

# THE STUDENT CODE OF CONDUCT

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## Student Code of Conduct

Effective: August 14, 2023

### Section I: Introduction

The Pennsylvania State University educates students from around the world and supports individuals and communities through integrated programs of teaching, research, and service. As a community of scholars, we aspire to:

- Act with integrity and honesty in accordance with the highest academic, professional, and ethical standards
- Respect and honor the dignity of each person, embrace civil discourse, and foster a diverse and inclusive community
- Act responsibly and are accountable for our decisions, actions, and their consequences
- Seek and create new knowledge and understanding, and foster creativity and innovation, for the benefit of our communities, society, and the environment
- Strive for excellence in all our endeavors as individuals, an institution, and a leader in higher education

- Work together for the betterment of our [University](#), the communities we serve, and the world

The Student Code of Conduct (“Code”) sets forth the community standards and procedures that maintain and protect an environment that is conducive to learning and supports Penn State’s educational objectives.

In line with the Penn State mission and values, the Office of Student Accountability and Conflict Response works to uphold these community and university standards through compassionate interventions in which students are heard, respected, and treated with dignity. These students, including leaders of student organizations, have the developmental opportunity to participate in fair and impartial resolution processes that encourage personal accountability and responsible decision-making; promote reflection and restoration; and reduce and prevent behavior that undermines student success and community safety.

## Section II: Definitions

For the purpose of this policy, the following terms shall have the following meanings:

1. “Act of Bias” refers to behavior that is motivated by bias against or hatred toward other individuals or groups based on actual or perceived age, ancestry, color, mental or physical disability, genetic information, national origin, political belief, race, religious creed, sex, sexual orientation, gender identity, or veteran status.
2. “Appeals Body” means the trained and impartial person or persons designated by the Senior Director to consider an appeal.
3. “Cannabis” means the parts, products, and natural or synthetic derivatives of the plant cannabis sativa, indica, ruderalis, and hybrid strains, regardless of the tetrahydrocannabinol level, and is a federally controlled substance. Pursuant to federal law, the use of cannabis, including medical use, is prohibited on University Premises and at University Sponsored Activities. Cannabis, for the purpose of this policy, does not include FDA-approved substances or industrial hemp as permitted by federal law.
4. “Case Manager” means the trained and impartial person designated by the Senior Director to meet with the Respondent to discuss the allegations and the conduct process, investigate reported behaviors, and/or manage alleged violations through resolution, as determined by written procedure.
5. “Complainant” means a person that has been the subject of a Student’s alleged misconduct when the case involves allegations of Discriminatory Misconduct and/or crimes of violence (as defined by [34 CFR Part 99—Family Educational Rights and Privacy](#)). How, and when, a Complainant may interact with the conduct process is further defined by written procedure.
6. “Consent” is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. The ability to give Consent may be impacted by mental or physical incapacitation, including

that from the use of alcohol or other drugs. Consent is further defined by University policy (See [AD91](#) and [AD85](#)).

7. “Decision-maker” means a trained and impartial person or persons designated by the University to administer the formal resolution process, make a decision regarding the alleged violation(s) based upon a preponderance of the evidence, and/or impose an action plan, as determined by written procedure. When the Respondent is an individual student and suspension or expulsion will be considered as an administrative sanction, the Case Manager may not serve as the Decision-maker.
8. “Impacted Person” means any person, who is not a Complainant, adversely impacted by a Student's misconduct. How, and when, an Impacted Person may interact with the conduct process is defined by written procedure.
9. “Transcript Notation” means a notation reflecting a violation of this Code, including the administrative sanction, is noted on the Student's academic record. A Transcript Notation may be assigned as a part of another administrative sanction or may be assigned as a stand-alone administrative measure.
10. “Party” means the Respondent or, if applicable, the Complainant. An Impacted Person, Support Person, or Witness is not considered a Party to the conduct matter.
11. “Respondent” means a Student or Student Organization who allegedly violated this Code.
12. “Student” means (a) any person registered for or enrolled in a university academic course or program; (b) any person who has accepted an offer of admission to the university; or (c) any person who participates in university programs or activities that require Student status.
13. “Student Organization” means any registered or affiliate student organization as defined by [University policy](#).
14. “Support Person” means a person who accompanies a Respondent or Complainant to provide support, advice, or guidance. Any limitations regarding support persons are defined in written procedures or other relevant University policy.
15. “University Official” means a person having assigned University responsibilities (e.g., course instructor, staff member, police officer, etc.) who is performing their university duties. This includes students who have been authorized to act on behalf of the University, such as resident assistants.
16. “University Premises” includes all land, buildings, or grounds owned, leased or rented, operated, controlled, or supervised by the University and adjacent sidewalks and streets.
17. “University Sponsored Activity” means any activity, including all classes, programs, and events, that is directly initiated or supervised by the University, on or off University Premises.
18. “Written Notice” is delivery of mail to a party's local, permanent, and/or email address. Students are responsible for checking any/all email addresses listed on their Penn State Account. Students are responsible for providing the university with current and updated addresses, email addresses, and phone numbers.

## Section III: Scope, Authority, and Jurisdiction

1. The Senior Director of Student Accountability and Conflict Response (“Senior Director”) is the person identified by the University President to be responsible for the administration and interpretation of this Code across the Commonwealth and around the world. The Senior Director is responsible for developing [written procedures](#) for the practical application of this Code. For good cause, the Senior Director may make modifications to resolutions and/or procedures, permitted those modifications do not materially jeopardize the fairness owed to any party. The Senior Director may designate others, including designees at each Penn State campus, to fulfill any of the procedural responsibilities outlined in this Code.
2. The Code applies to each Student for behavior that occurs while they are a student, regardless of when the behavior is reported.
  - It applies to behavior that occurs during periods of suspension from the University.
  - It applies to behavior that occurs prior to, between, and following periods of enrollment, so long as the Student is eligible for continuing enrollment.
3. The Code also applies to the conduct of Student Organizations, as defined in this Code. Jurisdiction is retained for conduct that occurred when the Student Organization was recognized or registered, or in the process of becoming so, regardless of current status.
4. The Code applies to all activities on University Premises or University-supported virtual platforms, and during any University Sponsored Activity or Student Organization events and activities, regardless of location. The University may apply the Code to behavior that occurs elsewhere, including to behavior conducted online or through an electronic medium, when the University can demonstrate a clear and distinct interest, including when the behavior:
  - Causes substantial disruption to the University community or any of its members,
  - Involves academic work or any University records, documents, or identifications,
  - Indicates the student or student organization may present a danger or threat to the health or safety or themselves or others, or
  - Constitutes a violation of local, state, or federal law.
5. Those with knowledge of possible violations of this Code are encouraged to submit reports as soon as possible. A delay in reporting may negatively impact the University’s ability to gather relevant and reliable information, or to assign an action plan to a Respondent found in violation of this Code.
6. Proceedings under the Code are separate from civil or criminal proceedings and may, at the discretion of the Senior Director, be carried out prior to, simultaneously with, or following civil or criminal proceedings.
7. Students with other affiliations, including but not limited to student-organization membership, University-affiliated programs (e.g., club sports, ROTC, etc.), academic programs, NCAA athlete

status, University appointment or employment, or visa status, may be subject to applicable processes or standards in addition to this Code.

## Section IV: Prohibited Conduct

Prohibited Conduct includes engaging in or attempting to engage in any of the actions or behaviors set forth in this section. It further includes encouraging, inciting, or supporting another person to engage in this conduct by maintaining presence during the planning or implementation of, or otherwise assisting in, any known or obvious violation of the Code in such a way as to condone, support, or encourage such prohibited conduct. Students who anticipate or observe a potential violation of university policy are expected to remove themselves from participation and are encouraged to report the behavior.

### 1. Substance Use Misconduct

- Causing another to ingest: Causing another to ingest alcohol, cannabis, or other controlled substance without their awareness.
- Excessive consumption: Being under the influence of alcohol, cannabis or other controlled substance, or any other mind-altering substance to the degree that the person may be a health or safety risk to themselves, others, or property.
- Impaired driving: Operating a vehicle while under the influence of alcohol, cannabis, or other controlled substance.
- Furnishing or producing: Furnishing, cultivating, producing, distributing, or selling alcohol, cannabis, or other controlled substances, including prescription medication, except as expressly permitted by both State and Federal law.
- Possession or consumption.
  - Alcohol: Possession or consumption of alcohol by those under the legal drinking age, or by those of the legal drinking age in unauthorized areas.
  - Cannabis: Possession or consumption of cannabis, except as expressly permitted by both State and Federal law.
  - Other Controlled Substances: Possession or consumption of a controlled substance, including prescription medication, except as expressly permitted by both State and Federal law.
- Tobacco: Smoking and tobacco use, including “vaping,” is prohibited on University Premises and in university vehicles, except as exempted by university policy (See [AD32](#)).
- Unreasonable risk: Failure of a student organization to take reasonable steps to ensure that no person unlawfully is furnished with, possesses, or consumes alcohol, cannabis, or other controlled substances at a group-sponsored, organized, financed, or endorsed activity or event, or within property or transportation it owns, operates, or rents.

### 2. General Misconduct

- Damage and/or destruction: Damage to or destruction of University property or the property of another. Includes making a mess that requires professional cleaning to remove.
- Disruption or interference: Engaging in behavior that could reasonably be foreseen to cause, or that causes, the disruption of or interference with:
  - The investigation and/or adjudication of alleged misconduct,
  - The process of instruction, research, service, administration, or any other University operation, including University Sponsored Activities,
  - The rights of others to sleep, study, and/or freely participate in university programs or services,
  - An environment conducive to learning, or
  - Freedom of movement on University Premises, either pedestrian or vehicular.
- Failure to comply: Failure to comply with any reasonable directives from University or public officials in the performance of their duties. This includes but is not limited to, failures to present identification when requested, report to an administrative office, adhere to no-contact-directives and/or interim actions, remove oneself from University Premises, comply with an adaptable resolution agreement, complete conduct outcomes and/or sanctions, and cease and desist.
- Falsification and/or fraud:
  - Knowingly providing/presenting, creating, or possessing falsified or forged material, records, or documents.
  - Intentional misrepresentation of fact to obtain or attempt to induce another to surrender a right, benefit, or property.
  - Falsely presenting oneself as a university or public official.
  - Intentionally initiating any false report or providing false or misleading information during a resolution process.
  - Providing false or misleading information to a person acting in their capacity as a university or public official.
- Harassment: Engaging in behavior that is sufficiently severe, pervasive, or persistent and objectively offensive to a degree that it interferes with a reasonable person's ability to work, learn, live, or participate in or benefit from the services, activities, or privileges provided by the University.
- Hazing: Conduct prohibited by the University's Anti-Hazing Policy ([AD98](#)).
- Physical Contact: Subjecting another to unwanted physical contact, such as shoving, kicking, spitting, smacking, or grabbing.
- Physical Violence: Inflicting bodily harm upon or using physical force against any person or animal. Includes but is not limited to assault, fighting, or restraining someone against their will.

- Public exposure: Exposing one's genitals in a public place or where members of the public could see, including but not limited to exposure that may occur during sexual activity or public urination or defecation, *and* when such exposure could reasonably be foreseen to cause people to be offended or alarmed.
- Retaliation and/or deterrence: Conduct prohibited by the University's retaliation policy ([AD67](#)). Retaliation includes any adverse action taken toward a person who is, or is perceived to be, engaged in a report, an investigation, or University or legal proceeding, because that person participated in the process or to deter a person from participating in the process. Adverse action does not include petty slights or trivial annoyances. For example, giving someone angry looks, refusing to socialize with someone, and/or making justified, negative comments about someone would not generally constitute retaliation.
- Safety hazard: Any action or behavior that endangers the health or safety of others including but not limited to tampering with firefighting equipment or smoke detectors or causing a false alarm.
- Theft and/or possession: Taking or using money, property, services, or any item of value without authorization or possessing, retaining, or disposing of any stolen property even if there is or was intent to return the property.
- Threatening behavior: Any direct or implied physical, written, or verbal conduct that causes a reasonable fear of physical harm to any person or damage to any property or that was intended to cause such fear, regardless of whether the student has the actual intention or ability to carry out any threatened action(s), or whether the threat is made on a present, conditional, or future basis.
- Unauthorized access or use: Unauthorized access to, entry to, or use of physical or virtual space, including misuse of access privileges. Unauthorized use of university electronic resources, property or services, or the property of others. Includes conduct prohibited by university policies [AD57](#), [AD95](#), and [AD96](#).
- Unwanted contact: Repeated contact or communication to another person when the contacting person knows or should know that the contact or communication is unwanted by the other person, and:
  - The contact would cause a reasonable person fear of physical harm;
  - The contact is made with intent to cause psychological or mental harm; or,
  - The contacting person knows or should know that the contact or communication significantly impacts the other person's ability to perform the activities of daily life
- Violation of law: Any action or behavior which violates federal, state, or local law.
- Violation of university regulation: Any action or behavior that violates written University policies or regulations contained in any official publication, administrative announcement, contracts, and/or postings, including University websites.

- Violation of university housing contract: Behavior prohibited by the Housing and Food Service Contract when the alleged violation occurred within University Housing and the respondent is a resident of a Penn State Residence Hall.
- Weapons: Possession and/or use of explosive materials, firearms, ammunition, or other weapons, or use of an object or substance as a weapon, is prohibited on University Premises and at University Sponsored Activities unless expressly authorized by law and applicable university policy. Includes conduct prohibited by university policies [SY08](#) and [SY12](#).

### 3. Academic Misconduct

- Violation of academic integrity policy: Any action or behavior prohibited by university policies regarding academic integrity, including but not limited to [G-9](#).

### 4. Discriminatory Misconduct

- Any action or behavior prohibited by the University's Title IX Sexual Harassment Policy (AD 85) and Discrimination and Harassment and Related Inappropriate Conduct Policy (AD91), including but not limited to Discrimination, Harassment, Sexual Assault, Stalking, Dating and/or Domestic Violence, Title IX Sexual Harassment, and Sexual Exploitation.

## Section V: Responding to Reports of Prohibited Conduct

1. **Report.** Any person may report suspected misconduct by a Student or Student Organization for review. Within a reasonable time, the Senior Director will determine whether a report alleges a potential violation of the Code, and whether the matter requires further response. If yes, the Senior Director may refer the alleged violations for an adaptable resolution, formal student conduct action, or another resolution process. If a resolution process is not pursued, the University may respond in other ways to facilitate dialogue or education.
2. **Adaptable Resolution Pathway.** The Senior Director may determine that an adaptable resolution process (restorative practices, deferred adjudication, mediation, etc.) is appropriate at any time before an administrative conference. Participation in an adaptable resolution process must be voluntary.
3. **Students with Disabilities.** A Student requesting an accommodation must follow the appropriate process for requesting an accommodation through their Campus Disability Coordinator. That University Official will make a determination regarding the request and notify the appropriate parties. In most instances, a Respondent's disability will not be relevant to finding whether a conduct violation occurred. The extent to which the disability contributed to the prohibited conduct may, however, be considered a mitigating factor during the creation of an Action Plan.
4. **Formal Student Conduct Action.** *Consult the applicable [written procedures](#) for specific information about the processes for investigating and formal resolution of alleged violations of this Code. See Section VI and Section VII for specific information about the resolution of Academic Misconduct and*



*Discriminatory Misconduct.* In all cases where the Senior Director has deemed formal student conduct action to be appropriate, the following provisions apply:

- *Notice.* Each Party will be issued Written Notice of the allegations.
- *Burden of Proof.* The burden of proof for finding a violation rests with the University. The Respondent is presumed to be not in violation until such a time as the Respondent accepts responsibility or is found in violation, based on a preponderance of the evidence, at the conclusion of the formal student conduct process.
- *Informational Meeting.* The Respondent may choose to attend an informational meeting. This meeting includes a review of the allegations, an explanation of the student conduct process, and an opportunity to review appropriate options for resolving the matter. While not required, the Respondent may choose to share information about the reported incident during the informational meeting.
- *Accepting Responsibility.*
  - When suspension or expulsion will not be considered as a possible administrative sanction, the Respondent may be issued a Violation Agreement which includes the alleged violation(s) and an Action Plan. Respondents who do not wish to accept responsibility will be afforded an administrative conference upon request. If the Respondent does not request an Administrative Conference within three business days of the Violation Agreement offer, the Respondent will be deemed to have accepted the violation(s) and have agreed to complete the outlined Action Plan.
  - A Respondent who is subject to suspension or expulsion may choose to accept responsibility for the alleged violations and waive the administrative conference. As stated above, the Respondent is presumed “not in violation” for the allegations, and offering such an agreement does not imply predetermination of responsibility. Such an agreement may include knowingly, voluntarily, and explicitly waiving any opportunity to appeal.
- *Administrative Conference.* This decision-making meeting is an administrative proceeding not comparable to a criminal or civil trial. The administrative conference is further defined by applicable [written procedures](#).
  - If the Respondent, after receiving notice of the administrative conference, does not appear, the conference will proceed without the Respondent.
  - Following the administrative conference, the Decision-maker, applying a preponderance of the evidence standard, will determine if any violation of the Code occurred. An Action Plan will also be assigned, if applicable.
- *Student Organization Violations.* In determining whether a Student Organization is in violation, in addition to the above, the Decision-maker may consider whether:
  - The violation arose from a group-sponsored, organized, financed, or endorsed activity or event;

- The organization provided the impetus for the violation;
- The violation occurred on the premises or transportation owned, operated, or rented by the group;
- A group leader had knowledge that the violation was likely to occur before it occurred and failed to take corrective action; or
- A pattern of individual violations is found to have existed without proper and appropriate group control, remedy, or sanction.

5. **Action Plan.** When a Respondent accepts responsibility or is found in violation of the Code, they are assigned an action plan. The action plan is intended to promote reflection and growth, repair any harm caused, and help the Respondent recommit to institutional values. The following describes the outcomes and sanctions that may be imposed, individually or in various combinations, as a part of an action plan.

- Outcomes.
  - Educational Outcome: The Respondent is required to complete a project or activity designed to promote learning and prompt changes to behavior and prevent further misconduct. Educational outcomes may include but are not limited to, workshops, seminars, meetings, assignments, and substance use assessments.
  - Reflective Outcome: The Respondent is required to complete a project or activity designed to promote self-reflection on one's actions and the impact of those actions on others.
  - Restorative Outcome: The Respondent is required to complete a project or activity designed to address the impact of the behavior and repair harm caused to any person and/or community.
- Administrative Sanctions.
  - Formal Warning: The Respondent is given official notice that their conduct is in violation of the Code, and that future violations may result in more significant student conduct action.
  - Conduct Probation: The Respondent is given official notice that their continued relationship with the University is conditional and dependent upon demonstrated and sustained compliance with university policy and the assigned Action Plan. Eligibility for certain University Sponsored Activities may be restricted while a Respondent is on Conduct Probation. The period of probation can last from one semester to multiple semesters, or indefinitely.
  - Suspension.
    - Individual Suspension: The Respondent is ineligible to register for, attend, or participate in University Sponsored Activities, and to live in university housing for a specified period of time. A Transcript Notation is applied for the length of the suspension and may not be removed until completion of the Action Plan. A

suspension may also include an exclusion, see below, from some or all University Premises.

- **Organizational Suspension:** The Student Organization loses all rights and privileges associated with being a recognized student organization, must cease any organizational activity or function, and is prohibited from engaging in any organizational activity or function for a specified period of time.
- **Indefinite Suspension:** An Individual or Organizational Suspension that is applied for an indefinite period of time. The Respondent may request the Indefinite Suspension be lifted, in accordance with applicable procedures, after a specified period of time.
- **Expulsion.**
  - **Individual Expulsion:** The Respondent is permanently expelled from the University and is prohibited from participating in University Sponsored Activities or residing in university housing. A permanent Transcript Notation is applied. An expulsion may also include an exclusion, see below, from some or all University Premises. This sanction requires administrative review and approval by the University President.
  - **Organizational Expulsion:** The Student Organization permanently loses all rights and privileges associated with being a recognized student organization. This sanction requires administrative review and approval by the University President.
- **Exclusion:** The Respondent is not permitted to appear at or be present on all, or a specified portion of, University Premises, including virtual spaces, without advance written permission from the Senior Director.
- **University Housing Action.**
  - **Housing Reassignment:** The Respondent is relocated to an alternate residence hall assignment(s).
  - **Loss of Housing:** The Respondent is ineligible to reside in university-owned or operated housing for a designated period of time. During this designated period, the Respondent may not be present in any private residential areas, such as a resident's room or suite, of any University-owned residence hall or apartment building. If applicable, the Respondent is removed from any current and/or future residence hall assignment. This sanction may be reviewed by the Senior Director of Residence Life.
- **Loss of Privileges:** The Respondent is denied specified privileges normally associated with Student status or recognized Student Organization status, such as participation in or sponsorship of University Sponsored Activities or use of university property or facilities.

- Restitution: The Respondent is required to replace or restore damaged, stolen, or misappropriated University property.
- Conditionally Held Sanction: Any administrative sanction may be issued in a conditional status, meaning the sanction is considered inactive contingent upon compliance with a designated set of conditions, including no further Code violations for a specified period of time. Failure to comply may result in the conditional sanction going into effect immediately. Conditionally held sanctions may only be appealed at the time they are issued. Appeals at the time they go into effect will not be considered.
- Other administrative measures, as appropriate.
- Aggravating and Mitigating Factors. The Decision-maker, at their discretion, will consider any aggravating and/or mitigating factors related to the violation(s) when determining Administrative Sanctions. An Act of Bias is considered an aggravating factor and therefore will typically result in a more significant sanction(s).

**6. Appeals.** If the Respondent was subject to suspension or expulsion, at the time of the administrative conference, a Party may choose to appeal the administrative conference decision within five business days to the designated Appeals Body. Appeals must be in writing, state the basis for the appeal, and be delivered as directed in the [applicable written procedures](#).

- Except for new information, an appeal is limited to the written record. An appeal will only be accepted for one or more of the following purposes (Basis for Appeal):
  - To determine whether there was any procedural irregularity, including bias, that significantly affected the outcome of the matter;
  - To determine whether the action plan imposed was appropriate for the violation(s); and/or
  - To consider new information that could alter a decision, only if such information could not have been known to the appealing party at the time of the administrative conference.
- After considering an appeal, the Appeals Body may either modify the action plan or send the matter back to the Senior Director with a recommendation for additional fact-finding, other resolution, or dismissal of the case. If the Appeals Body grants an appeal based on "new information," the only action they may take is to send it back to the Senior Director with a recommendation for additional fact finding, other resolution, or dismissal of the case.

## Section VI: Resolution of Academic Misconduct Allegations

**1. Academic Misconduct Procedures.** The definitions and procedures for resolving allegations of Academic Misconduct at Penn State are set by university policies on academic integrity, including G-9. Unlike the other forms of prohibited conduct outlined in this Code, the resolution of an allegation

of academic misconduct is managed by the instructor and the respective college, school, or campus academic integrity committee. During the academic resolution process, there is a determination of whether the student violated that policy, and, if so, an academic sanction (e.g., reduced grade, failure for the course, etc.) may be applied at that time.

2. **Determining an Action Plan.** If a student accepts responsibility or is found in violation following the academic resolution process, a referral is made to the Office of Student Accountability & Conflict Response for recordkeeping and to decide if any administrative sanction and/or educational outcome(s) should also be applied, considering the nature and severity of the academic misconduct, any recommendation of administrative sanctions from the instructor or committee, and whether the Respondent has previous academic misconduct violations. The academic sanction, as assigned by the faculty, college, or department, is not considered part of the Action Plan. When it is decided that an Action Plan should be applied, the Respondent will have the opportunity to agree to the proposed Action Plan, or to proceed to an Administrative Conference for the sole purpose of determining an Action Plan. The Administrative Conference does not allow for a reconsideration of the finding of an academic integrity violation. When the Action Plan does not include suspension or expulsion, the case manager will assume the student agrees to the Action Plan if the student does not request an Administrative Conference within 3 business days of written notice.
3. **Appealing a Suspension or Expulsion.** Should an Action Plan include Suspension or Expulsion, the Respondent may choose to submit an appeal, to determine whether the Action Plan is appropriate. Neither the academic sanction nor the finding of a violation may be appealed in the student conduct process. Appeals must be in writing and submitted to the Senior Director within five business days.

## Section VII: Resolution of Discriminatory Misconduct Allegations

1. **Discriminatory Misconduct Procedures.** In accordance with university policy, allegations of Discriminatory Misconduct are resolved in accordance with the procedures set forth by AD85. Should there be a conflict between this Code and those procedures, the AD85 policy will supersede this Code.
2. **Consolidation of Allegations.** When a Discriminatory Misconduct case also involves allegations of General Misconduct and/or Substance Use Misconduct, the Senior Director may refer those allegations to be resolved with the Discriminatory Misconduct allegations in accordance with the procedures outlined in the AD85 policy. The decision to consolidate is discretionary and may not be appealed.

## Section VIII: Interim Action

The Senior Director may impose an interim action(s) for a Student or Student Organization when, in the professional judgment of the Senior Director or designee, it is necessary to address a threat to the health or safety of any person, a threat to property, or a disruption or interference with the normal operations of the University, or when the Student is arrested for and/or charged with a serious violation of state or federal law. The Senior Director may authorize other University Officials to take temporary, emergency action outside of business hours, to address an urgent concern, until a determination can be made regarding whether an interim action is appropriate. Emergency actions will be in place for no more than two business days before they are removed or replaced by an interim action.

1. Interim action may include any of the following administrative measures, including but not limited to:
  - Interim suspension from the University;
  - Interim removal from, or relocation within, University-owned or operated housing facilities;
  - Restrictions on the Student's presence on University Premises;
  - Restrictions on the Student's or Student Organization's privileges to participate in University Sponsored Activities.
  - A mandated threat assessment by a qualified psychiatric professional;
  - A notation on the Student's transcript;
  - A directive prohibiting the Student from having contact with another person(s) and/or
  - An administrative hold which would prevent registration and/or the Student from graduating, if applicable.
2. When the interim action takes place, the Senior Director will inform the Respondent of the reason for the interim action.
3. An interim action is reviewed by the Assistant Vice President for Student Affairs, or designee, at the request of the Respondent. The review provides an opportunity to explain, in writing, why an interim action need no longer be imposed, or should be altered. The written request must include rationale for the request and any document that supports the respondent would not pose a threat of harm to person or property, or cause disruption to normal campus operations.
4. Based on the reasonable evaluation of the information presented, the Assistant Vice President of Student Affairs, or designee, will notify the Respondent of the decision, typically within five business days, to:
  - Remove the interim action and take no further formal action;
  - Remove the interim action but proceed with the student conduct process; or
  - Maintain or modify the interim action until such time as a resolution is reached at the conclusion of the student conduct process.
5. The interim action remains in effect while any review is pending. If upheld, subsequent review of the same interim action may be requested, at most, every ten business days.

## Section IX: Retention and Disclosure of Student Conduct Records

- 1. Student Conduct Records.** Reports will result in the creation of an education record in the name of the Respondent. These records, including any additional relevant documentation, will be maintained for a minimum of seven years in accordance with state and federal law. The University reserves the right to keep records for a longer period of time as deemed necessary. If applicable, an education record in the name of the Complainant and/or Impacted Person will be maintained for the same period of time. Upon the finding of a violation of this Code, the Respondent's education record will also be considered a student conduct record and may be disclosed in accordance with written procedure.
- 2. Disclosure of Records.** Typically, student conduct records will not be released to an external third party unless the student consents, or in certain circumstances when permitted or required by University policy or law. Student conduct records may be disclosed for as long as they are maintained. The University will not disclose "external non-disclosure" records or pending conduct matters to an external third party unless required by law, such as in response to a subpoena or court order, or when other lawful disclosure is appropriate.
- 3. External Non-Disclosure Request.** The Senior Director may designate student conduct records as non-reportable for external disclosure. Non-reportable for external disclosure means that, while the University will continue to maintain the record in accordance with standard practice, the University will not disclose those records to an external third party (e.g., transfer institution, future employer, graduate school, etc.) except as required by law (e.g., court order). First-time violations that result in a conduct warning will be automatically designated as "non-reportable." Respondents may also request that the Senior Director designate additional records to be "non-reportable."

## Section X: Student Code of Conduct Adoption and Revision

1. Any question of interpretation regarding the Code shall be referred to the Senior Director for final determination.
2. The Student Conduct Advisory Committee provides peer perspective on matters of student behavior and academic integrity at Penn State.
  - o The Committee will assist the Senior Director by:
    - Reviewing the Code and making suggestions for changes and updates.
    - Exploring new and innovative ways to increase student and faculty awareness of and involvement in the Student Accountability and Conflict Response program.
  - o The Senior Director will provide the Committee with an annual report which includes:

- An articulation of currently published procedures.
- An overview of the previous year which illustrates cases, violations, and sanctions, as well as trends regarding student behavior, demographics information, and the implementation of adaptable resolutions.
- The Senior Director retains the authority to immediately enact and enforce changes to the Student Code of Conduct. The Student Code of Conduct supersedes all previous versions of this Code at the time it is published on the University website.

Penn State Student Affairs

## Student Accountability and Conflict Response

### **Location**

120 Boucke Building

University Park, PA 16802

StudentConduct@psu.edu