

Kutztown University of Pennsylvania

<http://www.kutztown.edu/thekey>

**Student Code of Conduct¹
2018-2019**

Preamble

Kutztown University is centered upon a culture of learning, the pursuit of academic excellence and the holistic development of its students. As such, the Kutztown University *Student Code of Conduct* is established to uphold standards of the community in an effort to embrace and care for the living-learning environment of the university. In doing so, the *Student Code of Conduct* espouses the standards of the institution in an effort to cultivate an environment that maintains student accountability and supports an atmosphere conducive to learning.

Article I: Definitions

1. The term "university" means Kutztown University.
2. The term "student" includes the following:
 - a. All persons enrolled in courses at Kutztown University either full-time or part-time, pursuing undergraduate, graduate, or professional studies;
 - b. All persons who are not officially enrolled for a particular term but have not officially withdrawn from the university and maintain eligibility to enroll; and
 - c. All persons defined under item 1a or 1b who withdraw after allegedly violating the *Student Code of Conduct*.

This *Student Code of Conduct* does apply at all locations of the University, including branch campuses and/or off-site teaching or internship locations, including sites of study abroad programs.

3. The term "university official" includes executives, representatives and employees of the University performing assigned administrative or professional duties on behalf of the University
4. The term "member of the university community" includes any person who is a student, employee, or University official of the University. If in question, a person's status in a particular situation shall be determined by the Dean of Students.

¹ *The official policy is published in the KU student handbook, The Key, at www.kutztown.edu/thekey; this standalone copy of the policy is made available as a reference. Please consult the official policy in the student handbook as needed.*

5. The term "university premises" includes all land, buildings, facilities, and other property in the possession of or owned, leased, used, or controlled by the University including adjacent streets and sidewalks.
6. The term "student organization" means an entity that has complied with the formal requirements for University recognition as set forth by Office of Student Involvement.
7. The term "hearing authority" means any person or body selected to serve in accordance with University's processes to determine whether a student has violated the *Student Code of Conduct* and to recommend sanctions that may be imposed when a student conduct violation has been committed.
8. The *Dean of Students* or his/her appointed designee is that person designated by the *University President* or his/her designee to be responsible for the administration of the *Student Code of Conduct*.
9. The term "policy" means all of the written regulations of the university that are found in one or more of the following resources: the *Student Code of Conduct*, *Document on Student Rights and Welfare*, *The Key Student Handbook*, *Acceptable Use Policy*, *Academic Honesty Policy*, *Sexual/Gender Based Offenses Policy*, *Undergraduate/Graduate Catalogs*, *Kutztown University Policy Register*, and the Kutztown University web page: <http://www.kutztown.edu>.

Article II: Student Code of Conduct Authority

1. Specific regulations concerning student conduct on campus and their administration shall be the responsibility of the *Council of Trustees* and University President through the *Division of Enrollment Management and Student Affairs* and such members of the administration, faculty and student body as appropriate.
2. The *Dean of Students* or his/her designee shall develop policies for the administration of the *Student Code of Conduct* and procedural rules for the conduct of hearings that are consistent with the provisions of the *Student Code of Conduct* and the *Document on Student Rights and Welfare*.
3. The process outlined in the *Document on Student Rights & Welfare* shall determine the composition of the conduct and appellate boards and determine which hearing authority shall be authorized to hear cases of alleged student misconduct.
4. Students are recognized as contributing members of the University community. All are recognized as having specific rights and responsibilities which are indicated in the *Document of Student Rights and Welfare* included in this handbook.
5. The Kutztown University e-mail system is recognized as an official communication and is the primary medium for receiving correspondence relating to student conduct.

Article III: Jurisdiction

The Kutztown University *Student Code of Conduct* shall apply to conduct that occurs on University premises, at University related activities on or off-campus, and to off-campus conduct that represents a substantial University interest which adversely affects the University community and/or the pursuit of its objectives. Students shall be responsible for their conduct from the time of confirmation of acceptance for admission through the actual awarding of degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is not discovered until after their degree is awarded).

Off-Campus Rights & Responsibilities

Reasonable guidelines are essential to facilitate the development of high standards of mutual respect and integrity within each and every student. Sensitivity to our environment as well as community involvement that extends beyond the physical campus boundaries are integral components to the appropriate development of responsible citizenship. Kutztown University is genuinely committed to the student developing civic skills and public service experiences for living in a public world. To that end, Kutztown University will encourage the personal and intellectual development of students as they exercise rights of citizenship both on and off-campus in the local community. Kutztown University will make every effort to foster positive relations among students and permanent residents as well as provide experiential learning opportunities for students to become actively involved in off-campus civic, community, social service organizations and causes.

While the University has a primary duty to regulate behavior on its premises, there are circumstances when the off-campus behavior of students affects a substantial University interest and warrants disciplinary action. The University expects students to conduct themselves in accordance with the law. Student misconduct occurring off the premises of the campus that may have violated any local, state, or federal law is subject to review by the University and may result in student conduct charges being filed against a student by the Dean of Students Office. When students are found responsible for off-campus conduct that both meets the definition of affecting a substantial university interest, and violates the *Student Code of Conduct*, sanctions will be applied.

When the University has been made aware of off-campus misconduct, the *Student Code of Conduct* may be applied by the University simultaneous to any criminal action taken by civil authorities. However, in some instances final action may be deferred at the discretion of the University until all external processes have been completed or until such time when the on campus procedure may proceed without encumbrance.

Student conduct committed off the campus which affects a substantial university interest is student conduct that includes one or more of the following:

- a. Constitutes a violation of local, state or federal law. Included are (but not limited to) violations of any local, state or federal law committed in the immediate or adjacent municipalities where the university is located.
- b. Indicates that the student may present a clear and present danger or threat to the health or safety of others.
- c. Significantly infringes upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- d. Is detrimental to the educational interests of the University.

Any off-campus student behavior that affects a substantial University interest, as previously defined, violates the *Student Code of Conduct* and is subject to disciplinary action following standard University procedures.

In accordance with the *Document on Student Rights and Welfare* and university student conduct procedures, students are entitled to contest any allegations against them and may request a hearing or review before the relevant hearing authority. The relevant hearing authority will review the referred allegations of off-campus misconduct in the same manner in which they review alleged violations occurring on university premises. The Dean of Students Office may also consider whether or not the referred off-campus misconduct affects a substantial university interest and whether the behavior should be subject to disciplinary action.

Sanctions for Off-Campus Violations of Law

As with on-campus infractions, the sanctions for off-campus misconduct range from disciplinary reprimand to dismissal as defined in the *Document on Student Rights & Welfare*. The following categorization is a guide to off-campus violations of law in the categories of *minor*, *moderate* and *major*. This listing does not take into consideration a student's prior student conduct record. Therefore, those students with a history of prior misconduct may receive more stringent sanctions than those listed below for any particular act of misconduct.

- a. *Major: Student Code of Conduct* violations committed off the campus that typically would fall into the major category and yield a sanction range of suspension, including interim suspension to dismissal are: felonies to misdemeanors.
- b. *Moderate: Student Code of Conduct* violations committed off the campus that typically would fall into the moderate category and yield a sanction range of disciplinary probation to dismissal are: misdemeanors to non-traffic violations of criminal statutes.
- c. *Minor: Student Code of Conduct* violations committed off the campus that typically would fall into the minor category and yield a sanction range of disciplinary reprimand to

disciplinary probation are: non-traffic summary offense of criminal statutes to violations of local code and ordinances.

Article IV: Conduct

Standards & Regulations:

1. Sexual/Gender Based Misconduct: See *Sexual/Gender Based Offenses Policy*.

2. Academic Dishonesty: See *Academic Honesty Policy*.

3. Hazing: See *Hazing Policy*.

4. Computer/Technology Misuse

- a. Violation of the *Acceptable Use Policy*.
- b. Violation of ResNet regulations and policies for responsible use.

5. Harm to Others

- a. Physical violence including but not limited to physical abuse, assault and/or battery; threats of violence; striking, shoving or subjecting another person to unwanted physical contact.
- b. Intentionally or recklessly endangering, threatening, or causing physical harm to any person and/or their property.
- c. Harassment, defined as a pattern of behavior that involves verbal abuse or harassment, threats, intimidation, bullying, coercion, stalking, and/or other conduct which threatens or endangers the health and safety of another person(s) or another person's property.
- d. Stalking, defined as the repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and safety of another person, resulting in the intimidation of that person.
- e. Bullying, defined as the repeated and intentional harassment resulting in the intimidation of another person.
- f. Retaliation, defined as any adverse action, threat of adverse action and/or the harassment of an individual who makes a good faith report of misconduct, is the subject of a report of misconduct, and/or who is reasonably participating in the student conduct process resulting in the intimidation of another person.
- g. Use of the Internet (including social media, email, text messaging, etc.) interactive, and/or digital technologies to harass, bully, retaliate and/or stalk another person, resulting in the intimidation of that person.

6. Property

- a. Attempted or actual theft of and/or damage to property of the university or property of a member of the university community.
- b. Attempted or actual theft of university services.
- c. Possession and/or receipt of stolen property.
- d. Tampering, discharging, setting-off, or causing to be inoperable any firefighting/lifesaving apparatus, alarm devices, fire safety devices, and emergency equipment for no legitimate purpose.
- e. Initiating bomb threats or false alarms to any university official, facility, program, or event on university premises.
- f. Failure to evacuate a facility or designated area in a timely manner or to comply with the directions of a university official during a fire drill or other health and safety emergency.
- g. Setting or attempting to set a fire, creating/causing a fire on campus and/or participating in the unauthorized use of fireworks on campus.
- h. Trespassing in areas that are posted, off-limits and/or restricted including but not limited to water towers, the quarry area, electrical substations, areas under construction or repair, areas cordoned off by university officials, roof tops, and buildings that are closed.
- i. The willful obstruction of a passageway, entrance, exit, or any portion of a university building or premises which restricts the freedom to utilize the facility for its stated and intended purpose.
- j. Misappropriation of a university resource including the act or the attempt to remove a university resource designated for general student or university usage or consumption from a designated area.
- k. Actions that cause disruption to university networks and/or telecommunications systems, equipment and/or resources.
- l. Use of university resources, facilities or services to commit a violation of university policy or the law.

Students found responsible for violations of this conduct standard for health, fire/safety, theft and property damage provisions are subject to sanctions including, but not limited to, loss of university housing.

7. Expectations of Cooperation

- a. Failure to comply with directions of university officials or law enforcement officers acting in the reasonable performance of their duties.

8. Unauthorized Access

- a. Unauthorized possession, duplication or use of keys, key access cards, computer system or network passwords, access systems or codes to any premises or unauthorized entry to or use of university premises.

9. Alcohol

- a. Use, possession, manufacturing, or distribution of alcoholic beverages or alcoholic products on university premises except as expressly permitted by official university policy.
- b. Constructive possession of alcoholic beverages or products whereby possession is defined as the presence of alcoholic beverages or products in an area under one's control such as a residence hall room in which the student is assigned or a vehicle that is owned, operated or controlled by the student.
- c. Public intoxication on university premises or at official university student activities/functions on or off-campus.
- d. Underage use of alcohol including the purchase or attempt to purchase alcohol by a minor.
- e. Excessive use of alcohol resulting in a state of intoxication. Excessive use may include use resulting in a need for medical attention, inability to function without assistance, unconsciousness, incoherent or disoriented behavior, loss of control of bodily functions, and /or having a blood alcohol level of .16 or above.
- f. Selling or furnishing (including the attempt to sell or furnish) alcoholic beverages or products without a license to a minor on or off-campus.
- g. Hosting or organizing a party where a party is defined as involving eight (8) or more people in residence halls; or twelve (12) or more in suite style residence halls; or twenty (20) or more in apartments or on nearby grounds at which alcoholic beverages or products and/or drugs are present. *Students found responsible for violation of this specific provision are subject but not limited to loss of university housing.*
- h. Driving while intoxicated. Intoxication includes driving with blood alcohol content of .08 or greater for persons who are 21 years of age or older or .02 or greater for persons under the age of 21.

10. Drugs

- a. Use, possession, purchasing (including the attempt to purchase), manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances, except as expressly permitted by law.
- b. Constructive possession of marijuana, heroin, narcotics or other controlled substances whereby possession is defined as the presence of contraband in an area under one's control such as a residence hall room in which the student is assigned or a vehicle.
- c. Being under the influence of illegal drugs or other controlled substances on university premises or at official university student activities/functions on or off-campus.
- d. Selling (including the attempt to sell), delivering, transporting or furnishing any illegal drugs or controlled substances.
- e. Hosting or organizing a party (4.IV.9.g) where marijuana, heroin, narcotics or other controlled substances are present. *Students found responsible for violation of this specific provision are subject to loss of university housing.*
- f. Possession of drug paraphernalia including but not limited to pipes, bongs, grinders and other devices.

- g. Use of legal substances or synthetic substances, legal or illegal, in a fashion designed to alter one's mental or physical state.
- h. Impaired driving as a result of the use of drugs or illegal substances.
- i. Drugging another person's food or drink, or by any other means, without their knowledge or consent.

11. Weapons

- a. Unauthorized possession, carrying or use of firearms, explosives, other weapons, or dangerous chemicals including propane, lighter fluid or other fuels, in university buildings, facilities and/or at university events is prohibited. Unauthorized items include but are not limited to: firearms of any kind including pellet, BB devices, Tasers, stun guns, ammunition, and/or air powered projectile devices; knives with blades longer than four (4) inches, switchblades and spring assisted knives of any kind, chemicals, fireworks, bow, nunchaku, brass knuckles, and/or any instrument or implement that can be used as a weapon and is capable of inflicting serious bodily injury.
- b. The illegal use and/or possession of a weapon.
- c. Violation of Kutztown University Policy A&F-030: *Possession of Deadly or Offensive Weapons on Kutztown University Campus*.

12. Disorderly Conduct

- a. Conduct that is disruptive and/or serves no legitimate purpose.
- b. Breach of peace or aiding, abetting, or procuring another person to breach the peace on university premises or at functions sponsored by, or participated in by, the university or members of the academic community.
- c. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, pedestrian or vehicular traffic, other university activities or of other authorized non-university activities when the conduct occurs on university premises.
- d. Unauthorized use of electronic or other devices including drones to make an audio, video or photographic record or image of any person without his/her expressed consent when such a recording is likely to cause injury, distress, or breach a reasonable expectation for privacy. This includes, but is not limited to, surreptitiously taking pictures or videos of another person in a gym, locker room or restroom.
- e. The misuse or illegal and/or unauthorized use of drones or unmanned aircraft systems on campus property or at university events and programs.
- f. The misuse or illegal and/or unauthorized use of lasers, laser pointers and/or other similar laser devices on campus or at university events and programs.

13. Bias/Intimidation

- a. Any violation of law, university conduct standard, or policy based on the actual or perceived age, ancestry, color, religion, disability, gender, national origin, race or sexual orientation of an individual or group of individuals.

14. Abuse of the Student Conduct Process

- a. Failure to obey a notice from a hearing authority or university official to appear for a meeting as part of the student conduct process; failure to appear as a witness at an official student conduct hearing.
- b. Falsification, distortion, or misrepresentation of information before an appropriate hearing authority, at a preliminary briefing, or other student conduct process meeting/hearing.
- c. Disruption or interference with the orderly conduct of a hearing, preliminary briefing, or other student conduct meeting or hearing.
- d. Falsifying a student conduct incident report.
- e. Attempting to discourage or interfere with an individual's participation in, or use of, the student conduct system.
- f. Attempting to influence the impartiality of a member of a hearing board prior to, and/or during the course of the student conduct process.
- g. Harassment and/or intimidation of any party, witness or hearing board member involved in a student conduct case with the intent of influencing outcomes or for the purposes of retaliation prior to, during and/or after a student conduct proceeding.
- h. Failure to comply with the sanction(s) imposed as a result of a *Student Code of Conduct* violation.
- i. Falsifying data, committing plagiarism, receiving unauthorized assistance, and/or the misrepresentation of service in attempt to fulfill the requirements of an assigned student conduct sanction; completing part or all of an assigned sanction for another student.

15. Persistent Infractions

- a. Persistent infractions of university policies and/or regulations including but not limited to repeated violations of the same conduct standard and/or university policy.

16. Complicity

- a. Conspiring with another or other students or knowingly aiding, assisting or encouraging another student or students in the commission of a *Student Code of Conduct* violation, violations of law and/or other official policies of the university.

17. Responsibility for Actions of Guests

- a. Allowing and/or failing to prevent violations of law or university policy by a non-student guest.

Students are responsible for the behavior of their non-student guests at all times and in all places. The student host is responsible to make guests aware of rules and regulations of the residence halls and the campus in general.

18. Falsification/Forgery

- a. Falsifying, omitting or forging university, federal or state forms, documents, applications, reports, identification, parking permits, meal cards, and/or the attempt to misrepresent himself/herself as another person or university official.
- b. Falsifying a report to university police.
- c. Providing false information to a university official who is acting in the reasonable performance of their duties.

19. Student Identification

- a. Failure to possess and/or submit a Kutztown University Student Identification Card (ID) card to a university official who is acting in the reasonable performance of their duties for the purposes of identification.
- b. Failing to promptly report the loss of a student ID card to the KU Card Office.
- c. Intentionally transferring a student ID card, personal identification number (pin) codes or passcodes to any other person for any purpose whatsoever.

Students are required to obtain and possess their official Kutztown University Student Identification Card (ID).

20. Violation of Law

- a. Violation of any local, state or federal law on or off-campus.

Criminal or civil decision is not a necessary prerequisite for a disciplinary decision nor is it necessary that criminal or civil charges be lodged against the student either before or after a university decision. Therefore, action taken in a civil or criminal court does not free the student of responsibility for the same conduct in a university proceeding. A student participating in the Accelerated Rehabilitative Disposition (ARD) program or any similar alternative diversionary program applied by the courts is still considered to be in violation of this standard and accountable for a conduct violation.

21. University Policies

- a. Violation of any university policy, rule, or regulation published in hard copy or electronically available on the university website.

Article V: Supporting Policy and Policy Statements

Document of Student Rights & Welfare

Specific process procedures, protocols and definitions regarding due process, a range of disciplinary sanctions, interim suspensions, the appeal process, and overall student conduct system including the composition and jurisdiction of hearing boards are outlined and defined in the *Document on Student Rights & Welfare* in the student handbook: <http://www.kutztown.edu/TheKey>.

Parental Notification Statement

Parents or legal guardians of students under the age of 21 found responsible for violations of conduct standards on alcohol and/or drugs will be informed, in writing, following a second infraction and finding of responsibility. At the time of a first incident, students will be strongly advised to consult parents or guardians regarding their behavior and to seek advice on any criminal or disciplinary processes which may transpire as well as any intervention strategies related to use or abuse of substances.

Statement on Copyright Infringement Policies & Sanctions

Consistent with the University's acceptable use policies, the illegal distribution of copyright material including unauthorized peer-to-peer file sharing on University owned, operated or maintained networks may subject students to civil and criminal penalties under federal law. A link to the specific legal penalties as defined by law may be found at Kutztown University's *Student Consumer Information* portal at the following website: <http://www.kutztown.edu/student-consumer-information.htm>.

Students who violate university policy with respect to copyright infringement and illegal downloading will be held accountable through the university student conduct process. Minor first time offenses subject students to a disciplinary reprimand and participation in an educational program about copyright infringement and illegal downloading. If an infraction occurs on the residence hall network a student will be required to bring their computer or computing device to the *ResNet* Office for inspection and cleaning prior to having their network access restored. Repeat offenders may have their network privileges temporarily or permanently revoked; prolific or chronic offenders may face removal from the residence halls, suspension from the institution and/or permanent loss of computer privileges. As noted above, a student may face criminal or civil action in addition to any administrative response from the university.

Attempted Violations

In most circumstances, the university will treat attempts to commit any of the violations listed in the *Student Code of Conduct* as if the attempted offense had been completed.

University as Complainant

As necessary, the university reserves the right to initiate a complaint, to serve as the complainant, and to initiate student conduct proceedings without a formal complaint by the victim of misconduct.

Immunity for Victims

The university encourages the reporting of *Student Code of Conduct* violations and crimes by victims therefore the university will follow a policy of offering victims of serious crimes or offenses amnesty from secondary student conduct infractions related to the incident question.

The *Good Samaritan Policy for Alcohol & Other Drug Incidents* (STU-032) provides conditions for amnesty related to the reporting of alcohol and drug related medical emergencies.

The *Sexual/Gender Based Offenses Policy* provides conditions for amnesty from secondary offenses (e.g. alcohol violations) related to the reporting of sexual violence, dating violence, domestic violence and stalking incidents.

Reporting Time

Members of the university community are urged to report incidents immediately after it occurs. To receive full consideration reports must be submitted in a reasonable period of time from date of infraction. For major violations, there is no specific statute of limitation on reporting a violation but university response to reports received after a significant period of time has elapsed may be limited given the availability of witnesses, evidence or involved parties.

Availability of Rules & Regulations

This document includes rules and regulations which apply to all students as defined in Article I.2. Those which apply to small, specific groups of students (e.g. residence students, non-resident students) may be available in documents published for those specific populations.

Interpretation and Revision of Regulations

Any question of interpretation or application of the *Student Code of Conduct* shall be referred to the Dean of Students or his/her designee for a final determination. The *Student Code of Conduct* will be reviewed on a periodic basis under the direction of the Dean of Students or his/her designee.

Confiscation Statement

All prohibited items or personal items used to transport or store prohibited items are subject to confiscation by University officials. Prohibited items, particularly those of an illegal nature will not be returned and will be destroyed. Personal items used in the commission of a *Student Code of Conduct* violation or University policy become the property of Kutztown University. These items may be returned at the University's discretion.

Calculation of Time

Periods of probation, separation, or other restrictions are computed to include the first and last day of such periods of time.