

HOWARD UNIVERSITY

Student Code of Conduct

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PREAMBLE

Howard University affirms that the central purpose of a university is the pursuit of truth, the discovery of new knowledge through scholarly research, the teaching and overall development of students, and the transmission of knowledge and learning to the world at large. However, the establishment and maintenance of a community where there is freedom to teach and to learn is dependent on maintaining an appropriate sense of order that allows for the pursuit of these objectives in an environment that is both safe and free of invidious disruption.

Rules and regulations are necessary to mark the boundaries of this needed order. However, the rights of the individual demand that honesty, integrity, responsibility, and respect for persons and property must form the core values upon which those rules and regulations are based. All members of the University community share a mutual responsibility to practice these values.

It is expected that student conduct will be in concert with, and supportive of, the University's central purpose and core values. Examples of prohibited student behavior are described in this *Student Code of Conduct* ("Code"). Behaviors that reasonably indicate a violation of the Code will give rise to the immediate consideration of resolution through the University's disciplinary process.

The Code is applicable to all students, which includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional or unclassified studies. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular semester or term, but have a continuing relationship with the University, or who have been notified of their acceptance for admission are considered "students," as are persons who are living in University residence halls, although not enrolled in this institution. Those persons include, but are not limited to new, continuing or transfer students, participants involved in pre-college programs, workshops, seminars, special classes, summer programs, athletic programs, and camps affiliated with the University. The Code applies to all locations of the University and to all student groups and organizations as referenced in the Code.

It is the responsibility and duty of students to become acquainted with all provisions of the Code. It is presumed that every student, from the date of his/her initial acceptance at the University, has knowledge of the Code, the *Academic Code of Conduct*, the *University Code of Ethics and Conduct*, as well as policies and procedures contained in the *H-Book*, the *Bulletin*, the *Student Reference Manual*, and the *Directory of Classes*. All students are deemed to have agreed to the Code and are required to adhere to the Code as a condition of enrollment at the University.

SECTION I: SCOPE, LIMITATIONS, AND APPLICABILITY OF THE CODE

The Code applies to incidents occurring on campus and, as further explained below, to some situations occurring off-campus. Incidents that involve students and that occur at institutions that are part of the Washington Metropolitan Area Consortium of Universities are also subject to this Code. Students who are involved in clinical rotations, practicum, internships, externships or other activities directly involved with an academic program of study are also subject to the Code.

The actual daily administration, enforcement and operation of the University's judicial program are delegated to the Office of the Dean for Special Student Services (ODSSS).

This Code does not address academic offenses. The University's schools and colleges administer the academic disciplinary process. Students must contact the appropriate school or college for information on disciplinary procedures regarding academic issues.

Judicial action against any student committing a violation of the Code off-campus will be considered on a case-by-case basis upon receipt of the filing by a Complainant of an *Allegation of an Off-Campus Violation of the Howard University Student Code of Conduct* form. The Complainant must obtain the form from the ODSSS, and the form must be completed and returned to that office. After review of the form, ODSSS will make a determination of its appropriateness for University disciplinary action. Examples of off-campus matters that would typically be excluded from resolution under the Code are landlord/tenant disputes, certain personal business matters with off-campus entities, and non-violent domestic issues. Disciplinary action may be taken with respect to any student convicted of, or charged with, a felony or misdemeanor, as delineated in Section V: Special Provisions on Students Charged With Or Convicted of A Criminal Act.

Depending on the severity or nature of the charge, students who violate the *Code* are subject to a range of disciplinary actions up to and including suspension or expulsion and may be barred from all University-owned and operated property and all University-sponsored events and activities.

The consequences are serious for students who are charged and/or found guilty of misconduct under this *Code*. Therefore, any member of the University community, who knowingly and willfully misuses the procedures of the *Code* to harm another member of the University Community, shall be subject to disciplinary action.

SECTION II: COOPERATION WITH LAW ENFORCEMENT AUTHORITIES

The University cooperates fully with law enforcement authorities and violations of the *Code* that are also violations of federal or local law may be referred to the appropriate non-University authority. Proceedings under the *Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean for Special Student Services. Determinations made or sanctions imposed under the *Code* shall not be subject to change because criminal charges arising out of the same facts as a result of the violation of University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

The Howard University Police Department (HUPD) works closely with area law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). HUPD officers have full powers of arrest, search, and seizure on all University-owned and operated property and are usually the first to respond to calls for police services on campus. However, complainants may request that MPD respond to any reported offense or incident that may violate the law.

SECTION III: STUDENT RIGHTS, FREEDOMS, AND RESPONSIBILITIES

With appreciation for the tradition of freedom of expression on campus, the University reasserts its commitment to fostering and tolerating different viewpoints. It acknowledges that points of view will diverge and that some students will believe it necessary to express themselves by means of protest. However, the University will not tolerate disruption to its academic mission nor the means of protest that interfere with the legitimate rights of others.

1. General Rights and Freedoms

Students shall have the following rights and freedoms:

- A. As members of the University community, all students are guaranteed freedom of expression, inquiry and assembly, the right to form a student government, organize groups, to join associations in support of any cause or common interest, and to peacefully protest, provided that such activity is conducted in a legal manner, is in accordance with University regulations, and does not abridge the rights of others.
- B. Students have the right of fair access to all educational opportunities and benefits available at the University in an environment that is safe and free of invidious harassment, discrimination, or intimidation.
- C. Students have a right to privacy in accordance with the policy expressed in the Family Educational Rights and Privacy Act of 1974 (FERPA).
- D. Students have the right and responsibility to report, in good faith and without fear of retaliation, violations of this *Code*, the *University Code of Ethics and Conduct*, and violations of any other policy of the University, to appropriate academic or administrative officers of the University.

2. Procedural Rights and Freedoms

Students accused of violating this *Code* have the following rights:

- A. To have access to all University policies and procedures regarding the functioning of the disciplinary process.
- B. To be informed of and to have explained as required the pending charges.
- C. To be free from intimidation by University employees in the resolution of disciplinary matters.
- D. To face accuser(s) and have the opportunity to cross-examine them and any witnesses.
- E. To be free from searches or seizures unless based on reasonable cause by appropriate officials. In accordance with written procedures approved by the Vice President for Student Affairs, searches and seizures may be made by the Vice President for Student Affairs and his/her designee, housing staff, University officers and officials and University Police.

F. To have a fair and impartial hearing before an appropriately appointed hearing board, appeal board, or Administrative Hearing Officer.

3. Responsibilities

All students share the following responsibilities:

- A. To read, become familiar with and adhere to the *Code*, the *University's Code of Ethics and Conduct*, the *Academic Code of Student Conduct*, the *Student Reference Manual*, the *H-Book*, and the relevant academic Bulletin of the school or college in which the student is enrolled.
- B. To respect the personal and property rights of others and to act in a responsible manner at all times.
- C. To protect and foster the intellectual, academic, cultural, social, and other missions of the University.
- D. To observe the laws of local, state, and federal governments.

SECTION IV: EMERGENCY ACTION SUSPENSIONS AND INVOLUNTARY ADMINISTRATIVE TOTAL WITHDRAWALS

1. Emergency Action Suspension

As the Chief Executive Officer of the University, the President holds the ultimate authority in matters of student discipline. Unless otherwise exercised or modified by the President, this emergency authority is delegated to the Dean for Special Student Services.

On rare occasions, this authority may be exercised on an exigent basis to protect a student's own physical or emotional safety and well-being, University property and/or the health and safety of particular individuals and/or the University community, or to prevent the threat of disruption of, or interference with, the normal operations of the University. On such occasions, the President or Dean for Special Student Services may take emergency administrative action to immediately suspend a student's enrollment. The student will be notified in writing and/or orally of this action and the reasons for the suspension. An Emergency Action Suspension Hearing (EASH) will be held as soon as one can be convened, within thirty (30) days from notification of action. The purpose of the EASH will be to determine if the student may remain enrolled until a regular Disciplinary Hearing, as described in Section V of the *Code*, is held and a decision is rendered. The notice will include the time, date and place of the hearing.

2. Involuntary Administrative Total Withdrawals

In situations where the University cannot effectively monitor or control the conditions or behaviors of certain students, it reserves the right to effect an Involuntary Administrative Total Withdrawal. In circumstances where the mental, emotional and/or physical welfare of the student and the various elements of the University community are in jeopardy, or where the student's behavior and conduct becomes an imminent danger, it may become necessary to take emergency action to temporarily or permanently separate a student from the campus community. Further, the University reserves the right to contact the student's parent, guardian, or next of kin in the event of a medical emergency. The Family Education Rights and Privacy Act (FERPA, 34 CFR 99.36) provides for the release of normally protected student information when it is believed that the student represents a health or safety risk to self or others.

This policy will be instituted in the event that a student (a) demonstrates behaviors or lack of good judgment, suicidal behaviors, self-destructive behaviors, or has untreated or uncontrollable medical or mental conditions which result in actual or possible imminent danger of injury to themselves or members of the University community; (b) demonstrates an inability, without adequate care, to satisfy personal needs, to include activities of daily living, nourishment and maintenance of shelter; (c) demonstrates a behavior due to mental, emotional, or medical incapacitation which poses an imminent danger of causing significant property damage, or directly and substantially impedes the lawful activities of others, interferes with the educational process or the orderly operation of the University; or (d) fails to comply with requirements to adhere to the instructions and guidelines of the clinical/medical staff of the University Counseling Service, Student Health Center or Howard University Hospital, as a result of an episode of mental or medical crisis intervention.

During the period of involuntary administrative total withdrawal, a student may be denied access to the campus, classes, residence halls, University activities, and denied privileges for which the student might otherwise be eligible, as the Dean for Special Student Services may determine to be appropriate. In making this determination, the Dean for Special Student Services will consult with appropriate academic administrators and health care professionals, to include but not limited to the Dean for the University Counseling Service and the Medical Director of the Student Health Center.

Timeline of Process

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension or Involuntary

Administrative Total Withdrawal, unless the student makes a written request asking that the hearing occur sooner than thirty (30) days. However, if the student submits a written request for an earlier hearing date, the hearing will not occur any sooner than ten (10) business days following receipt of the written request. The Dean for Special Student Services will notify the student in writing and/or orally indicating the reason for the Emergency Action Suspension or Involuntary Administrative Total Withdrawal and the date, time and place of the hearing. Appropriate University personnel may be present and/or consulted at this meeting. Parents, spouses, or any persons who would be of support to the student may, with the consent of the Dean for Special Student Services and the student, participate in the hearing.¹ At the hearing, the University will state its reasons for concern and the student will be given an opportunity to respond.

The Dean for Special Student Services will notify the student in writing of the decision and the basis for the decision within ten (10) business days of the hearing. If it is determined that the student does not present a threat to himself/herself or others, the student will be permitted to continue as a student. If the decision is that the Emergency Action Suspension or Involuntary Administrative Total Withdrawal shall remain in effect, the communication will indicate what, if any, stipulations may govern his or her return to the University. Such stipulations may include providing certification from a healthcare professional indicating the student is able to return to the University. The Section 504 Coordinator may be involved when a student seeks a return to the University.

Appeal

Students who wish to appeal Emergency Action Suspensions and Involuntary Administrative Total Withdrawals shall submit their appeal to the Dean for Special Student Services, who will forward the appeal through the Vice President for Student Affairs to the Provost or to the Senior Vice President for Health Sciences. In those cases where internal and/or external health professionals were consulted, a report of findings and response to the appeal will be obtained.

In those cases, where internal and/or external health professionals were consulted, a report of findings and response to the appeal will be obtained. In addition, the President or Dean for Special Student Services may require the student, at his or her expense, to obtain a psychiatric/medical evaluation from appropriate professionals external to the University to be presented. The Office of the General Counsel will be consulted for legal advice before a final decision regarding the appeal of an emergency action is reached. There shall be no further appeal of this decision.

SECTION V: EMERGENCY ACTION SUSPENSION OF STUDENTS CHARGED WITH A CRIMINAL ACT

A student charged with a crime, either a misdemeanor or felony, by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Dean for Special Student Services.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Code* without regard to the pendency of the civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this *Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus at the discretion of the Dean for Special Student Services. Determinations made or sanctions imposed under this *Code* shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the *Code* were dismissed, reduced, or resolved in favor of or against the criminal defendant.

Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines there is a risk of substantial harm to the health or safety of the student or other individuals or to prevent the threat of disruption of, or interference with, the normal operations of the University. An individualized assess.emt will be made after consultation with the Office of the General Counsel and after considering the best available objective information.

Timeline of Process

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension, unless the student makes a written request asking that the hearing occur sooner than thirty (30) days. However, if the student submits a written request for an earlier hearing date, the hearing will not occur any sooner than ten (10) business days following the receipt of the written request. The Dean for Special Student Services will notify the student in writing and/or orally indicating the reason for the Emergency Action Suspension and the date, time, and place of the hearing.

A student may be suspended or expelled prior to the final resolution of the criminal matter, but a student has the affirmative duty to notify the University of the conclusion of the matter. After being duly notified of the scheduled disciplinary hearing, if the charged student is unable to appear due to incarceration or incapacitation at the time of the regular disciplinary hearing, the student may request in writing that the disciplinary hearing be postponed and rescheduled when he or she is able to appear, or after the conclusion of the criminal proceedings.

Additionally, the student has an affirmative duty to notify the University of any status change in the criminal matter. If a student does not provide such notice or fails to communicate with the University within one (1) calendar year, the University will take measures for permanent expulsion.

University Decisions Upon Criminal Conviction

It is the University's policy that a student convicted of a felony shall be expelled from the institution, irrespective of the student's current enrollment status. A decision about the continued enrollment of any student convicted of a misdemeanor will be made on a case-by-case basis by the Dean for Special Student Services, which may be appealed through the Office of the Vice President for Student Affairs to the Office of the Provost or the Office of the Senior Vice President for Health Affairs for students in the Division of Health Affairs.

SECTION VI: FILING A COMPLAINT AND REQUEST FOR UNIVERSITY DISCIPLINARY ACTION AND NOTIFICATION TO THE ACCUSED

Reports of violations of the *Code* may result from a written Incident Report taken by Campus Police. If a charge of a violation of the *Code* is not made as a result of such report, it is the responsibility of the Complainant, whether a student or University employee, to take action to pursue resolution of a violation. First, the Complainant must review the *Code* to determine the specific provisions violated by the Accused Student. Second, the Complainant must obtain, complete, and file a *Request for Resolution of an Alleged Violation of the Student Code of Conduct* form within fourteen (14) calendar days of the incident or knowledge of the incident. Forms submitted after this fourteen (14) calendar day period will only be resolved if extenuating circumstances are present, and require approval of the Dean for Special Student Services. More than one provision of the *Code* may be cited in the complaint form. The forms are available in the Office of the Dean for Special Student Services.

The Accused Student will be notified by the Dean for Special Student Services of an alleged violation by certified letter and/or telephone call, and will be asked to report to the Dean for an interview. ODSSS will make reasonable efforts to contact the student at the local and/or permanent address.

SECTION VII: INITIAL ADMINISTRATIVE ACTION ON ALLEGATIONS OF VIOLATIONS OF THE CODE

If a determination is made by Dean for Special Student Services that a violation of the *Code* may have occurred, the Complainant(s) and the Accused Student(s) will be contacted by the Dean for Special Student Services within fifteen (15) business days after receipt of the completed *Request for Resolution of an Alleged Violation of the Student Code of Conduct* form.

Both the Complainant(s) and the Accused Student(s) will be required to put in writing their accounts of the incident. Upon written notification, the Complainant(s) and the Accused Student(s) may request that their full written accounts be submitted to the Howard University Police Department and substituted for the incident statement. The Accused Student(s) will be informed of the allegation and related information, and he/she will be given an opportunity to provide his/her version of the facts, and allowed to plead "Responsible" or "Not Responsible." The Incident Statements of the Complainant(s) and Accused(s) will be shared with both parties, upon request.

If the Accused Student(s) fails to respond within six (6) business days of the date of the communication, the Dean for Special Student Services may proceed with scheduling and convening a hearing to resolve the matter.

A plea of "Not Responsible" by the Accused Student(s) will result in an automatic remanding of the case to the appropriate hearing board or to an Administrative Hearing Office at the discretion of the Dean for Special Student Services. The Accused Student(s) and the Complainant(s) will be notified by mail of the date, time and place of the hearing.

All "Responsible" pleas by the Accused will result in an ODSSS review of the case and determination of appropriate sanction(s) to be imposed. The Complainant will receive written notification of the sanction(s). The sanction(s), not the plea, may be appealed in writing to ODSSS using the process for Filing an Appeal outlined in Section XVI, except when the Dean for Special Student Services appoints an Appeals Hearing Officer during periods when an Appeals Board cannot be convened.

SECTION VIII: PROHIBITED BEHAVIORS

The following is an illustrative list of the types of conduct, including actual conduct and attempts to engage in such conduct, which are prohibited by this *Code*. A reasonable suspicion that a student has engaged in or attempted to engage in, such prohibited conduct will result in the immediate consideration of disciplinary action under this *Code*.

1. Safety

- A. Causing any condition that jeopardizes the safety of individuals, groups of individuals, or the University community; participating in conduct or behavior that explicitly endangers the safety and well-being of oneself or others.
- B. Tampering with safety measures or devices, such as alarm systems, fire extinguishers, exit signs, emergency phone

systems, smoke or heat detectors, fire hoses, security systems, locked exterior or interior doors, and sprinkler systems.

C. Failing to conform to safety regulations, such as falsely reporting an incident, failure to evacuate facilities in a timely fashion in emergency situations or in response to fire alarms, inappropriate use of the alarm system, and similar conduct.

D. Falsely reporting the presence or threat of a bomb or any other dangerous device or condition.

E. Having the knowledge of and not reporting an event or act that would potentially endanger members of the University community.

2. Weapons

A. Possession of weapons including firearms, items that eject projectiles, knives, or any item that any reasonable person would consider to have the possibility of doing bodily harm.

B. Possessing, using, storing, or transporting firearms, other weapons, explosives, fireworks, ammunition, tear gas or dangerous chemicals, except as authorized for use in class, or in connection with University-sponsored research or other approved activities.

3. Discrimination

A. Engaging in verbal or physical behavior directed at an individual or group based on national origin, race, creed, gender, religious beliefs, or sexual orientation that, according to a person of reasonable sensibilities, is likely to create an intimidating or demeaning environment that impedes the access of other students, faculty and staff to the educational benefits available to them as a member of the University community. The *Code* includes bias-related or hate crimes as defined in the DC Code.

B. Wearing articles of clothing with derogatory, racist, discriminatory, patently offensive, profane, sexually explicit, or graphic messages either in words or pictures, which demonstrate bias or discrimination against any individual or group within the University community.

4. Harassment

Engaging in verbal, electronic, visual, written or physical behavior directed at an individual or group that, in the view of a person of reasonable sensibilities, is likely to provoke or otherwise result in, a negative or injurious response, mental or emotional distress, or related reaction or consequence. This behavior may include:

A. Making an expressed or implied threat affecting another person's academic pursuits, University employment, or participation in activities sponsored by the University or organizations or groups related to the University, or;

B. Engaging in unwarranted obstruction or interference with respect to educational, campus activity, or personal pursuits, employment or participation, which includes but is not limited to: behaviors or communications which detract or interfere with an instructor's ability to provide instruction in the classroom, laboratory, clinical practicum or clerkship, or any activity directly related to teaching, instruction or academic advisement and counseling, or any academic support services throughout the University community.

C. Creating an intimidating or demeaning situation or environment or inflicting personal, social, academic, psychological or emotional harm, or undue stress.

5. Sexual Harassment

The "Howard University Policy Against Sexual Harassment and Gender Based Discrimination in Education Programs and Activities" covers undergraduate, graduate and professional students, teaching and graduate assistants. With respect to academic programs and activities, "sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors, and other electronic, verbal, visual, written or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either explicitly or implicitly as a basis for any decision affecting the terms or conditions of participation in any organization, program or activity, or status or evaluation (including grades) in an academic course; or

B. Such conduct has the purpose or effect of unreasonably interfering with a student's educational right, privilege, advantage, or opportunity.

C. Such conduct is so pervasive or severe that it creates an intimidating, stressful, hostile, or offensive environment for learning and has no reasonable relationship to the subject matter of the relevant course of instruction.

6. Assault

Any willful attempt or threat to inflict injury upon the person of another, when coupled with an apparent present ability to do so, and any intentional display of force such as would give the victim reason to fear bodily harm constitutes an assault. An assault may be committed without actually touching or striking, or doing bodily harm. Self-defense may be a mitigating factor to this charge, depending on the circumstances.

7. Sexual Abuse

Sexual abuse occurs when the act is intentional and is committed either by:

- A. Physical force, violence, threat, or intimidation;
- B. Ignoring the objections of another person;
- C. Causing another's intoxication or impairment through the use of drugs or alcohol;
- D. Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

Sexual Misconduct

Sexual misconduct occurs when the act is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person believes unreasonably that effective consent was given without having met his/her responsibility to gain effective consent.

8. Battery

An encounter in which physical contact occurs or is threatened between two or more persons with weapons, blows or other personal violence and that may include pushing, shoving, and other acts of physical abuse. Self-defense may be a mitigating factor to this charge, depending on the circumstance.

9. Stalking

- A. Stalking is defined as willfully, maliciously and repeatedly following or harassing another person in a manner that would cause a reasonable person to feel frightened, intimidated, threatened, harassed, or molested.
- B. Stalking is behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the University to seriously alarm, torment, or terrorize the person.

Stalking can either be physical or electronic.

10. Hazing

Hazing is defined as an act, which endangers the mental or physical health or safety of a student. It may include, but is not limited to, the destruction or removal of public or private property, or any activity conducted on or off-campus that causes or intends to cause an unreasonable expenditure of funds, embarrassing, intimidating or demeaning behavior, exposure to situations that could result in physical or emotional harm, or that causes undue stress, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in any sanctioned or unsanctioned group or organization at the University.

11. Alcoholic Beverages

The University prohibits the unauthorized possession, use or distribution of alcoholic beverages. The University enforces all local and federal laws or regulations that regulate and control the sale or use of alcohol. The University limits on-campus use of alcoholic beverages to specified areas and to persons of legal age. Underage drinking is not permitted or sanctioned by the University. Violations of the University's Alcoholic Beverages Regulations and Guidelines are violations of the *Code* as follows:

- A. Under no circumstances will alcoholic beverages be provided to anyone under 21 years of age. The sale, service, possession, or consumption of an alcoholic beverage is expressly prohibited, unless approved by the appropriate University official for students over 21 years of age.

- B. Consumption and/or possession of alcoholic beverages in the residence halls are prohibited.
- C. Aiding or abetting an underage person in the purchase of alcoholic beverages or providing an underage person with alcohol.
- D. Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without the express written approval by the Academic Dean of the school or college and the Director of Student Activities regarding the location and conditions of possession and consumption. Approval will be given only for those students over 21 years of age. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event. If violations occur, the student organizational leadership along with the coordinator(s) of the particular event may be charged under the *Code*.
- E. Student organizations serving alcoholic beverages at off-campus events may not identify these events as University-sponsored or sanctioned events.
- F. Disorderly conduct due all or in part to being under the influence of alcohol.
- G. Providing alcohol to underage persons.
- H. Possession of an open alcohol container in a public area.
- I. Consumption of alcohol in a public area.
- J. After consuming alcoholic beverages, students must assume full responsibility for their conduct as it relates to the need for the exercise of good judgment, moderation, respect for the rights of others, and the legal regulations of the jurisdictions involved.

12. Drugs/Controlled Substances

The University prohibits the possession, use, sale or distribution of illegal drugs or controlled substances and enforces all local and federal laws that prohibit the possession or sale of illegal drugs or drug paraphernalia. In addition, under federal and local laws, any student convicted of a drug-related offense must be denied all federal assistance, including Pell Grants. Information about remaining eligibility for federal financial aid may be obtained from the Office of Financial Aid.

The University has a “zero” tolerance policy on the improper use of controlled substances and expressly prohibits:

- A. The possession, use, manufacturing, distribution or intent to distribute and/or sale of a controlled or illegal substance. Examples of these illegal substances are: crack cocaine, ecstasy, date rape drugs, marijuana, cocaine, heroin, or any other narcotic or controlled substance except as expressly prohibited by law.
- B. The illegal possession, use, manufacturing, distribution or intent to distribute and/or sale of drug paraphernalia.
- C. Aiding or abetting an individual or individuals who are in illegal possession, or who have an intent to use, sale, or to distribute or who use, sale, or distribute controlled substances or drug paraphernalia, including allowing persons involved in such activities to visit or stay in their residence hall room, or to be in any University owned or operated property over which they have control.
- D. Under federal and local laws, any student convicted of a drug-related offense will be denied all federal assistance, including Pell Grants.

13. Forgery, Fraud, Dishonesty

Forging the name of a University employee, another student or any other person or entity, altering or misusing official University forms, documents, records, stored data, electronic data bases and University enterprise systems, identification of, or knowingly furnishing false information to University officers, officials, faculty and/or employees or providing such information involving or referring to the University to off-campus organizations, institutions, or individuals.

Making false statements in public or private, including knowingly filing false charges under the *Code*. Aiding and abetting another individual in the conduct of such actions also constitutes a violation of this provision.

The University has registered its name, logo and seal as trademarks. As such, these marks are protected under applicable federal and local laws. Students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the University without written permission from the University's Office of General Counsel. Authorized student organizations must be pre-approved by the office of Licensing and Vending to reproduce or to have a manufacturer reproduce the University trademarks on merchandise for sale or distribution. The use of the University seal is restricted to authenticating the highest

official University documents and for display during major ceremonies. Exceptions for use of the seal are considered based on written requests to the Office of the President or the Office of the Secretary, accompanied by a justification.

14. Property Damage

- A. The attempt of, or unauthorized removal, use of, or the defacing of University property, or property under University custody or control resulting in its destruction or damage.
- B. Destroying, defacing, removing or damaging the property of others on University premises or at University-sponsored activities.

15. Theft

The stealing or attempted theft of property and/or services; knowingly possessing or transporting stolen property; or improperly using or converting the property of another for personal use.

The Code extends to identity theft as defined by the DC Code.

16. Unauthorized Entry, Use, or Trespassing

Entering or using University facilities or property, or property in the custody or control of the University, for an improper purpose, or without proper authorization, or assisting others in doing so.

17. Organization and Event Registration

Failing to comply with policies and regulations governing the registration of student organizations, events on campus, or the use of University facilities or resources.

18. Failure to Comply/Non-Compliance

- A. Failing to comply with or respond to the directions or instructions of an authorized University official, faculty, or staff member acting in the performance of his or her duties or any other person responsible for a University facility or registered function acting in accordance with those responsibilities.
- B. The Howard University student identification card shall be carried by students at all times and surrendered upon the reasonable request of any University Official, Faculty Member, Staff Member and all Residence Hall Personnel.

Failure to comply with any disciplinary procedure, within the identified time frame, will result in a hearing with sanctions applied.

19. Smoking

Smoking is prohibited in all University buildings and residence halls.

20. Disruptive Conduct

- A. Acting in a manner that impairs, interferes with, or obstructs the orderly conduct, processes, or functions of the University or of any person or persons on University owned or operated property or at any University-sponsored event.
- B. Students whose behavior, communications, and/or attire may be considered disruptive while participating in academic programs, University activities, programs and general operations. Behaviors would include: use of electronic devices such as pagers, cell phones, video games, walkmans, personal music players, playing computer games during class sessions, laboratory or clinical practicum's or clerkships and periods of academic instruction, remediation, or tutorial assistance. Disruptive conduct would also include the wearing of apparel or clothing in class, or during academic instruction that is lewd, profane or sexually explicit; attire that conveys messages in print or in picture form that are profane, vulgar, patently offensive, racist or discriminatory, and this conduct disrupts the instructor's ability to maintain decorum or provide academic instruction in the classroom, laboratory, or other instructional environments.

This also includes students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, which impedes the ability of the instructor to present academic information in the classroom or laboratory, clerkship, conduct academic advisement, counseling, or tutorial assistance.

- C. Students are required to carry the Howard University student identification card at all times and are required to surrender it upon reasonable request by any University Official, Faculty Member, Staff Member and all Residence Hall Personnel.

21. Electronic Communication

Using University telecommunications, data communication networks or any electronic means owned and operated by the University for illegal or improper purposes or in violation of University regulations and policies, or related federal, state, or local laws.

22. Harboring

Harboring is knowingly allowing any fugitive from justice, or any student, employee, or any other individual who has been barred from the University, to stay in, or to be transported onto, University owned or operated property or facilities. This would also include harboring any individual who is considered to be a fugitive from justice or for whom there is an outstanding warrant.

23. Contracts

Students as individuals or representatives of student organizations are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability of any kind for Howard University. The University will hold all such students individually liable for any financial or legal consequences or damages that may result from such unauthorized actions.

24. Established Policies And Procedures

The failure to observe any provision of the *University Code of Ethics and Conduct*, the *Student Code of Conduct*, the *Academic Code of Conduct*, the *H-Book*, the University Web-site or appropriate school/college bulletin, pertaining to personal conduct or behavior.

25. Violation Of Criminal Codes Of the Local, State, or Federal Governments

On or off-campus actions or activities that violate criminal law also violate the *Code*.

26. Embezzlement

Unauthorized acquisition and/or use of funds belonging to, or under the stewardship of, any University unit, organization, or individual.

27. Contempt Of, Or Interference With, Any Disciplinary Program Actions Or Activities

Failure to respect the disciplinary program or process, including failing to appear for a meeting or hearing if requested to do so, interfering with attendance by any person or persons mandated to attend a meeting or hearing, or interfering with the hearing or disciplinary process of any disciplinary board or administrative hearing. Acting in a threatening or harassing manner towards hearing participants before, during or after a hearing.

28. Media Contact

Students are expressly prohibited from speaking on behalf of, or for, Howard University with any media organization or publication, or from inviting the same to any University-owned or operated property, facility, or event without the express written permission of the Office of University Communications.

29. Presenting False Testimony

Knowingly making false statements regarding a disciplinary matter before, during or after the disciplinary adjudication process.

SECTION IX: UNIVERSITY-WIDE DISCIPLINARY HEARING BOARDS AND HEARINGS; ADMINISTRATIVE HEARINGS AND OFFICERS; APPEAL HEARINGS AND BOARDS; ADMINISTRATIVE APPEAL HEARINGS AND OFFICERS

The adjudication of alleged violations of the *Code* is conducted by a duly appointed University-Wide Disciplinary Hearing Board, or by an Administrative Hearing Officer.

The Dean of Special Student Services reserves the right to assign a case to a Disciplinary Hearing Board or to an Administrative Hearing Board. Those cases involving charges which may result in possible indefinite suspension, withdrawal or expulsion will be remanded to a Disciplinary Hearing Board.

1. Disciplinary Hearing Boards

There shall be University-wide disciplinary hearing boards as follows:

- A. University-Wide Disciplinary Hearing Board for Undergraduate matters;
- B. University-Wide Appellate Board for Undergraduate matters;
- C. University-Wide Disciplinary Hearing Board for Graduate and Professional Student matters;
- D. University-Wide Appellate Board for Graduate and Professional Student matters.

Members of the University-wide disciplinary hearing boards shall be selected from a pool of students, faculty members, and administrators trained by ODSSS. The pool of board members consists of those qualified appointees submitted by University officers, deans of the schools and colleges, the Faculty Senate, ODSSS, the Howard University Student Association (HUSA), and any other undergraduate or graduate student governing bodies approved by the Vice President for Student Affairs.

Organizations shall select potential appointees according to their internal policies and procedures. Volunteers may also be part of the pool if they meet the qualifications for the category of their status at the University and they submit the "Offer to Volunteer for University Disciplinary Program" form to ODSSS. ODSSS shall provide at least two written requests for names to officials and organizations. In the event that appointments are not made by the deadline by the appropriate student and faculty organizations, ODSSS shall appoint persons to the board pool from the faculty and student body, subject to the approval of the Vice President for Student Affairs.

The disciplinary hearing boards have jurisdiction over all students subject to the *Code*. They are responsible for reviewing and evaluating all of the relevant information, conducting hearings, rendering a decision of "Responsible" or "Not Responsible" and making recommendations for sanctions, if any, to the Dean for Special Student Services.

2. Disciplinary Hearing Board Membership

The membership of the disciplinary hearing boards is as follows:

Each board shall be comprised of seven (7) members. No more than three (3) members can be students who meet the qualifications outlined below. The remaining members shall be from the pool of qualified faculty and administrator appointees, or volunteers, who meet the qualifications outlined below.

A minimum of five (5) members will constitute a quorum.

A. Undergraduate Students:

- a. Validated for the semester(s) of service.
- b. In good academic, disciplinary and financial standing.
- c. At least 24 credits earned at time of appointment.
- d. Can serve for two (2) academic years or until graduation.

B. Graduate/Professional Students:

- a. Validated for the semester(s) of service.
- b. At least one (1) semester of enrollment by the time of appointment.
- c. In good academic, disciplinary, and financial standing.

C. Faculty:

- a. Must have been a member of the University faculty for a minimum period of one (1) year at the time of appointment.

D. Administrator/Staff:

- a. Must have been an employee of the University for a minimum of one (1) year at the time of appointment.

E. Chair:

- a. The Dean for Special Student Services shall appoint a faculty member or administrative staff member of each board to act as Chair.

3. Administrative Hearings

Resolution of a violation of the *Code* may also be handled through an administrative hearing process conducted by an Administrative Hearing Officer rather than through a judicial board.

An administrative hearing may be used under any of the following circumstances:

- A. A student charged with a violation will be assigned to the administrative hearing process, unless the violation merits indefinite suspension, withdrawal or expulsion.
- B. The Dean for Special Student Services determines that it is not possible or practical to convene a disciplinary hearing board or appeal board at the time the case is scheduled (e.g., summer sessions, semester breaks, lack of a quorum, spring break, etc.) and that it is in the University's best interest to have the case heard expeditiously.
- C. The nature of the case is such that the Dean for Special Student Services believes the best interest of the student and/or the University would be served by the use of an Administrative Hearing. If the Complainant or the Accused Student objects, either may appeal this decision in writing to the Vice President for Student Affairs, within ten (10) business days following notice of the Administrative Hearing. The Vice President shall render a decision within three (3) business days.
- D. The Dean for Special Student Services reserves the right to determine which cases are to be heard by a University-wide Disciplinary Hearing Board. In most cases, the use of an Administrative Hearing Officer is prescribed. In cases, which could result in the indefinite suspension or expulsion of a student, a University-wide Disciplinary Hearing Board is warranted.

4. Administrative Hearing Officers

Administrative Hearing Officers shall be selected by the Dean for Special Student Services from a pool of qualified and trained administrative staff members and faculty members. The Administrative Hearing Officer is responsible for reviewing all of the relevant information, conducting a hearing, rendering a decision, and making recommendations for sanctions, if any, to the Dean for Special Student Services. The hearing officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

5. Appeal Boards

Any student found "Responsible" for violating the *Code* by a University-Wide Disciplinary Hearing Board or Hearing Officer and, thereby subject to sanctions, may appeal the decision. (See Section XVI: Appeal of a Disciplinary Hearing Decision). A request for reconsideration of a decision or recommended sanction(s) shall be submitted by the Dean for Special Student Services to the appropriate Appeal Board.

Each Appeal Board shall be comprised of five (5) members. No more than two (2) members shall be qualified students. The remaining members shall be qualified faculty members, administrator appointees or volunteers.

Members of the Appeal boards must meet the same qualification standards as members of the University-Wide Disciplinary Hearing Board. However, a member serving on a University-Wide Disciplinary Hearing Board shall not serve on an Appeal Board on the same case.

A faculty member or administrator who is a member of the board will be appointed by the Dean for Special Student Services to serve as Chair of each Appeal Board. A majority of four (4) will constitute a quorum.

6. Administrative Appeal Hearing

An appeal of a decision by a University-Wide Disciplinary Hearing Board may be handled through an administrative hearing process by an Administrative Appeal Hearing Officer rather than through an Appeal Board. An administrative Appeal Hearing will be convened at the discretion of the Dean for Special Student Services. If the Accused Student objects, she/he may appeal this decision in writing within five (5) business days to the Vice President for Student Affairs. The Vice President will render a decision within three (3) business days. In addition, a student filing an appeal may elect to request such a hearing.

7. Administrative Hearing Appeal Officers

Administrative Appeal Hearing Officers are selected and trained by the Dean for Special Student Services. The Administrative Appeal Hearing Officer is responsible for meeting with the Chairperson of the University-wide Disciplinary Hearing Board, reviewing all documents from the case file and hearing, and for conducting the appeal hearing. The Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration. The qualifications for an Administrative

Appeal Hearing Officer shall be the same as for an Administrative Hearing Officer. The Administrative Hearing Appeal Officer shall have no engagement in the pending appeal brought for his review.

SECTION X: HEARING PARTICULARS

1. Notification of Hearing

The ODSSS shall notify the members of the appropriate Disciplinary Hearing Board (or the hearing officer, as appropriate), the Accused Student(s), and the Complainant(s), in writing, of the date, place and time of a scheduled hearing not less than ten (10) working days prior to the hearing date (excluding holidays). Both the Complainant(s) and the Accused Student(s) shall be informed that they are responsible for contacting their own witnesses, informing them of the hearing, and ensuring their attendance at the hearing. Such notification shall be hand-delivered, mailed, or delivered to the local address of record. Witness lists are to be submitted to ODSSS at least two (2) days prior to the hearing. Upon request, ODSSS will make copies of the witness lists available to the parties. Upon request, ODSSS will provide letters for professors of students absent from class due to participation in a disciplinary procedure to explain the students' absence from class.

2. Notification of Inability to Attend a Hearing

If either the Accused Student(s) or the Complainant(s) cannot attend a scheduled hearing due to compelling circumstances, he/she must notify ODSSS as soon as this fact is known. Written documentation of extenuating circumstances must be provided. Failure to adhere to this policy may result in additional disciplinary action and/or conducting the proceeding without the benefit of the absent person's participation.

3. Document Access

The Accused Student(s) and complaining student(s) shall have reasonable access to all of the relevant case documents that are maintained by the ODSSS.

Documents shall also be available to members of the boards or hearing officers for review prior to a hearing. The documents prepared by ODSSS and submitted during the hearing, as well as the statements given, will constitute the record of the board or of the hearing officer in an administrative hearing.

4. Briefings and Consultations

Board chairs, board members, and hearing officers may be briefed by ODSSS on factual and procedural matters. Legal advice will be provided to such individuals by the Office of General Counsel.

5. Failure to Attend

A student accused of violating the *Code*, who has received appropriate notification to attend a scheduled hearing but fails to do so, may be considered in contempt of the disciplinary process and subject to further disciplinary action by the Dean for Special Student Services. The board or hearing officer may elect to proceed with the hearing without the Accused Student(s) and render a decision based on the evidence presented.

A witness, who is called by ODSSS or a Hearing Officer, with evidence critical to the resolution of a violation of the *Code* given reasonable notification of a hearing who refuses to attend may be considered in contempt of the disciplinary process and subject to possible disciplinary action.

6. Rules of Evidence and Legal Representation

Howard University's disciplinary proceedings are not subject to the formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court. Rather, boards and administrative hearing officers shall make a determination based on whether the record makes it more likely than not that the charges are true.

The Accused Student(s) and the Complainant(s) may consult with their personal legal counsel in preparation for a hearing; however, attorneys are not allowed to attend a disciplinary hearing or to represent a student at a hearing. A student may elect to have a peer advisor, at a hearing, who shall serve in an advisory capacity only. Advisors are not permitted to speak or to participate directly in the hearing. Peer advisors must be current students in good academic, disciplinary and financial standing with the University.

7. Scope of Evidence Considered In a Disciplinary Action

The Board Chair or Administrative Hearing Officer shall be the sole judge of the relevancy and admissibility of evidence presented for consideration.

SECTION XI: PROCEDURES FOR CONDUCTING A DISCIPLINARY HEARING

1. Closed Hearings

All hearings are closed, except to those persons directly involved (board members, Complainant(s), the Accused Student(s), and witnesses), unless the board determines otherwise.

2. Witnesses

In those situations when a Howard University Police Department Officer(s) may have taken a report and/or investigated an incident relevant to the proceeding, ODSSS, the Complainant or the Accused Student may request that the Officer attend and/or participate in a hearing as a witness. Such attendance or participation will be permitted if it is determined by the Board or Hearing Officer that the HUPD Officer's presence will facilitate the finding of facts. The Complainant or the Accused Student should contact University Police directly to make such a request and, at the same time, notify ODSSS of the request.

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. No character witnesses are allowed.

3. Postponement

A one-time request for postponement by either the Accused Student or the Complainant(s) may be considered by ODSSS, and granted only when ODSSS determines that there is a compelling reason for the delay. ODSSS will set a new date for the hearing and notify all parties involved. Further requests for postponement do not have to be considered and a hearing may be held in the absence of either party.

4. Quorum Requirement

Five (5) members of appointed board members shall constitute a quorum necessary to conduct business, including receiving evidence and rendering a decision. Only members present may vote.

5. Role of the Chair

The Chair of a disciplinary board has the responsibility of conducting the hearing in a fair and equitable manner, and of taking such action as necessary to sanction or mitigate disruptive or inappropriate behavior.

6. Burden of Proof

The Complainant carries the burden of proof to establish the guilt of the Accused Student. The Accused Student should be prepared to respond to charges against him/her with witnesses and/or documents, as appropriate.

7. Steps in the Hearing

Each hearing shall follow a standardized format. Copies of the Procedures for Conducting a Disciplinary Hearing may be secured from ODSSS.

8. Deliberation, Decision Making, and Reporting Results to ODSSS

- A. Deliberations shall be conducted only with board members, University counsel, and ODSSS staff present.
- B. Boards shall consider only such information as may constitute the record.
- C. Determinations as to responsibility for violations of the *Code* and recommended sanctions shall be made by a simple majority vote of the Board, except that recommended sanctions of suspension and expulsion require a two-thirds vote.
- D. The Chair of the board shall prepare a written report of the hearing finding(s), including the basis(es) for the finding(s) and shall submit it to ODSSS within ten (10) days of the hearing. When there is a finding that the Accused Student is "Responsible" for violating the *Code*, there shall be recommendations for sanctions. The Chair signs the report on behalf of the board. ODSSS will provide notification to the Accused Student and Complainant of the board's determination.
- E. Sensitive information considered by the Dean of Special Student Services or his/her designee to determine sanctions shall be deemed confidential and will not be shared with students, except that upon written request from any alleged victim of a crime of violence or no forcible sex act, the result of the University's disciplinary proceedings against the accused student will be disclosed.

SECTION XII: PROCEDURES FOR CONDUCTING A HEARING BY AN ADMINISTRATIVE HEARING OFFICER

1. Closed Hearings

All hearings are closed to anyone other than those persons directly involved, ODSSS staff, University counsel, the Complainant, the Accused Student, and witnesses, unless the hearing officer determines otherwise.

2. Witnesses

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. Those attesting to character alone are not allowed to serve as witnesses. A list of any witnesses speaking on behalf of the Accused Student or Complainant must be submitted to the Office of the Dean for Special Student Services not later than two (2) days prior to the hearing.

3. Postponement

A one-time request for postponement may be considered and granted by ODSSS only when it determines that there is a compelling reason for the delay. In that event, ODSSS will set a new date for the hearing and notify all parties involved.

4. Role of the Administrative Hearing Officer

The Administrative Hearing Officer is responsible for conducting the hearing in a fair manner and for recommending such action(s) as necessary to sanction or control disruptive or inappropriate behavior.

5. Burden of Proof

The Complainant has the burden of proof to establish that the Accused Student violated the *Code*. The Accused Student should be prepared to respond to charges and evidence presented against him/her with documents and/or witnesses, as appropriate.

6. Steps in the Hearing

Hearings shall follow a standardized format. Copies of the procedures may be obtained from ODSSS.

7. Deliberation, Decision Making, and Reporting Results to ODSSS

A. The Administrative Hearing Officer shall consider all information in the record.

B. The Hearing Officer shall prepare a written report including any recommended sanctions, and submit the report to ODSSS within five [5] days of the hearing. ODSSS shall notify the Accused Student and the Complainant of the Hearing Officer's determination.

C. Sensitive information considered to determine sanctions by the Dean of Special Student Services or designee shall be deemed confidential and will not be shared with students, except upon written request from any alleged victim of a crime of violence or non-forcible sex act, the results of the University's disciplinary proceedings against the accused student will be disclosed.

SECTION XIII: NOTIFICATION OF HEARING OUTCOME

The Dean for Special Student Services shall review the recommendations of the Board

or Administrative Hearing Officer and shall make a final determination on sanctions. ODSSS shall then prepare a written memorandum setting forth the decision and any sanctions and notify both parties within twenty (20) working days after receipt of the report. ODSSS reserves the right to delay notification when it determines that such delay is in the best interest of the University.

When deemed necessary or appropriate by ODSSS, it shall notify relevant University officers, officials, units and organizations of hearing outcomes and sanctions.

SECTION XIV: DISCIPLINARY SANCTIONS

The purpose of disciplinary sanctions for violations of the *Code* is to educate students about responsible behavior as members of the Howard University community, to maintain order, and to protect the rights of others.

Students found "Responsible" for violating the *Code* are notified of any sanctions by ODSSS, which also monitors compliance

with the sanction. There is no set sanction for any particular offense, with the exception of automatic expulsion for a felony conviction. Disciplinary Hearing Boards and Administrative Hearing Officers evaluate each case individually. Sanctions will be determined individually and should reflect the nature and severity of the offense.

1. General Terms

- A. Parents of minor or dependent students who receive a disciplinary sanction may be notified of that action by the University.
- B. The University reserves the right to apply any sanction for a violation of the *Code* that, in its sole discretion, appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student found guilty of the same offense or a second offense of equal or greater magnitude, may be suspended or expelled from the University. However, evidence of prior violations of the *Code* may be considered after a determination of "Responsible" has been made as part of the process of determining sanctions.
- C. Sanctions are imposed under the *Code* without regard to student classification, prospective graduation date, the time in the semester or term when the violation occurs, scholarship status, or any other factor.
- D. Students who have not completely fulfilled their sanctions may be allowed to participate in General Mandatory Registration for the subsequent semester if all other financial and academic conditions have been met. However, their registration will be canceled if they fail to comply with all the stipulations of the sanctions within the time limit set.
- E. The imposition of sanctions will be a matter of record in the ODSSS.

2. Types of Disciplinary Sanctions

One or more of the following sanctions may be imposed for any violation of the *Code*. The failure to perform a sanction, as directed, can lead to the imposition of more severe sanctions, up to and including suspension or expulsion.

The identified sanctions do not represent the full range of sanctions which may be imposed against a student found "Responsible" for a violation of the *Code*.

A. Disciplinary Warning or Reprimand

A disciplinary warning or reprimand is an official written statement of censure. It is used when a student's behavior is unacceptable but is considered to be minor and/or unintended. It includes a warning that any other violation of the University's *Code* for which the student is found guilty will result in more severe disciplinary action. The written statement shall be delivered to the student.

B. Letter of Apology to the Aggrieved Party

A student may be required to write a letter of apology to the aggrieved party. A draft copy of the letter must be provided to ODSSS for prior approval.

C. Requirement to Seek Counseling

This sanction may be imposed when a student is found guilty of engaging in disrupting or uncivil behaviors. In such case, the student shall be required to provide evidence to ODSSS of attendance and completion of counseling by a qualified professional.

D. Participation In, or Conducting, Special Workshops, Classes or Seminars

A student may be required to participate in, or to develop, advertise and present special workshops or seminars related to a *Code* violation. In such a case, the student may be required to present a typed summary of the activity to the ODSSS.

E. Research Assignments

A student may be required to complete a research assignment on a topic related to the *Code* violation within a specified deadline.

F. Mandatory University or Community Service

A student may be required to perform work assignments at the University or in the local community.

G. Restitution

Restitution is reimbursement to compensate for personal injury, property damage, or misappropriation of University or other personal property. It may be in the form of money or services, subject to the discretion of the Hearing Officer or Disciplinary Hearing Board.

H. Disciplinary Probation

Disciplinary probation may be imposed for a specified period of time. A student who is under disciplinary probation will not be permitted to participate in intramural, intercollegiate or club sports, or student clubs and organizations. Such a student may not represent the University in any public function, competition, or performance, hold office in a student organization, or be eligible to join a fraternity or sorority.

Students receiving scholarships for any activities enumerated above may have that scholarship suspended or terminated. Decisions regarding scholarships will be made by the Vice President for Student Affairs in consultation with the Dean for Special Student Services and other appropriate University officials.

I. Limited Term Suspension

Suspension is appropriate in cases of serious misconduct or in cases when a student has violated a condition of disciplinary probation, or has failed to meet the stipulations of lesser sanctions. A student may be suspended from the University for the remainder of the semester, or summer session, in which the sanction is applied, or any portion thereof, for the next semester, or for any other additional periods determined appropriate by the University.

Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the University are required to return their student identification cards, room keys and other University property and shall be barred from the campus for the duration of their suspension. Exceptions may be granted to this prohibition by ODSSS, if it first determines that the barred student must enter University property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, his or her eligibility to be re-admitted to Howard University is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.

J. Indefinite Suspension

Indefinite Suspension provides for all conditions described in Limited Term Suspensions, but does not give a specific date for the consideration of readmission of the suspended student. This sanction is used in cases of extremely serious misconduct when evidence of rehabilitation must be presented by the student and accepted by the Vice President for Student Affairs before the student is readmitted to the University.

K. Expulsion

Expulsion is the most severe sanction that the University may impose. Expulsion is permanent dismissal from the University. In addition, the student is not eligible for readmission to the University and permanently barred from Howard University owned or operated property and from all University-sponsored events. Students expelled from the University are required to return any student identification cards, room keys, and other University property and must leave campus immediately upon notification of being expelled. If an expelled student returns to the campus, he or she will be charged with unlawful entry and may be arrested. An expelled student's relationship with the University is severed permanently.

SECTION XV: PROCEDURE FOR READMISSION AFTER DISCIPLINARY SUSPENSION

A student temporarily suspended will be considered for readmission only after the student submits a *Request for Readmission After Disciplinary Suspension* form to the Office of the Dean for Special Student Services.

ODSSS shall inform University officers or officials, including the appropriate academic and administrative deans, the Vice President for Student Affairs, the Office of the Provost, the Office of the Senior Vice President for Health Affairs, the Office of General Counsel and the Office of the President of the disposition of the matter.

SECTION XVI: APPEAL OF A DISCIPLINARY HEARING DECISION

1. Criteria for an Appeal

A finding of responsibility for violations of the *Code* and/or the sanctions imposed may be appealed. However, an appeal will result in a reversal or modification of a decision only if one of the following criteria is met. It should be noted that an appeal is

not an opportunity to have a new hearing on the matter. As described below, an appeal can only be used to reverse an error or to consider important information that was not available at the hearing.

A. Process

An important procedure leading up to or during the original hearing was ignored or so flawed that the hearing was not fair and impartial.

B. Substantive Error

There was an error in identifying or interpreting the controlling and relevant University policy or standard of conduct and this substantially affected the hearing and resulted in the Accused Student(s) being denied a fair hearing outcome.

C. New Evidence

Relevant new evidence has surfaced that could have materially affected the decision or finding of the board or hearing officer. This evidence must be produced and substantiated or documented and it is required that proof be provided that this information was not available at the time of the hearing.

D. Disproportionate Sanction

The sanction levied is manifestly unjust because it is overtly disproportionate to the offense.

2. *Process for Filing an Appeal of Disciplinary Action*

An Appeal of Disciplinary Action form must be submitted to ODSSS by the student found "Responsible" within five (5) working days of receipt of the letter of notice of hearing outcome. The form should be typewritten or printed very legibly, with an attached statement not more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal is being made and have attached any supporting documentation. Each case may be appealed only once.

3. *Appeal Review Process*

The written appeal must be submitted to ODSSS. ODSSS will forward the appeal to the Chair of the appropriate Appeal Board. The Chair shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Chair so rules, he/she will set up an appeal hearing and notify the parties of its date, time, and location. If ODSSS determines that an Appeal Board cannot be convened, (e.g., between semesters or at the end of a semester or lack of quorum), it will appoint an Administrative Appeal Officer to review the matter, determine if a hearing is warranted, schedule a hearing, and notify the student.

4. *Appeal Hearing*

Appeal hearings will be limited to a presentation of evidence by the appellant that directly addresses the grounds for an appeal. The Chair of the University-Wide Judicial Board may be asked to attend, but no witnesses may be called. Appeal hearings will follow a standardized format.

Remedies on Appeal

The following actions may be taken by a majority vote of the Appeal Board members present and constituting a quorum, or by the Administrative Appeals Officer, transmitting a recommendation to the Dean of Special Student Services:

- A. Affirm the findings of the original Board or Hearing Officer.
- B. Affirm the findings, but change the sanction(s) levied.
- C. Overturn the finding of the original Board or Hearing Officer and remand to the original Board for a new hearing.

6. *Notification of Finding*

The results of an appeal review will be sent by the Chair, who will forward the recommendation to ODSSS within twenty (20) working days of the Board's decision. Within five (5) working days, ODSSS will inform the student who initiated the appeal and the Complainant of the Board's decision. For cause, the Dean may grant the Chair an extension. If the case is remanded for a new hearing, ODSSS will contact the student about that new hearing. At the discretion of the Dean for Special Student Services, a different University-Wide Disciplinary Hearing Board may be asked to hear the case.

7. *Limitations*

- A. Each case may be appealed only once. Therefore the finding of the designated Appeal Board is final and binding.
- B. Only the Accused Student may file an appeal.
- C. Appeals filed after the stated deadline will not be considered, except in compelling circumstances as determined by the Dean for Special Student Services.

8. Stay of Sanction(s) During the Appeal Process

The Dean for Special Student Services will determine if the sanction(s) imposed on an appellant will be stayed pending the appeal process.

SECTION XVII: REVISIONS OF THE STUDENT CODE OF CONDUCT AND JUDICIARIES

1. Periodic Review

The ODSSS will conduct a full formal review of the *Code* at least every five (5) years or at such other times as it deems appropriate to determine if the *Code* should undergo a full revision process.

2. Procedure for Revision

If it is determined that the *Code* is in need of full revision, the procedure for developing a new document for recommendation to the Board of Trustees will be as follows:

- A. A committee composed of faculty, administrative staff and students will be appointed by ODSSS to review the "Code" portion of the document and to make recommendations for changes. The pool of those eligible to serve will come from names submitted by University officers, Deans of the schools and colleges, the Faculty Senate, the Howard University Student Association (HUSA), and other authorized and approved undergraduate and graduate student governing bodies using their own internal policies for such selections. In the event that after appropriate notice, names are not submitted, ODSSS shall make appointments.
- B. The draft of the revised *Code* is completed by ODSSS and forwarded to the Vice President for Student Affairs, the Provost, and the Senior Vice President for Health Affairs for review and comment.
- C. An open forum for students, appropriately advertised, will be held to allow for discussion of proposed changes to the *Code*. Comments and concerns will be considered in completing the final draft.
- D. The final draft will be submitted for review to the General Counsel.

3. Forwarding for Approval

The final document will be authored by ODSSS and forwarded, through the Vice President for Student Affairs, the Provost, and the Senior Vice President for Health Affairs to the President for final review and for presentation to the Board of Trustees for consideration.

4. Amendments

Amendments to the *Code* deemed necessary by the Dean for Special Student Services during periods between formal full reviews and revisions will be prepared by ODSSS and forwarded through the Vice President for Student Affairs, the Provost, the Senior Vice President for Health Affairs and General Counsel, to the President for approval and implementation.

Approved by the Board of Trustees April 17, 2010