another person with intent to: (1) prevent or overcome resistance to the taking of the property; or (2) compel the owner of the property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.
- h) **Arson** – When the student intentionally damages a building by starting a fire or causing an explosion and when (1) the student knows that another person is present in the building at the time or (2) the student knows of circumstances, which render the presence of another person therein a reasonable possibility.
- i) **Assault and Battery** - Any physical altercation that endangers the health or safety of any member of the University community or any person on University premises or during University activities. Assault and battery include, but is not limited to, beatings, muggings, physical torture, abusive handling of the torso, touching of intimate parts of a person’s body, or any bodily injuries inflicted upon a person with or without a foreign object. Off-campus criminal acts involving assault and battery upon another person may also be processed through the University Judicial System (see Most Severe Violation Policy sections for details).
- j) **Hazing** - Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization (see Pledging and Hazing Policy for details and examples).
- k) **Sexual Assault/Rape** - Unlawful touching of a sexual nature which includes, but is not limited to, unwanted kissing, touching, or fondling, penetration with a finger or foreign object, vaginal intercourse, oral-genital contact, or anal intercourse. Both on-campus and off campus criminal acts involving touching of a sexual nature will be processed through the University Judicial System.

Personal Violations

E1- Fighting – Threatening or attempting physical harm to each other, or any intentional display of force that would give each other reason to fear or expect immediate physical harm (Inciting fights). It may be committed without touching, striking, or doing physical harm to each other.

E2- Disorderly Conduct – Constituting a public nuisance by being offensive to public order or decency. Disorderly conduct includes, but is not limited to engaging in violent behavior, making unreasonably loud noise, lewd or indecent behavior or an offensive utterance or gesture.

E3- Disruptive Behavior – Engaging in activity which disturbs any lawful assembly or prevents the accomplishment of any lawful activity, process, or function of the University. This includes disruption of the academic process—the acts or words of a student in a classroom or teaching environment which in the reasonable estimation of a faculty member: (a) directs attention from the academic matters at hand, such as noisy distractions, persistent, disrespectful or abusive interruptions of lecture, exam or academic discussions, or (b) presents danger to the health, safety or well-being of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus. Students shall be required to turn off cell phones, pagers, and other electronic devices. Electronic devices may be used with the permission of the teacher or in case of emergency.

E4- Harassment – by any means, of any member of the University community (see Harassment Policy for details). Harassment is not limited to Equal Opportunity violations such as discriminatory references to a person’s race, ethnicity, nationality, religion, gender, or sexual orientation – but also includes any other form of coercion or personal abuse. The use of social networking websites to harass, stalk, threaten, or in any way intimidate another student.

E5- Making threats of violence or intimidation by any means of communication against any member of the University community, or against the University itself (including threats of violence against University premises or equipment). Threats made – in person, by telephone, electronically, in writing, social media, or by other means, against any person.

E6- Occupying unassigned bath/shower areas - Delaware State University will always acknowledge and respect the stated gender identity of the student. Students who inform the University that they are trans in a timely manner will be housed in keeping with their gender identity/expression. Every attempt will be made to give trans students safe and comfortable housing assignments.

E7- Slander, libel, or defamation of character.

E8- The throwing of snowballs on University grounds.

E9- The use, possession of water guns, super soakers, gel +pellet guns etc. On University premises or during University activities.

E10- Verbal abuse – the use of harsh, often insulting language to any member of the University community.

E11- The wearing of masks or any other item that conceals the face or identity of an individual, except for authorized functions or inclement weather; Except for COVID MASK MANDATE

E12- Wearing of any item or items with the intention to intimidate, frighten, assault, or harass others on University-owned or controlled property.

E13- Stalking – Delaware State University identifies stalking as a pattern of repeated unwanted attention, harassment, contact, or conduct directed at a specific person or group that would cause a reasonable person or group to (a) Fear for their safety or the safety of others. (b) Suffer substantial emotional distress. Additionally, Delaware State University utilizes the One Policy One Process to handle all incidents on campus that involve Stalking.

E14- Domestic/Relationship Violence – assault and battery to a person who is a relative, spouse, boyfriend, girlfriend or other intimate of the student. (See Title IX section).

E15- Identity Theft – when the student possesses any tool, instrument, or other things adapted, designed, or commonly used for committing or facilitating the offense of identity theft such as credit card, driver’s license or other documents issued in a name, other than the name of the person who possesses the document.

E16- Residents being undressed when outside their rooms at any time.

Property Violations

- F1-** Knowingly opening or removing mail or email of another person or withholding mail from its true or rightful owner.
- F2-** The moving of University furnishings and/or equipment in a facility from one room to another, from one building to another or from one area/place on the campus to another without permission.
- F3-** Theft of University property or property of any member of the University community.
- F4-** The destruction (including disfiguring, marking or mutilation) of University property or property of any member of the University community.
- F5-** Unauthorized use of another's property or selling, buying, or storing stolen goods.
- F6-** Theft or other abuse of computer time, including but not limited to:
- Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
 - Unauthorized transfer of a file.
 - Unauthorized use of another individual's identification and password.
 - Use of computing facilities to interfere with the work of another student, faculty member or University official.
 - Use of computing facilities to send obscene, pornographic, or abusive messages.
 - Use of computing facilities to interfere with normal operation of the University computing system.
 - Violations of federal copyright laws and other laws protecting intellectual property, including the unauthorized downloading, and sharing of music and video files.

False Representation of Authorization Violations

- G1-** Alteration, falsification, or misuse of University documents, records, parking decals, or identification cards as well as forgery and/or misrepresentation of University documents; making of material misrepresentations or omission of material facts in connection with any University record, document or proceeding. Any intentionally altered or damaged documents/materials will be confiscated, and the student will be responsible for obtaining a replacement if necessary (see Falsification of Records Policy).
- G2-** Misrepresentation of oneself or an organization as an agent of the University.
- G3-** Obtaining telecommunication services by use of a false telephone number or unauthorized use of another person's telephone, telephone number, phone card, credit card, etc.
- G4-** Selling and soliciting selling goods or products on campus without prior permission from a duly authorized University representative.
- G5-** Unauthorized use of University's name; Unauthorized use of the University's name to promote an activity.
- G6-** Bad checks; a student who issues or passes a check knowing that it will not be honored by the drawer; or (1) the student had no account with the drawer at the time the check was issued; or (2) payment was refused by the drawer upon presentation because the issuer had insufficient funds or credit and the issuer failed to make payment.

GOOD SAMARITAN POLICY

The health and safety of our students is of the highest priority. At times students may need immediate medical or other professional assistance. However, students may be reluctant to get help because of concerns that their own behavior may be a violation of the Student Code of Conduct. To minimize any

hesitation students or student organizations may have in obtaining help due to these concerns Delaware State University has enacted the following “Good Samaritan” provision.

Although policy violations cannot be overlooked, Delaware State University will consider the positive impact of reporting an incident when determining the appropriate response for policy violations. In such cases, any possible negative consequences for the reporter(s) of the problem should be evaluated against the possible negative consequences for the student(s) who needed assistance. At a minimum, students, or student organizations should make an anonymous report that would put the student in need in touch with emergency care providers (Police, EMS, etc.). For example, this policy would apply in a situation where a student is reluctant to call an ambulance when a friend becomes unconscious following excessive consumption of alcohol because the reporting student is under the age of 21 and was also consuming alcohol.

The amnesty provision in the University’s Title IX Sexual Misconduct Policy will apply where the terms of that provision are satisfied.

PROCEDURES FOR STUDENT CONDUCT PROCESS

Conduct that is alleged to violate the University’s Title IX Sexual Misconduct Policy will be handled in accordance with that Policy. For all other violations, the Associate Director of Judicial Affairs shall have primary authority and responsibility for the administration of student discipline at Delaware State University and for investigating allegations that a student has violated University rules and regulations, or specific orders and instructions issued by an administrative official of the University.

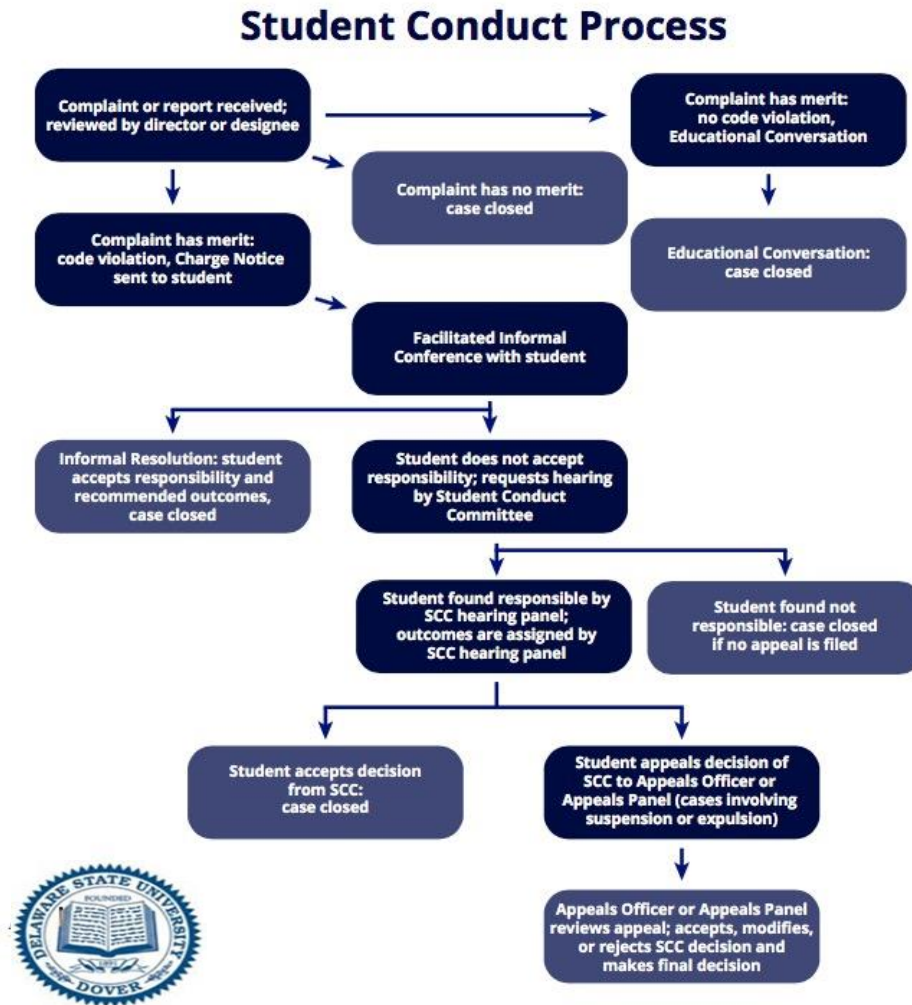
Any member of the University community may file a complaint against a student for violations of the Student Code of Conduct. The report shall be prepared in writing and submitted to the Director of Public Safety or to the Student Affairs office. Any complaint should be submitted as soon as possible after the incident takes place, preferably within two business days. If a conduct complaint has been filed against a student, it is that student’s responsibility to report to security to complete a witness statement for the record.

Process Overview

Any violations of the Delaware State University Student Code of Conduct must be reported through an electronic incident report. The report may come from a campus Public Safety Officer, a Residence Life staff member, Law Enforcement Officer, Delaware State University student, or any other member of the Delaware State University or local community. For instances of sexual misconduct, the incident should be reported in accordance with the University’s Title IX Sexual Misconduct Policy. (<https://www.desu.edu/about/administration/university-policies-procedures/title-ix-office>)

The timeline for any Investigation of a Conduct violation shall not exceed a reasonable length, unless due to extenuating circumstances, in which case all parties involved must be notified in writing. If this timeline has exceeded an unreasonable length without appropriate notification, the case may be Dismissed, as approved by the Dean of Students.

General Student Conduct Process Flowchart:



Standard of Proof

The Conduct process at Delaware State University, like many Universities and colleges, operates based on a “preponderance of evidence” as the “standard of proof.” A preponderance of evidence is described as enough evidence to make it more likely than not that the accused student has violated the Student Code of Conduct.

Administrative/Educational Pre-hearing Meeting

Once an incident or violation of the Student Code of Conduct has been reported, the first step will be an Educational Pre-hearing meeting. Educational Pre-hearing meetings are held by the associate director of Judicial Affairs, Resident Directors, or Faculty member. A student may elect to bring one Advisor of their

choice to an Educational Pre-hearing meeting. This Advisor may not speak on the student's behalf. If a student is a minor (under the age of 18) at the time of their Educational Pre-hearing meeting, the Conference will be held either with written consent from a parent/guardian or with at least one parent/guardian present.

During the Educational Pre-hearing meeting, the accused student(s) and the designated conduct officer will meet to informally discuss the incident, and the student(s) will be given the opportunity to explain their version of events. If the conduct officer determines that a policy has NOT been violated, then the case and any related conduct charges may be dismissed. If the conduct officer maintains that a policy has been violated, the accused student(s) will typically be given two options: The first option is to accept responsibility for violating the policy; thus, waiving the right to a formal Conduct Board Hearing, and having the conduct officer issue the student(s) their sanctions (outcome). When this occurs, the case is considered RESOLVED at the conclusion of the Educational Pre-hearing meeting.

The exception to these two options occurs in cases where a student potentially faces Suspension or Expulsion. Such cases will still have an Educational Pre-hearing meeting; however, these will proceed to a Hearing unless indicated otherwise by the Dean of Students.

Students may NOT appeal the outcome of an Educational Pre-hearing meeting, since the student is essentially taking responsibility for violating the Code of Conduct, and they are waiving their right to a formal conduct hearing. Additionally, at an Educational Pre-hearing meeting, the student is either informed of the exact disciplinary sanctions being imposed, or at a minimum, they will be given a range of possible sanctions being considered, before the student is required to accept responsibility or request a formal conduct hearing.

Students are responsible for checking their Delaware State University email accounts for information about their Educational Pre-hearing meeting. If a student does not attend the scheduled Educational Pre-hearing meeting and does not contact the Hearing Officer, the case will be heard in absentia, without the student's input. Students who do not feel as though they have violated the Student Code of Conduct have a second option, which is to request a formal Conduct Board Hearing. All students have a right to a fair and objective Conduct Board Hearing with the option to participate in person or virtually.

INTERIM DISCIPLINARY ACTION OR TEMPORARY SUSPENSIONS

The purpose of a temporary suspension, and any other interim measure, is to maintain the safety of the university community pending a full hearing on an alleged violation. Temporary suspensions can only be imposed by the senior associate vice president for student affairs or designee and is usually recommended by the chief of campus police. The Dean of Students may take immediate interim disciplinary action, including suspension, pending a hearing against a student for violation of a rule and regulation and when the continuing presence of the student poses a danger to themselves, other members of the community, property, or an ongoing threat of disrupting the academic process. When immediate interim disciplinary action (such as interim suspension) has been taken, hearings will be held under the disciplinary procedures set forth in the Student Handbook but will be held as soon as practicable after the disciplinary action has been taken unless otherwise agreed to by the student.

1. Students, whose presence represents a continuing danger to persons or property, or an ongoing threat of disrupting the academic process, may be immediately removed from the university.
2. The associate director for Judicial Affairs will conduct the hearing and immediately thereafter make the determination of whether to continue temporary suspensions or other interim sanctions within 1-2 days. The sole purpose of this informational hearing is to determine if the student's presence on university premises or participation in university activities – before his/her full hearing on the actual charges – poses a danger, i.e., Weapons (such as guns), large quantities of drugs usually warrant immediate interim suspension.

3. Where interim sanctions are imposed, a full hearing on the merits should typically be conducted within seven (7) academic days, and a final decision issued within ten (10) academic days. If a final decision cannot be rendered within this time, the vice president for student affairs or designee will Review the appropriateness of continuing interim sanctions. During this time, the student can also request that the vice president for student affairs review the imposition of temporary sanctions based upon information not available at the time of the informal hearing.

Formal Conduct Board Hearings

A Conduct Board Hearing will occur when the accused student(s) disputes the process of a pre-hearing or does not feel they are responsible for violating the Student Code of Conduct.

Conduct Board Hearing Officers are thoroughly trained faculty members, staff members, and students. Students who wish to serve on the conduct board, may apply through the Student Affairs Office. For a student to be selected, they must have a clean student conduct record and may not be on any disciplinary probation status. Students must also be in good academic standing, with a minimum 2.50 cumulative Grade Point Average. Eligible students will be interviewed by the Associate Director of Judicial Affairs, or a designee, and members of the Student Affairs staff. There will be a pool of trained faculty, staff, and student conduct board members. Each Conduct Board for individual incidents or cases will consist of three (3) Conduct Board Hearing Officers. A Conduct Board may consist of the following compositions:

- Two Faculty or Staff members and one Student member
- Three Faculty or Staff members

The student may indicate if they wish to have a “Full Conduct Board Hearing,” or a “Sanction Only” Conduct Board Hearing. In the case of full Conduct Board Hearings, the board will determine if the accused student has violated any policy or policies. If the board finds the accused student responsible for violating one or more policy, they will also determine the appropriate disciplinary sanctioning (outcome). A student may opt for a “Sanction Only” Conduct Board Hearing, when their responsibility for the violation has already been acknowledged (for example, they have already accepted responsibility for the violation); however, they do not wish to accept the sanctions being offered at the Educational Pre-hearing meeting. In these cases, it is the Conduct Board’s task to determine the appropriate disciplinary sanctioning.

Every effort will be made to ensure that each accused student is given a fair and objective Conduct Hearing. Part of this will be making sure that there are no conflicts of interest between a board member and an accused student (i.e., the accused student’s academic advisor being on the board, accused student having a personal friendship with any board member, including the student member, etc.). Board members are trained to excuse themselves if there is a significant conflict of interest. Should the accused student feel a conflict of interest may exist, they should immediately bring this to the attention of the associate director of Judicial Affairs upon receipt of the hearing notice.

CONDUCT BOARD HEARING PROCEDURES

The following procedures will be followed in any case other than alleged violations of the University’s Title IX Sexual Misconduct Policy, where the case results in a hearing before the Conduct Hearing Board (“Board”). Alleged violations of the University’s Title IX Sexual Misconduct Policy will be handled in accordance with the procedures set forth in that Policy. University Disciplinary Hearings are not legal proceedings.

1. Participants will include the non-voting hearing officiate, three members of the panel, the investigator(s) or designee who conducted the investigation on the grievance, the party bringing an investigation and responding party (ies) (or three organizational representatives in a case where an organization is charged), advisors to the parties and any called witnesses. The hearing official will exchange the names of witnesses the University intends to call, all pertinent documentary evidence and any written findings from the investigators between the parties at least 24 hours prior to the hearing. In addition, the parties will be given a list of the names of each of the hearing panel members at least 24 hours in advance of the hearing. Should (any) party object to any panelist, they must raise all objections, in writing, to the hearing official immediately. Panel members will only be unseated if the hearing official concludes that their bias precludes an impartial hearing of the grievance. Additionally, any panelist or hearing official who feels they cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and all witnesses in advance of the hearing.
2. The hearing official, in consultation with the parties and investigators, may decide in advance of the hearing that certain witnesses do not need to be physically present if their testimony can be adequately summarized by the investigator(s) during the hearing. All testimonies summarized by the investigator if the witness is not present must be documented and signed by the said witness. All parties will have ample opportunity to present facts and arguments in full and question all present witnesses during the hearing, though formal cross-examination is not used between the parties. If alternative questioning mechanisms are desired (screens, Skype, questions directed through the hearing official, etc.), the parties should request them from the hearing official at least 24 hours prior to the hearing. **If an accused student elects not to appear, the Board will reach its decision based on information available at the Hearing.**
3. Once the procedures are explained and the participants are introduced, the investigator will present the report of the investigation first and be subject to questioning by the parties and the hearing panel. The investigator(s) will be present during the entire hearing process but will only be present during deliberations at the request of the hearing official. The findings of the investigation are not binding on the panel, though any undisputed conclusions of the investigation report will not be revisited, except as necessary to determine sanctions/responsive actions. Once the investigator(s) is/are questioned, the hearing panel will permit questioning of and by the parties. Questions may be directed through the panel at the discretion of the hearing official.
4. Formal rules of evidence will not apply. Any evidence that the panel believes is relevant and credible may be considered, including history and pattern evidence. The hearing official will address any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence and may ask the panel to disregard evidence lacking in credibility. The hearing official will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. Unless the hearing official determines it is relevant and appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they show a pattern, or (2) the sexual history of or the character of the victim/party bringing a grievance.
5. There will be no observers in the hearing. The hearing official may allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the panel or the parties involved. The panel does not hear from character witnesses but will accept up to two letters supporting the character of the individuals involved. Both the responding party and the party bringing the investigation are permitted one advisor or support person of their choosing. This person's name

must be provided to the hearing officiate at least 24 hours in advance. The advisor's role in the hearing is limited. They may write notes or communicate quietly with the student they are advising. The advisor is not permitted to directly address the members of the hearing board or any witnesses. The advisor may not offer any testimony to the board. If an advisor does not follow these expectations, they may be asked to leave.

6. In hearings involving more than one accused individual or in which two parties bringing an investigation have accused the same individual of substantially similar conduct, the standard procedure will be to hear the investigations jointly; however, the Associate Director of Judicial Affairs or designee may permit the hearing pertinent to each responding party to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each responding party.
7. Proceedings are private. All persons present at any time during the hearing are expected to maintain the privacy of the proceedings, subject to Delaware State University consequences for failure to do so. While the contents of the hearing are private, the parties have discretion to share their own experiences if they so choose and should discuss doing so with their advisors.
8. Hearings are recorded for purposes of review in the event of an appeal. Hearing panel members, the parties and/or the persons who initiated the action, and appropriate administrative officers of Delaware State University will be allowed to listen to the recording in a location determined by the Associate Director of Judicial Affairs or designee. No person will be given or be allowed to make a copy of the recording without permission. Persons given access to the recording will be required to sign an agreement confirming that they will protect the confidentiality of the information contained in the recording.

Decisions

1. The Hearing Panel will deliberate in closed session to determine whether the responding party is responsible or not responsible for the violation(s) in question. The panel will base its determination on a preponderance of the evidence (i.e., whether it is more likely than not that the accused individual committed each alleged violation). If an individual responding party or organization is found responsible by a majority of the panel, the panel will recommend appropriate sanctions to the Associate Director of Judicial Affairs or designee.
2. The hearing official will prepare a written deliberation report and deliver it to the Associate Director of Judicial Affairs or designee detailing the findings and the information cited by the panel in support of its recommendation. The report should conclude with any recommended sanctions. This report should not exceed two pages in length and must be submitted to the Associate Director of Judicial Affairs or designee within two (2) business days of the end of deliberations.
3. The Associate Director of Judicial Affairs will notify the students of the final determination within 5 business days of the hearing, without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person; mailed to the local or permanent address of the parties as indicated in official Delaware State University records; or emailed to the parties' University-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.
4. Once an Investigation is completed, the timeline for all further Student Conduct proceedings shall not exceed thirty (30) business days unless due to extenuating circumstances, in which case all parties involved must be notified in writing. If this timeline is exceeded without appropriate notification, the

case may be Dismissed, as approved by the Dean of Students.

Sanctions

The Hearing Panel will determine sanctions or responsive actions. Factors that may be considered when determining a sanction may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation.
- The circumstances accompanying any lack of Consent.
- The Respondent's state of mind (bias-motivated, reckless, negligent, etc.)
- The Respondent's prior disciplinary history.
- The safety of the University community.
- The Respondent's conduct during the investigation and resolution process.
- The need for sanctions to bring an end to and prevent discrimination, harassment and/or retaliation.
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the Complainant and the University community; and
- Such other factors as the panel deems appropriate.

Appeal Procedures

The accused student shall have the right to request an appeal of a judicial action.

Requests for appeals must be made in writing to the associate director of Judicial Affairs within two (2) academic days of receiving final notification of the hearing results, including any modifications made following administrative review. The request must clearly specify the reason(s) for the appeal as listed below:

- a. Lack of due process, i.e., when a student can show an error in the hearing or arbitrariness in the finding against the weight of the evidence.
 - b. Lack of substantial evidence.
 - c. The sanction imposed was inconsistent with University sanctioning precedence.
 - d. Evidence that was not considered or available that would subsequently change the nature of the case.
1. Once an appeal is filed, the associate director of Judicial Affairs will refer the appeal to the Appeals Review Committee who will decide whether an appeal is warranted:
 2. Within ten (10) academic days of receiving an appeal, the associate director of Judicial Affairs will provide a notice to the student stating whether the appeal will be considered and what procedures will be used.
 3. In cases of suspension or expulsion, a student can remain in classes except in cases of a temporary suspension where the accused student has been suspended pending a hearing and is deemed a threat to himself/herself or others (see Temporary Suspensions for details).
 4. The Student Disciplinary Appeals Committee will follow the usual hearing procedures to the extent consistent with this section.
 - a. Unless otherwise directed by the Dean of Students, the hearing will be on the record, without additional witnesses or evidence.

- b. The student will have an opportunity to make a presentation to the Appeals Council concerning the appeal.
 - c. The Student Disciplinary Appeals Council will make a recommendation to the Dean of Students whether to uphold or reverse a verdict and whether to uphold, modify or remove any sanction or remand the case back to the original Council.
 - e. The hearing will be completed, and the recommendation given within ten (10) academic days of the start of the hearing.
 - e. No transcripts of testimony will be prepared unless a student wishes to do so at his/her own expense. All reviews will be conducted using the tape recordings of the original hearing.
5. The Dean of Students may not impose any sanction more serious than the one recommended by the Student Disciplinary Appeals Council if the judicial body has followed guidelines and policies governing the judicial process. The decision of the Dean of Students is final.

DETAILED SANCTIONS ALCOHOL/DRUGS

The Conduct Officer or Conduct Hearing Board shall render a decision to both parties as soon as practicable as to if the accused student is responsible for violations and shall, if necessary, assess a penalty or penalties. These penalties, which are not exclusive, but may be imposed together with other penalties, include, but are not limited to:

(Please note, the University reserves the right at any point in the range of offenses to impose sanctions deemed appropriate in addition to or in place of sanctions listed below. The following Table shall serve as a guideline, but discretion is permitted.)

	First Offense	Second Offense
Alcohol	- Deferred Suspension from DSU and/or Housing - Probation without Privilege -Minimum of 1 Semester -Parental Notification (if under 21)	-Disciplinary Suspension from All Delaware State University Campuses and/or Disciplinary Suspension from Housing- Minimum of 1 year

Violation	Sanction
Level I- Drug	
Violations include, but not limited to: <ul style="list-style-type: none"> • Possession of drug paraphernalia (bongs, 	1st Offense <ul style="list-style-type: none"> • Deferred Suspension from DSU and/or Housing. • Probation without Privilege -Minimum of 1 Semester • Parental Notification (if under 21)

<p>pipes, rolling papers or other items used specifically to consume, inhale, smoke or inject illegal or controlled substances etc.)</p> <ul style="list-style-type: none"> Evidence of possession or use (bodily response [that reasonably shows the person to be under the Influence], odor etc.) Possession and/or use of illegal drugs, controlled substances, or other's prescription drugs Inducing or encouraging others to consume illegal substances 	<p>2nd Offense</p> <ul style="list-style-type: none"> -Disciplinary Suspension from All Delaware State University Campuses and/or Disciplinary Suspension from Housing- Minimum of 1 year
<p>Subsequent Offense</p> <ul style="list-style-type: none"> Deferred Suspension/Loss of Housing for 1 Semester (minimum) Parent and Other Interested Parties Notification Must provide outside treatment completion prior to reapplying for housing Expulsion from Delaware State University 	
<p>Level II Drug</p>	
<p>Violations included but not limited to:</p> <ul style="list-style-type: none"> Possession (of a larger quantity) and/or use of illegal drugs, controlled substances, or other's prescription drugs Dealing or distributing illegal drugs, controlled substances, or prescription dugs 	<p>1st Offense</p> <ul style="list-style-type: none"> Removal/Restriction from Residence Halls for 1 year (minimum) and may result in expulsion from the University. Parent and Other Interested Parties Notification Must provide outside treatment completion prior to reapplying for housing. Possible Police intervention <ul style="list-style-type: none"> Disciplinary suspension from the University for a minimum of one (1) year, possible expulsion depending on severity. <p>2nd Offense</p> <ul style="list-style-type: none"> Automatic expulsion

Potential Fines- A monetary amount charged as a sanction for violation of University policy.

Violation(s)	1 st Offense	2 nd Offense	3 rd Offense
Alcohol (see pg. 30)	\$100.00	\$200.00	
Unauthorized Animal Policy	\$100.00		
Candles/incense	\$50.00 each		
Discharge of Fire Extinguisher	\$100.00 (plus charges filed)		
Disorderly Conduct	\$50.00	\$150.00	
Drugs/Drug Paraphernalia	(see table pg. 31)		
Failure to Comply	\$50.00	\$100.00	\$200.00
Failure to Exit during a fire alarm	\$50.00		
Triggering a False Fire Alarm	\$100.00 (plus charges filed)		
Littering	\$25		
Noise Violation (severe instances)	\$50.00	\$100.00	

Public Urination	\$100.00		
Smoking Violation (excluding illegal substances)	\$50.00	\$100.00	
Vandalism	\$100.00 (plus restitution)		

Definitions:

The following sanction and general definitions apply to all policies and procedures described in this handbook, including the Student Code of Conduct and the Student Judicial System

Sanction Definitions: These sanctions may be combined with one (1) or more sanctions to satisfy the consequence of the violation.

Warning: The student receives a letter expressing disapproval of the violation committed.

Official Reprimand: The student receives a letter expressing the disapproval and severity of the violation committed.

Community Service: The student is expected to perform a required number of work hours (a specific task, labor) for the University without pay. If hours are given, there will be a minimum of ten (10) hours, and a maximum of one hundred (100) hours. Failure to fulfill one's community time will result in the hours not worked being charged to the student's account at the current work-study rate plus an additional \$150 penalty for failure to fulfill one's community time.

Fine: An amount of money imposed as punishment for an offense. If a fine is imposed, the minimum is \$25, and the maximum is \$500. A fine is charged to the student's account.

Restitution: Return of all property to the University or the owner of the property, or payment of damages to repair/replace property damaged or taken.

Compensatory Damages: Money paid to a complainant or reporting party to reimburse them for any out-of-pocket costs (such as medical or counseling expenses).

Deferred Suspension: Suspension will be deferred for a specified time frame, in which any additional violations incurred in that timeframe will be subject to immediate suspension from all Delaware State Properties

Deferred Loss of Housing: Suspension will be deferred for a specified time frame, in which any additional violations incurred in that timeframe will be subject to immediate suspension from all Delaware State University Residential properties.

Discretionary Sanctions: A requirement that the individual fulfill some specified act(s) or correction, including undergoing psychological or substance abuse evaluation or counseling; attending or presenting educational programs; or submitting written assignments.

Disciplinary Probation: Probation may be imposed with or without loss of designated privileges for a definite or indefinite period of time. When disciplinary probation involves loss of privileges, it will usually preclude participation in:

- a. Varsity or non-varsity intercollegiate events.
- b. Debating teams.
- c. Plays (unless participation is a course requirement).
- d. Any recognized club or organization.
- 1. Any other University program or activity.
- e. Representing the University/holding elective positions or appointment of responsibility.
- f. Selection of desired residence hall or room.

Disciplinary probation, when imposed in lieu of more serious sanctions, may also include other conditions such as required counseling sessions, educational workshops, and restitution.

Suspension from University Housing: The student is suspended from living in any University housing for a minimum of one full semester. The person may remain a student and continue regular matriculation. The student is not entitled to a refund of any University housing fees but may be refunded unused boarding fees.

University Housing Expulsion: Permanent separation of the student from any University housing.

Temporary Suspension from the University: A suspension made pending full due process to maintain safety (see Temporary Suspensions in Procedures Steps section for details).

Suspension from the University: The student is suspended from the University for a period not to exceed three years. The student must make a request to return to the University by letter. The University designee will assess a review of the student's educational and personal history prior to returning to the University. The return of the student depends on the outcome of the review. Students must vacate the premises within 24 hours of notification of suspension or final appeal.

Expulsion - Students who are expelled from the University cannot withdraw from the institution nor receive any refund, which would be due under normal circumstances. Expelled students may not come on the University grounds unless an emergency warrants their presence on the campus. In such cases, the student must contact the Office of Public Safety prior to arrival and must be escorted on campus.

General Definitions of the Student Code of Conduct Handbook:

Academic Day – Any day in which regularly scheduled classes are in session.

Accused Student – An individual who is charged with committing a violation of University policies, rules, or regulations.

Advisor – Any member of the faculty, staff or student body of the University can serve as an advisor. The role of the advisor is to give assistance, and he/she may not question nor address anyone other than the advisee. An advisor may not be an attorney, someone who attends law school or a parent or guardian.

Appeals Hearing – A hearing before the Student Disciplinary Appeals Council which will render a recommendation whether to uphold, remand, modify or reverse the findings of the original judicial hearing committees.

Assault and Battery – Assault and battery or other altercations involving physical contact endanger the health and safety of members of the university community. Prohibited behavior includes, but is not limited to beatings; muggings; physical torture; or any bodily injuries inflicted upon a person. Students who violate this policy will be referred to the judicial system. If found responsible, students may be suspended from the University for a minimum of one (1) year.

Weapons/Firearms/Explosives - The use, possession and/or storage of firearms, ammunition, explosives, fireworks, or other lethal weapons of any kind in motor vehicles, buildings or elsewhere on University premises or during University activities are prohibited. Students who violate this policy will be referred to the Judicial System. The penalty for possession of weapons may be expulsion (for further examples see Violations under Student Judicial System).

Other Serious Criminal Conduct - Other serious crimes that occur on University premises or during University activities will also be treated under the most serious sanctions policies. An exhaustive list is not possible, but would include crimes against persons (such as robbery or extortion), and property (vandalism, arson, theft, burglary, identity theft, computer crimes, and forgery). The executive director of Student Life (or designee) will determine if a crime is of sufficient severity to be subject to this most severe sanction processes.

Burden of Proof – The University has the burden of proof by preponderance of the evidence (not beyond a reasonable doubt, as in the courts). Burden of proof by a preponderance of the evidence may similarly be understood as proof that it is more likely than not that the accused student is responsible.

Charge Letter – States the alleged violation(s) and gives the accused student a choice of an Administrative or Council Hearing, except in the case of a zero-tolerance violation.

Community Service – A sanction involving work on a particular task or tasks for a specified number of hours on campus, without pay.

Complainant (or Reporting Party) – The party that files a complaint or infraction report against a student.

Disciplinary File – The student discipline record maintained by the Office of Judicial Affairs.

Expulsion – Permanent termination of student status at the University with resultant loss of all student rights and privileges.

Faculty Member – Any person hired by the University to conduct classroom activities.

Formal Hearing – A hearing before a judicial council or hearing officer in which the reporting party and the accused student could present testimony, evidence, and arguments.

Hearing Chair – The designated individual who coordinates and convenes the appropriate judicial hearing committee, rules on the admissibility of evidence, and interprets and applies the rules of procedure as they relate to the power and duties of the hearing panel without infringing on the rights of the party.

Hearing Option or Waiver Form – The form on which the accused student pleads at fault and accepts the sanction(s) as presented; pleads at fault and requests a hearing on the appropriateness of the sanction(s);

pleads not at fault and requests a full hearing; or pleads no contest and accepts the sanction(s). The accused student receives the hearing option or waiver form along with the charge letter.

Hearing/Summons – Written notice of the date, time, and place when the appropriate judicial council will meet to hear a case. The accused student must be given a minimum of 48 hours’ notice prior to the scheduled convening of the hearing, except in the case of zero tolerance violations.

Infraction Report – An accusation in written form, which must be signed by an individual indicating that he or she has firsthand knowledge or strong reason to believe that a student has committed an offense.

Judicial Council – Any persons authorized by the Dean of Students to determine whether a student has violated University policies, rules, or regulations and to recommend imposition of sanctions.

May – Is used in the permissive sense.

Member of the University Community – Any person who is a student, faculty member, University official or any other person employed by the University; all visitors to any University premises, including alumni, vendors, and guests at student housing; and any member of the public using University facilities or attending University activities.

Off-Campus Offenses: The University has jurisdiction to discipline students for engaging in conduct that occurs off campus, study abroad, and outside of University premises and university activities, if such conduct adversely affects the vital interests of the University. This includes but is not limited to behavior that is disruptive of the education process; behavior that potentially harms the institutional educational interests of the University; behavior that involves another member of the University community; and behavior that threatens or poses a substantial risk to the safety or well-being of students, employees, or other members of the University community. The University also has a vital interest in the character of its students and regards off-campus/study abroad behavior as a reflection of a student’s character and his/her fitness to be a member of the student body, even if the student does not pose a direct risk to the University community. Therefore, off-campus/study abroad behavior that indicates disregard for the health and safety of people or their property, including but not limited to criminal conduct, may be subject to disciplinary action by the University.

Office of Judicial Affairs – The administrative office of the University that is responsible for the efficient and fair operation of the University Judicial System.

Policy – The written regulations of the University as found in, but not limited to, the Student Handbook, the Student Code of Conduct, Residence Life Manual and the University Code.

Pre-Hearing Conference – At a pre-hearing conference the accused student will have an opportunity to discuss the charges, review the evidence, accept responsibility, and take a sanction for the violation or request a formal hearing.

Rape - is defined as “unlawful sexual intercourse by force or deception.” A person is guilty of rape in the first degree when he/she intentionally engages in sexual intercourse with another person without consent. “Rape” can occur in many forms, including:

- Stranger Rape - The sexual assault of an individual by someone the victim does not know. 41
- Date Acquaintance Rape - The sexual assault of an individual by someone the victim knows, usually, an acquaintance or a date. Date rape is the most common type of rape occurring on college or university campuses, but the least frequently reported.

- **Group/Gang Rape** - The sexual assault of an individual by multiple perpetrators. Many gang rapes on college campuses occur in residence halls, fraternity houses or at off-campus parties and in vehicles.
- **Statutory Rape** - Sexual intercourse with or penetration of an individual under the age of 16. intercourse with an individual under the age of 18 by a person 30 years of age or older; or intercourse with or penetration of an individual under the age of 18 by a person who is in a position of authority over the minor.

Restitution – Compensation of loss or damage. This may take the form of appropriate service and/or monetary or material replacement.

Sanction – A penalty imposed upon a student after he or she either has admitted being at fault or has been found to have committed a violation of University policies, rules, or regulations.

Self-defense – In cases of assault and battery, a student will be able to claim his/her actions were in self-defense only in cases where retreat or exit were impossible and all reasonable efforts to remove themselves from the situation have been exhausted. A situation of self-defense will end when a safe retreat or exit become possible.

Service and Assistance Animals, University Expectations; The Center for Disability Resources (CDR)-

- **“Service Animal”**- is a dog that has been trained to do work or perform tasks for the benefit of an individual with a disability and meets the definition of “Service Animal” under the Americans with Disabilities Act (ADA) regulations at 28 CFR 35.104. In some cases, a miniature horse may be permitted as a Service Animal under the ADA regulations at 28 CFR 35.136(i). Other animals, whether wild or domestic, do not qualify as Service Animals.
 - Examples of such work or tasks which may be performed by a Service animal include but are not limited to: guiding people who are blind, alerting people who are deaf or hard of hearing, pulling a wheelchair, assisting an individual who is having seizure, providing physical support and assistance with balance/stability for individuals with mobility impairments, providing non-violent protection or rescue work, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack, or performing other duties.
 - Service Animals are working animals, not pets. The work or task a Service Animal has been trained to provide must be directly related to the person’s disability. A dog whose sole function is to provide comfort or emotional support does not qualify as a Service Animal.
- **“Assistance Animal”**- is one that is necessary to afford a person with a disability an equal opportunity to use and enjoy University housing. An Assistance animal may provide physical assistance, emotional support, calming, stability and other kinds of assistance. Assistance Animals do not perform work or tasks that would qualify them as “Service animals” under the Americans with Disabilities Act. Assistance animals that are not Service animals under the ADA may still be permitted, in certain circumstances, in University Housing pursuant to the Fair Housing Act and as a reasonable accommodation determined by the Center for Disability Resources (CDR). Presence

of an Assistance Animal in any other setting on campus would generally be prohibited unless specifically stated in the student's Accommodation Letter from the CDR.

- An Assistance Animal may be any type of animal as long as the animal does not pose a direct threat to health and safety. These animals may also be referred to as Emotional Support Animals (ESA) or Therapy Animals

Sexual assault - is defined as any unwanted touching of a sexual nature or any other conduct that would be defined as assault or rape under Delaware law. This includes, but is not limited, to:

- Unwanted kissing, touching, or fondling.
- Penetration with a finger or a foreign object.
- Rape (vaginal or anal intercourse, oral-genital contact). These acts constitute sexual assault when they are attempted or committed through force, threat, or intimidation when the perpetrator has been informed that his/her actions are unwanted; or by taking advantage of the victim's incapacity or helplessness caused by alcohol or other drugs.

Shall – Is used in the imperative sense.

Staff member – Any University employee performing employment responsibilities, excluding faculty and administrative personnel.

Student – All persons taking courses at the University, both full-time and part-time, whether they reside on campus or commute. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”

Suspension – The loss of student status for a specified length of time, not to exceed three years, with resultant loss of all student rights and privileges.

Temporary Sanction – A sanction imposed for a limited duration by the Dean of Students or designee in an emergency.

University Official – Includes any person employed by the University, performing assigned administrative or professional responsibilities.

University – Delaware State University.

University Activities – Any activity that is sponsored by and/or funded by the University or its affiliates, any student organization, or any other University –recognized or supported organization. University activities also include any event, regardless of sponsor, where students are representing the University or a sponsored University organization.

University Premises – The University campus and any land or other property leased, owned, used, or controlled by the University, including the residence halls, the University Village, and the University Courtyard Apartments.

Witness – any person with information relevant to an alleged violation or a person's defense.

The University reserves the right at any point in the range of offenses to impose sanctions deemed appropriate in addition to or in place of sanctions listed above. In all cases, the University reserves the right to prosecute criminally for violation of policies concerning alcohol and drugs. Persons with medical approval for controlled substances must contact the Coordinator of Disability Services. As a private institution, we reserve the right to restrict possession of controlled substances.