

## **Student Conduct Response Guidelines for Noncompliance with Kutztown University's COVID-19 Response Plan**

### **Approach**

The university acknowledges the unique, unprecedented situation of recovering from a global pandemic while delivering educational services to students in its wake. Although it is essential that the university address noncompliance with important safety requirements, it also understands the need to take an educational and measured approach to noncompliance. The safety of all members of the community and the education of students should be the focus of responding to those who fail to comply with university-approved pandemic regulations.

### **Challenges**

There is a myriad of challenges with the enforcement of pandemic regulations including those students or community members who feel the university's regulations may impinge upon their rights while on a public campus. This protocol addresses noncompliance for behaviors under the scope of the university's pandemic plan and regulations and is applicable to on-campus and/or official university programs. Off-campus incidents or gatherings fall under civil guidelines promulgated by the state and local officials.

### **Community Expectations**

All members of the university community should rely on helping discussions and productive communication with students who fail to adhere to guidelines rather than simply "report" students for failing to comply. Reporting students should be a last resort and should occur only if a student fails to comply with the **reasonable** directions and requests of a university official. Please note, some students may be exempt from wearing masks or personal protective equipment (PPE) as approved by the Office of Disability Services; students with an exemption will have official documentation provided to them for verification purposes. In some situations, students may be asked to wear other supplemental PPE in order to facilitate the delivery of academic or student services. For example, a face shield may be utilized in a science lab as requested by the instructor. Faculty are strongly encouraged to communicate classroom expectations in writing via their syllabi and in-person at the beginning of the semester. Staff are strongly encouraged to do likewise and to also post signage at entrances of office/department spaces to reinforce safety expectations.

### **Response Protocol**

The protocol below is for incidents of mild to moderate severity in which a student fails to comply with university policy including the [Fall 2020 COVID-19 Response Plan](#) and/or the reasonable directives of a university official. However, these guidelines do not apply in instances where a student acts in a manner that harms or intentionally inflicts injury, harm, or distress upon other community members. **Any conduct that aggravates a situation will result in additional conduct charges for Disorderly Conduct, Harm to Others, and/or other applicable conduct standards as well as increase the severity of the sanctions including but not limited to suspension from the university per established disciplinary procedures.** Examples may include: 1) A student intentionally coughs on another person in the attempt to infect that person with an illness; 2) An altercation or disruption occurs as a result of a student's non-compliance which then results in a significant campus or academic disruption. Additionally, these

guidelines do not factor-in prior student conduct records or violations of record which may impact sanction severity.

*Students must be afforded the opportunity to be heard under the student conduct process before they are denied any educational opportunity, including attending class or living on campus, afforded to them as a Kutztown University student.*

***Students who demonstrate a willful pattern of non-compliance, expose community members to a serious, demonstratable health risk, and/or do not comply with a directive of a university employee related to a university-approved pandemic regulation are subject to immediate interim suspension.***

#### First Incident Reported

- The student will be sent a warning letter and referred to educational resources related to the importance of following safety regulations.
- The warning letter is not a conduct violation but will be maintained in the student's conduct file for reference purposes.

#### Second Incident Reported

- The student will be charged with a conduct violation under the *Expectations of Cooperation* standard of the *Student Code of Conduct* for failing to comply.
  - Sanction Range: Disciplinary Reprimand and Judicial Educator Workshop(s) (e.g. Community Living, Civility & Respect, Safe Living on a College Campus, Managing Conflict), COVID-19 Safety Sanction
- Students will be advised that future violations may lead to more impactful sanctions including Disciplinary Probation, Housing Suspension, etc.

#### Second Incident Reported: Diversionary Option

- Given the unique circumstances related to the COVID-19 pandemic, an optional diversionary program for the second reported incident is available only for students charged with *Expectations of Cooperation* for failing to comply with pandemic regulations, have no prior student conduct violations, and is only available for cases of mild to moderate severity.
- In lieu of formal adjudication, a student may elect to enter into a voluntary resolution agreement where the student agrees to adhere to all official university pandemic guidelines and complete an educational sanction.
- Students who successfully complete the diversionary program will have their case closed without an official violation on their record.
- Students who violate the terms of the agreement within a defined period of time (16 weeks) will have charges reinstated and the case adjudicated as a second offense.

#### Third Incident Reported

- The student will be charged with a conduct violation under the *Expectations of Cooperation* standard of the *Student Code of Conduct* for failing to comply.
  - Sanctions Range: Disciplinary Probation (Levels 2-3; 4-16 weeks), Deferred Housing Suspension and Conflict Wise and Reflection Paper

- Students will be advised that future violations may lead to more impactful sanctions including loss of housing, or suspension, etc.

#### Fourth or Greater Incident Reported

- The student will be charged with a conduct violation under the *Expectations of Cooperation* standard of the *Student Code of Conduct* for failing to comply.
  - Sanction Range: Disciplinary Probation (Level 4-5; 1 semester to 1 year), Housing Suspension, Deferred Suspension, University Suspension, and proportionate educational sanctions.

#### **Reporting**

Members of the university community can file a report regarding noncompliance with approved pandemic guidelines at the Student Conduct website under the “*Report An Incident*” tab: [www.kutztown.edu/studentconduct](http://www.kutztown.edu/studentconduct). Consistent with the Community Expectations section above, reporters should make students aware that an Incident Report is being filed with the Office of Student Conduct.

Report Form Link: [Student Conduct Incident Reporting Form](#)