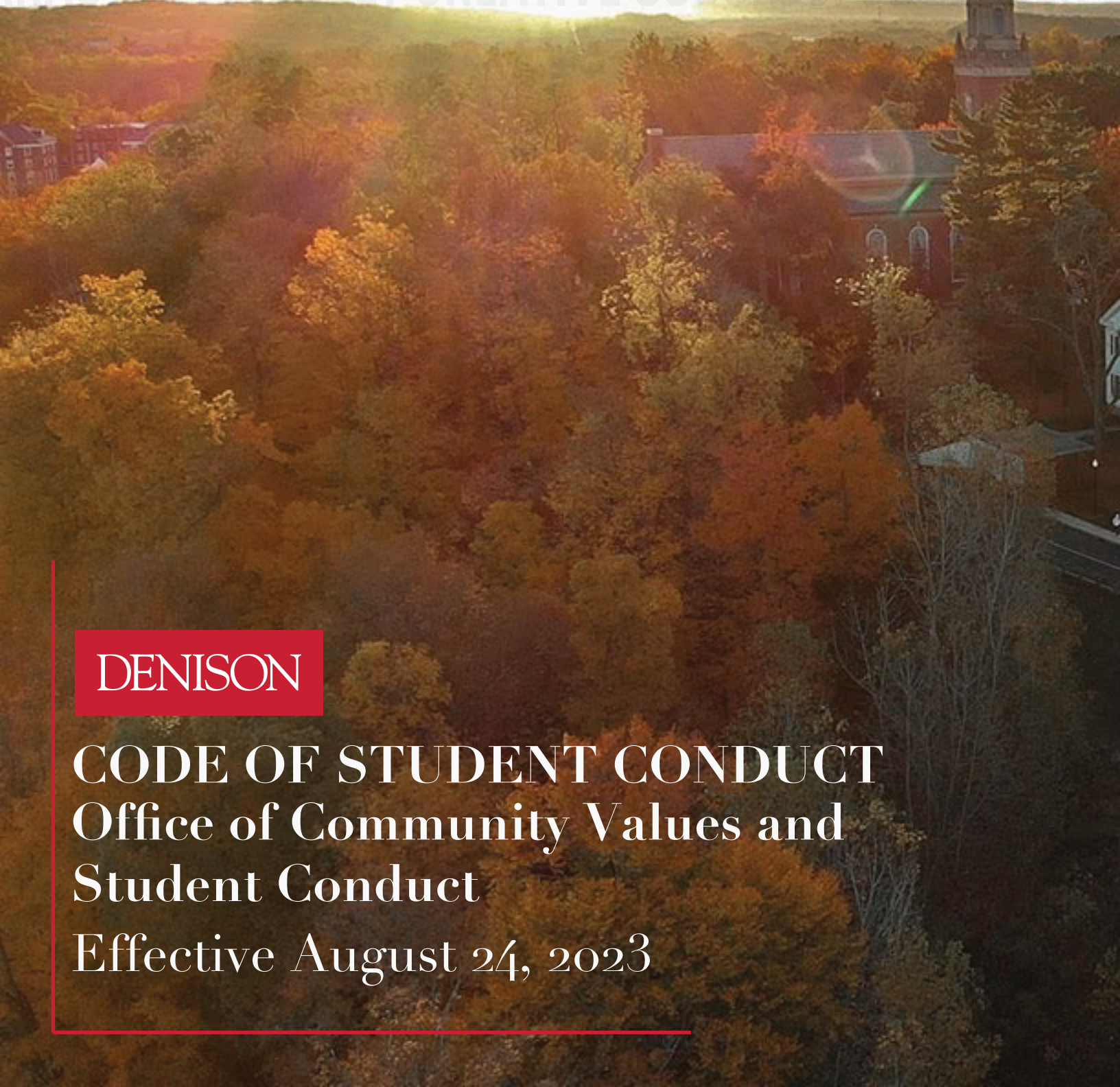


PURPOSE COMMITMENT EXPECTATIONS RESPECT CA
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RACTER FRIENDLY CREATIVE SUCCESSFUL LEADER P



DENISON

CODE OF STUDENT CONDUCT
Office of Community Values and
Student Conduct
Effective August 24, 2023

Denison University Mission Statement

Our purpose is to inspire and educate our students to become autonomous thinkers, discerning moral agents, and active citizens of a democratic society. Through an emphasis on active learning, we engage students in the liberal arts, which fosters self-determination and demonstrates the transformative power of education. We envision our students' lives as based upon rational choice, a firm belief in human dignity, and compassion unlimited by cultural, racial, sexual, religious, or economic barriers, and directed toward an engagement with the central issues of our time.

<https://denison.edu/campus/about/vision-values>

The Office of Community Values and Student Conduct

The Office of Community Values and Student Conduct (OCVSC) is a department under the Division of Student Life that houses the Code of Student Conduct and facilitates processes to address alleged behavioral misconduct involving Denison students. As an educational and administrative office, OCVSC receives incident reports, investigates allegations, and resolves matters accordingly based on the preponderance of the evidence standard.

OCVSC operates under the philosophy of three main objectives:

Support Student Engagement and Skill Building

We support students in developing values-based decision-making practices and risk reductive strategies throughout their collegiate experience in preparation for post-graduate life.

Community Impact and Restoration

We help students identify the impacts of their behavior not only on themselves, but on the community, to help support restorative engagement moving forward.

Clarity of Process

We deliver a student conduct process that is fair, transparent, and equitable for all responding students.

Office of Community Values and Student Conduct

415 Slayter Hall

CommunityValues@Denison.edu

740-587-6232

Purpose

The Denison Code of Student Conduct describes the expectations for conduct and behavior among students who are part of the Denison Community and outlines the procedures to be followed when these expectations are not met. This Code informs students of their rights and responsibilities within the student conduct process, what they should expect from fellow Denison student community members and provides the institutional response to help the student address the impact their decisions made on themselves and the campus community when they've been found responsible for not meeting behavioral expectations. In instances where students may not meet the expectations of the Denison community, this document describes potential outcomes, including educational, restorative, or disciplinary measures to ensure that students learn from their actions and to safeguard the safety and well-being of the campus community. It is not written with the specificity of a criminal statute but is instead a university administrative document rooted in education and community. Just as Denison offers academic instruction, we believe it is important to also foster ethical development and educate students about the impact of their behavior on others.

Community Commitment

Denison University is dedicated to student learning and the development of ethically responsible persons who contribute to the development of strong communities, including beyond the campus. Denison University values a student conduct process that is community based, and the expectations, procedures, and practices in this Code have been developed through collaborative engagement with students, faculty, and staff.

It is the expectation that students act in accordance with shared community values and principles. Every student who accepts the invitation to join Denison is expected to abide by university policies and United States federal, Ohio state, and local laws. Students are also expected to see themselves as part of a community; therefore, students are expected to help mitigate situations when they observe others violating those rules, including directly intervening when it is safe to do so, and/or reporting the behavior and seeking assistance from university officials or law enforcement.

MAKE THE CALL TO GET HELP

The University has in place a **Medical Assistance ("MA") Policy** to encourage students, Host Groups, and student organizations to seek help for students they observe exhibiting signs of extreme intoxication or other dangerous conditions that may require medical intervention related to alcohol and other drugs. When a medical emergency occurs and an intoxicated student calls upon University or emergency personnel for help, or if another student calls on the intoxicated student's behalf, MA will be applied. MA results in educational obligations in lieu of formal resolution, including no formal reporting of the incident on a student's record. MA exempts a student from action related to possession and use of alcohol and other substances, though not from other connected policy violations that may take place. Please call 9-1-1 and/or Campus Safety Campus Emergency Line: 740-587-6777

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Section I: Scope of the Code of Student Conduct

The Code of Student Conduct applies to all enrolled students, campus organizations, and athletic teams, as well as individuals who have accepted admission to Denison University. This also includes individuals who may not be enrolled in classes full-time at the University, but instead are taking at least one credit at Denison. Individuals who have a continuing relationship with the institution but are not enrolled at the institution are also expected to uphold the standards of the institution, including but not limited to students who are disciplinarily or academically suspended, medically withdrawn, and/or studying abroad.

Persons who withdraw or attempt to withdraw after allegedly violating University policies will be expected to fully resolve such matters to be eligible, from a disciplinary lens, to return to the University. Additionally, individuals who have outstanding outcomes may not be eligible to return to the University until those outcomes have been completed. If allegations of a violation cannot be resolved prior to a student's intended graduation date, Denison reserves the right to withhold a student's degree until after the matter has been finally resolved. A student who is suspended after having satisfied all academic requirements for a degree may not be awarded their degree until the period of suspension is over and they have met all conditions for reinstatement. A student who is expelled at any time prior to the conferral of a degree, including after completing all academic requirements for a degree, forfeits all rights and degrees not conferred at the time of the expulsion.

Students are representatives of the Denison University community, which means that students are responsible for their behavior both on and off campus. Therefore, the jurisdiction of Denison relative to its policies and student conduct processes includes behavior that occurs (1) on Denison University premises, (2) at Denison University-sponsored or Denison University-supervised events, regardless of where they occur, (3) on electronic networks or social media, and/or (4) off Denison University premises, including but not limited to behavior reported through off-campus programs, such as study abroad, athletic team travel, etc. Students are subject to the expectations found within this Code both while classes are in and out of session.

As noted above, the expectations outlined in the Code may apply to conduct occurring on or off campus, including on social media or other electronic communications. While the University does not always pursue information about conduct off-campus or on social-media and electronic networks, the University reserves the right to investigate and resolve any report or incident in which a student is alleged to violate any of the expectations in this Code or other university policies, or violations of local, state, or federal law, regardless of the location where the incident occurred. Considerations governing the initiation of proceedings for off-campus or online conduct include the nature and/or impact of the behavior, the nexus to, or actual or potential impact on university activities or community members, and/or the risk the behavior, if repeated, could pose to the University or its community members.

Section II: Violations of the Law and Student Conduct Proceedings

Students may be accountable to both legal authorities and Denison University for acts that violate local, state, or federal laws. Students are welcome to seek the assistance of legal counsel when they face criminal charges in navigating accountability processes outside of the University's administrative process. Disciplinary action through the student conduct process at the same time as criminal action does not subject a student to "double jeopardy." Denison's student conduct process is administrative and educational, and internal to the University. Denison's process might be informed by findings from a criminal investigation or proceeding, but Denison is not bound by the findings or outcomes of criminal proceedings, since, among other reasons, standards and evidence may differ.

University disciplinary action will normally proceed during the pendency of a criminal or civil action; although, law enforcement may sometimes ask the University to delay its process. Also, a student may request that the university student conduct process be placed on hold until criminal actions are resolved. The Director of Community Values and Student Conduct or their designee will decide whether this request will be granted. In such a case,

interim restrictions may be imposed, including restrictions from campus. The University reserves the right to proceed with the student conduct process at any point. The granting of any hold is at the full and sole discretion of the University.

Should any criminal proceeding result in a felony conviction as a result of an incident on or off campus, the Vice President for Student Life reserves the right to summarily expel a student. This action is considered final and is not subject to further review.

Section III: Definitions Within the Process

Business Day – Mondays through Fridays during which Denison University is open for normal business. Business days do not include federal or state holidays, days of scheduled University closures, or days when University business is not fully operational due to, but not limited to, adverse weather or other emergency events or winter break closures.

Charges – Expectations of the Code that a respondent has allegedly violated per information received through incident reports or other reporting measures.

Code – Within this document, Code refers to this Denison University Code of Student Conduct.

Complainant – An individual or group who is alleged to be the victim of conduct that could constitute a violation of this Code.

Consent – The University considers consent voluntary agreement through words or action freely given, which could be reasonably interpreted as a willingness to participate in sexual activity. Indications that consent is not present include: when physical force is used or there is a reasonable belief of the threat of physical force; when duress is present; when one individual overcomes the physical limitations of another individual; and when an individual is incapable of making an intentional decision to participate in a sexual act, which could include instances when the individual is in a state of incapacitation (defined below). Important points regarding consent include:

- Silence or an absence of resistance does not necessarily indicate consent.
- Consent on a prior occasion does not constitute consent on subsequent occasions, and consent cannot be inferred solely by the existence of a past sexual or dating relationship.
- Consent must exist throughout the sexual encounter and can be withdrawn or modified at any time, and consent to one form of sexual activity does not automatically imply consent to other forms of sexual activity.
- A person cannot obtain consent from someone who is incapacitated.
- Under Ohio state law and incorporated into this Code, a person who is eighteen or older cannot obtain consent for sexual activity from someone under the age of sixteen even if the person who is a minor wanted to engage in sexual activity. A person under the age of thirteen cannot consent to sexual activity under any circumstance.

Disciplinary Status Sanctions – Disciplinary status, such as disciplinary warning, disciplinary probation, suspension, and expulsion, that is assigned to a respondent when they have been found responsible through the student conduct process. Based on the disciplinary status of a student, their ability to participate in university activities or leadership positions may be impacted.

Educational Sanctions – Required opportunities to complete reflection, specific research, activities, or service chosen to meet desired learning objectives regarding the incident and violations for which a respondent has been found responsible through the student conduct process.

End of Day – The end of official Denison University business days is 4:30 pm, ET, Mondays through Fridays, during normal fully operational business days.

Federal Education Rights and Privacy Act (FERPA), (20 U.S.C. § 1232g; 34 CFR Part 99) – FERPA is a federal law that protects the rights of students’ education records. Under FERPA, students have the right to inspect and review their education records maintained by the school. Students have the right to request that a school correct records that they believe to be inaccurate or misleading. Generally, schools must have written permission from the student to release any information from a student’s education record, although some exceptions apply and are outlined in detail within the law.

Finding – Decision or determination made by hearing authorities regarding whether a student has been found responsible or not responsible for violating the Code.

Hearing Authority – Any individual or panel of individuals authorized by the Office of Community Values and Student Conduct (OCVSC) to preside over student conduct hearings, such as Administrative Resolution hearings and University Conduct Board hearings, to make a finding as to whether the respondent has or has not violated the Code, and if responsibility has been determined, these individuals also determine sanctions.

Hearing Board Advisor – All convened hearings of the University Conduct Board (UCB) will include an OCVSC administrator, who will serve as the Hearing Board Advisor. The role of the Hearing Board Advisor is to address procedural questions/issues participants may have during the hearing. Board Advisors do not attempt to inform Board members’ decisions regarding findings of responsibility or sanctioning for Respondents.

Hearing Board Chair – An individual chosen from a convened three-member hearing panel who has the authority to conduct the hearing in a manner designed to effectively and efficiently elicit information needed to make a decision.

Hearing Officer – A hearing authority, from either the Office of Community Values and Student Conduct or Residential Communities and Housing, who has been designated to preside over an Administrative Resolution hearing and make findings as to whether a student has violated expectations found within the Code.

Incapacitation - For purposes of this Code, incapacitation (or incapacity) is the state in which an individual’s perception or judgment is so impaired that the individual lacks the cognitive capacity to make or act on conscious decisions to engage in sexual activity. The use of drugs or alcohol can cause incapacitation. Important points regarding incapacitation include:

- States of incapacity include sleep, unconsciousness, intermittent consciousness, physical helplessness, or any state in which an individual is not fully aware of what is occurring.
- A person who is incapacitated is unable to give Consent to participate in sexual activity. To engage in sexual activity with a person whom one knows or should know is incapacitated constitutes Sexual Misconduct and violates this Code.
- Under this Code, determinations as to whether a person should have known that another person was incapacitated shall be objectively based on what a reasonable sober person would have known about the condition of the incapacitated person in the same situation.
- Incapacitation is not the same as an alcohol-induced “blackout.” An alcohol-induced blackout is defined as a lack of memory for events occurring after consuming alcohol without a loss of consciousness. A blackout is memory loss during a period of impairment without the loss of other skills.
- Whether a person knew or should have known of another’s incapacitation requires assessment of how alcohol is affecting the other person’s:
 - Ability to make decisions and exercise judgment;
 - Awareness of surroundings and consequences of actions; and

- Ability to appreciate the nature of any sexual acts and circumstances surrounding the acts
- Factors that a person may use to determine incapacitation include, but are not limited to:
 - Slurred speech
 - Lack of motor skills or balance
 - Inability to focus
 - Confusion
 - Vomiting
 - Emotional volatility or reactivity
 - Unusual behavior
 - Bloodshot eyes
 - Smell of alcohol on breath
- A party's own intoxication or impairment by alcohol or other drugs does not excuse sexual misconduct or remove a responsibility to obtain consent for all sexual acts.

Outcome – A finding by a Case Manager or Hearing Authority of Responsible or Not Responsible, and if applicable disciplinary status sanctions and educational sanctions, in a formal student conduct process. The term outcome may also be applied to educational initiatives associated with alternate resolution processes.

Preponderance of Evidence – Evidentiary standard that must be met to find a Respondent responsible for violation of the Code. Preponderance of the evidence means the greater weight of the evidence supports a finding the Respondent has violated the Code. Determinations are based on evidence and typically account for credibility assessments. Evidence and information considered as part of a determination may include, but is not limited to, pertinent records and documents (e.g., complaints, incident/investigation reports, police reports, photographs, audio/video recordings, emails, texts, social media information), and written/oral statements. Formal, legal rules of evidence and procedure do not apply to university conduct proceedings.

Reporting Party – An individual or group who reports behavior that may be in violation of the Code to the University.

Respondent – An individual or group who has been reported to be the perpetrator of conduct that could violate this Code.

Responsible / Not Responsible – Responsible is an outcome in which, based on a preponderance of the evidence, a student or campus organization is found to have committed a violation of this Code. Not Responsible is an outcome in which, based on a preponderance of the evidence, a student or campus organization is not found to have committed a violation of this Code.

Sanctions – Disciplinary outcomes of the formal student conduct process aimed to deter future similar behaviors of violation of the Code for which a student was found responsible.

Student – Persons who are enrolled in at least one credit hour at Denison University, as well as not presently enrolled but who have a continuing relationship with the University. An individual who is offered and accepts admission to Denison University is also considered a student under this Code.

Support Persons – A member of the Denison community (i.e., a faculty member, staff member, or another Denison student) of the student's choosing that is not affiliated with the alleged incident. They can also not be a responding party in the same incident as the student seeking support. Support persons are not permitted to speak, advocate for, or participate directly in student conduct processes in any way; students are responsible for their own engagement. If these engagement parameters are not followed, the presence of a Support Person can be revoked at the discretion of the Case Manager or Hearing Authority. Students should be aware that the resolution process timeline generally cannot be altered significantly based solely on the unavailability of their Support Person, and the student should

consider this when choosing a Support Person. A Respondent may have one Support Person with them in each meeting or proceeding of the student conduct process.

University Conduct Board (UCB) – University student, faculty, and staff members, who have committed to serving as Hearing Authorities. They are responsible for resolving formal student conduct cases in an efficient, fair, and impartial manner according to the policies of this Code. These individuals serve on a hearing panel, which is a three-person panel which shall always include at least one student UCB member and at least one faculty/staff UCB member, except for instances outlined in the UCB section of this document.

University Appeals Board (UAB) – University student, faculty, and staff members, who have committed to serving as Hearing Authorities. They are responsible for reviewing appeals submitted by students who have been found responsible through the formal student conduct process. Members resolve appeals in an efficient, fair, and impartial manner according to the policies of this Code.

Violations – Any action or collection of actions that constitutes a breach, infringement, or transgression of the expectations of conduct found within this Code.

Witness – An individual who has experience with, or knowledge of, events or circumstances related to the specific incident. Witnesses may be identified by university officials, Complainants, or Respondents. Witnesses may not serve in any other role throughout the student conduct process (e.g., support person, etc.).

Section IV: Expectations for Students

The University considers the behaviors described in the following subsections as inappropriate for members of the Denison University community. These expectations apply to all Denison University students, campus organizations, and athletic teams for behaviors that occur on and off campus.

A. Alcohol Violations

1. Use or possession of alcoholic beverages in violation of law. This includes, but is not limited to, underage possession or use of alcohol.
2. Selling, distributing, manufacturing, and/or coercing consumption of alcohol-related beverages, except as permitted by law and in line with the [Denison University Social Event Management Policy](#). This includes providing alcohol to underage individuals, individuals in a noticeable state of intoxication, and individuals attempting to gain membership into an organization or group.
3. Misconduct under the influence of alcohol, including but not limited to impaired safety because of alcohol, damage to property under the influence, or operating a vehicle under the influence of alcohol. Behaviors, such as vomiting, loss of balance, and unresponsiveness due to the overconsumption of alcohol, which require medical intervention would constitute misconduct.¹
4. Possession or consumption of alcohol in unapproved spaces on campus, including all first-year residence halls (regardless of student's age) and in any residential space where at least one individual is under the age of 21. Spaces including common areas (e.g., patios, roofs, lounges, stairways, walkways, parking lots, etc.), athletic facilities, dining spaces, academic buildings, and inside fraternity lodges or sorority houses are also alcohol-free, unless expressed and documented permission has been obtained.
5. Use of bulk-source and common-source containers on university premises, with the exception of the use of kegs in registered social spaces as per the [Social Event Management Policy](#), is prohibited at events involving students and athletic teams on or off campus.

¹ Students are encouraged in instances in which they observe other individuals or they themselves experience high-risk levels of intoxication, through alcohol or other drugs, to seek support from Campus Safety, residential Community Advisors (CAs), or other professional staff they believe would be able to help them.

6. Use of alcohol-related paraphernalia or organization of or participation in activities that enable the mass and/or rapid consumption of alcohol. This includes, but is not limited to, the use of beer funnels, beer pong, and participation in other alcohol-related games.
7. Failure by a campus organization or student group to take all necessary steps to ensure alcohol is not distributed or made available to individuals, both underage or noticeably intoxicated, at events sponsored by, hosted by, or associated with that organization or group.

B. Cannabis, Marijuana and/or Other Drug (Including Prescription Drug) Violations

“Cannabis” means the parts, products, and derivatives of the plant *Cannabis sativa*, *indica*, *ruderalis* and hybrid strains, regardless of the delta-9-tetrahydrocannabinol (THC) level. In compliance with federal law, Denison University prohibits the possession, use, manufacture, cultivation, distribution, and storage of cannabis for any purpose by students, faculty, staff, and visitors on and in all Denison properties and premises and at university-sponsored, including student organization- or athletic team-sponsored, events, whether on or off campus.

Misconduct relating to marijuana, cannabis, and other drugs includes the following:

1. Use and/or possession of marijuana or substances derived from cannabis. This includes products for medicinal use.
2. Use, possession, and or receipt through the mail of controlled substances, besides marijuana.
3. Use and/or possession of drug-related paraphernalia, including but not limited to pipes, bongs, vaporizers, and grinders.
4. Manufacture, distribution, sale and/or offer for sale of any controlled substance or drug. Quantities of drugs or the presence of materials that suggest distribution, such as scales and packaging materials, may be interpreted as intent to manufacture, distribute, and/or offer to sell.
5. Misconduct under the influence of marijuana or other drugs, including but not limited to impaired safety because of these substances, damage to property under the influence, or operating a vehicle under the influence of a substance. Disruptive behaviors, such as vomiting, loss of balance, and unresponsiveness due to the overconsumption of marijuana and/or other drugs, which require medical intervention, would constitute misconduct.
6. Misuse and/or distribution of prescription or over the counter medication. Students may not consume prescribed or over-the-counter medication to achieve effects outside of the medical purpose of the prescription, distribute their own prescribed medication to others, or possess or use prescription medication without a prescription.

C. Harmful Behavior Violations

1. Any action or threat of action that physically endangers or harms, or threatens to endanger or harm, the health, safety, or well-being of any person.
2. Reckless, but not accidental behaviors regardless of intention, which cause or potentially cause the likely risk of physical danger or harm to another person.
3. Discrimination or harassment (including bullying, cyberbullying, or physical or other abuse) based on an individual’s race, color, religion, national origin, sex, pregnancy status, sexual orientation, gender identity or expression, parental status, marital status, age, disability, citizenship, veteran status, or genetic information. Harassment, bullying, cyberbullying, and abuse refers to unwelcome behavior that is offensive and sufficiently severe or pervasive that it interferes with, or limits the ability of, another individual to participate in or benefit from the services, activities, or privileges provided by Denison, or creates an intimidating, hostile, or abusive working, living, or learning environment; it also includes behavior not based on a protected class status, such as race, sex, religion, or national origin. In most cases, an isolated incident will not rise to the level of harassment, bullying, or abuse. However, harassment in violation of this policy may result from a single incident if it is deemed sufficiently severe. The definition of harassment includes actions associated with the concept of bullying – the persistent use of aggressive, overbearing, or

- unreasonable behavior - which may include tactics such as verbal, nonverbal, psychological, or physical abuse and/or humiliation. The prohibition on harassment extends to cyber harassment or cyberbullying and other digital communications harassment, including on phone, texting, mobile, and internet platforms, regardless of whether they are under the control of Denison. Discrimination, harassment, or other misconduct based on actual or perceived protected classes (e.g., race, ethnicity, gender, sexuality, religion) contravene the values of the university.
4. Retaliation. Denison strictly prohibits retaliation against any member of its community for reporting a violation of university policy or this Code, or for participating, in any manner, in the student conduct or other university policy processes. Individuals are prohibited from engaging in actions, directly or through others, that are aimed at dissuading a reasonable person or witness from reporting violations or participating in an investigation or hearing. Examples of retaliation include intimidating, threatening, coercing, or harassing reporting persons, complainants, witnesses, and/or any individual connected with a disciplinary or policy process based on their perceived or actual reporting or participation. Behavior that deters or is designed to deter a reasonable person in the same circumstances from acting is prohibited.

D. Disruptive Behavior Violations

1. Failure to comply with the authorized directions of law enforcement, firefighters, other emergency responders, and university employees, including student employees and Campus Safety officers, acting within the scope of their assigned job duties.
2. Conduct that substantially and materially disrupts or interferes with university operations or the university environment, including but not limited to teaching, research, residential spaces, administrative buildings, campus communities, and/or administrative activities that occur on or off campus.
3. Causing or participating in demonstrations that infringe or may infringe on the rights of other members of the community or lead or incite others to disrupt activities. Students may not breach the peace, or aid or abet another person to breach the peace, on university premises or at university functions. Demonstrations may not interfere with university operations or events, including by blocking traffic or access to a facility so it cannot be used for its intended purpose.
4. Urination or defecation in areas not designated or designed for the sanitary disposal of human waste.
5. Excessive noise that disturbs other members of the community or prevents/disrupts university operations. Designated residential quiet hours are Sunday-Thursday from 11:00 p.m. - 9:00 a.m. and Friday and Saturday from 1:00 a.m. - 10:00 a.m. During these designated periods, noise of any kind, including but not limited to music, loud conversation, or slamming of doors may be interpreted as a noise violation. During examination periods, quiet hours are expected 24 hours a day, beginning with the regular quiet hour period on the last day of classes. Please note that individuals residing in “quiet housing” spaces have additional expectations, outside of the time periods designated above, which must also be upheld per this Code.

E. Behavioral Integrity Violations

1. Possession and/or use of any falsified identification (ID) or use of ID issued/belonging to another person for one’s own identity.
2. Providing false, inaccurate, misleading, or incomplete information when engaging with university officials, law enforcement, or other emergency responders, including during investigations of alleged behavior.
3. Concealing or attempting to conceal one’s identity for the purpose of avoiding the consequences of irresponsible, inconsiderate, or illegal behavior.
4. Photographing or recording any person in situations in which there is a reasonable expectation of privacy, without that person’s expressed knowledge and effective consent. This would include but is not limited to the set-up and/or use of Ring cameras or other types of recording devices.

5. Misuse of university technology, including Denison related email, MyDenison, and other university-related applications in a manner inconsistent with the [Denison Acceptable Use Policy](#).

F. Damage to Property Violations

1. Vandalism, damage, or destruction of university, private, or public property.
2. Reckless behaviors, regardless of intention, which cause or likely result in the risk of damage, destruction, or misplacement of university, private, or public property.
3. Possession of university property that has been vandalized, damaged, and/or destroyed.

G. Trespass or Misuse of Facilities Violations

1. Entry into other students' living spaces or access/use of university spaces without permission or appropriate authorization. Accessing roofs, ledges, closed academic, or university spaces, entering or exiting buildings via windows, and/or utilizing fire escapes outside of emergency situations is prohibited.
2. Facilitating unauthorized entry of university spaces by others, including but not limited to propping open doors with locked or limited access or granting access into campus buildings to individuals to whom they do not explicitly know have permission to access the space.
3. Unauthorized use, distribution, duplication, or possession of any key or other access device (i.e., Denison identification card) issued for any campus building, structure, room, or facility without authorization from the University.
4. Tampering with entryways, door latches, or door handles within university spaces, including residence hall rooms and entry doors into university buildings, to facilitate direct access into a space.
5. Engaging in unauthorized activities on premises that are deemed unsafe, which include but are not limited to swimming in or entering Ebaugh Pond, sledding on campus hills, participating in unauthorized water activities on campus hills, and utilizing university property to skateboard on or roller skate.

H. Fire and Safety Violations

1. Engaging in open burning (e.g., candles, incense, torches, bonfires, etc.) without appropriate authorization from the University and/or outside of designated areas and parameters. Acts of arson or creating the conditions for a fire to occur or continue are prohibited.
2. Creating conditions where fire hazards may be present, including but not limited to covering room lights, hanging materials from the ceiling/wall, possessing live materials from nature in living spaces, and covering room doors on the inside or outside with paper or other highly flammable materials.
3. Tampering with or covering fire or other life-safety equipment, including but not limited to smoke detectors, alarms, fire sprinklers, fire extinguishers, window screens, etc.
4. Obstruction of any lobbies, hallways, stairwells, and other common areas, both in residence and academic buildings. Items including but not limited to trash bags, bicycles, furniture, personal effects, or other items may not block or impede access to or egress from spaces on campus both in emergency and non-emergency situations.
5. Non-compliance with regulations and authorities during fire or other life-safety emergencies or drills or upon receipt of a DU alert notification. Students are expected to evacuate buildings and proceed to designated emergency areas upon alarm or official instruction.
6. Intentionally making a false report, warning, or threat of a safety concern (e.g., fire, weapons, or other life safety emergencies) to university officials, law enforcement, or other emergency responders.

I. Theft Violations

1. Taking or attempting to take the property or services of the University, another person, business, or organization without consent.

2. Embezzlement, defrauding, or using false pretenses to procure property or services from another person, the University, or a non-university entity.
3. Committing transactions on behalf of another person without their permission, including but not limited to utilizing another student's Denison identification card for purchases on campus.
4. Possession of stolen property or property that could be reasonably assumed as stolen from another person, the University, or non-university entity.

J. Hazing Violations

1. Hazing - As per [Denison University's Hazing Prevention Policy](#), hazing is any activity that is part of recruitment, orientation, initiation, or membership practice of a group, or that is required for continued acceptance into a group, that is harmful or potentially harmful to an individual's physical, emotional, or psychological well-being, this includes but is not limited to the following behaviors:
 - a. Physically or psychologically embarrassing, demeaning, degrading, harassing, abusing, or endangering someone
 - b. Removing, damaging, or destroying property
 - c. Disrupting University or community activities or the educational process
 - d. Expected or coerced consumption of food, drink, alcohol, drugs, or other substances
 - e. Sleep deprivation or interruption
 - f. Physical or psychological shocks or extreme tests (such as those involving extreme exercise, standing, or periods of silence)
 - g. Acts of humiliation or degradation (including those involving nudity, the wearing of degrading or humiliating apparel, or personal servitude)
 - h. Paddling in any form
 - i. Physical branding
 - j. Restrictions on eating or bathing
 - k. Interruption or interference of academic work or commitments
 - l. Quests or trips
 - m. Public stunts or public misconduct
2. Aiding or abetting the commission of any hazing-related behavior, which could include being present during the planning or commission of any offense. Students who anticipate or observe an offense regarding hazing-related behavior must remove themselves from the situation and are required to report the offense to the institution.

K. Sexual Misconduct Violations

Students are obligated to follow the [Denison University Sexual Discrimination and Sexual Misconduct Policy](#) (see Appendix C). The procedures for how these violations are addressed can be found within that policy. Behaviors prohibited within the policy are listed below:

1. Sex/Gender Discrimination
2. Sexual Assault
3. Sexual Harassment
4. Sexual Exploitation
5. Dating Violence
6. Domestic Violence
7. Stalking

L. Misconduct within the Student Conduct Process

1. Falsification or misrepresentation of information or supplemental documentation during any portion of the student conduct process, academic integrity process, or sexual misconduct process, including but not limited to filing a false complaint against another individual, manipulating or deleting supporting documentation, etc.
2. Failure or refusal to appear upon request or to cooperate with a university investigation, student conduct meeting, hearing process, or any other university process.

M. Weapons and/or Dangerous Materials Violations

1. Possession or use of weapons, including but not limited to firearms, air guns, BB guns, paintball guns, ammunition, etc., on university premises or at any University-approved or -sponsored event. Knives, with the exception of kitchen knives or ordinary pocketknives having a blade of three inches or less, are also prohibited and considered a weapon. Any object used to intimidate, threaten, harm, and/or provide force towards another individual can be considered a weapon.
2. Possession or use of dangerous materials, including but not limited to fireworks, explosives, or harmful chemicals on university premises or at any University-approved or -sponsored event.
3. Possession, use, and/or display of ceremonial, decorative, or replica weapons, including but not limited to firearms, swords, collectable knives, etc.

N. Student Housing Policy Violations

1. Allowing guests and visitors to remain in residential spaces outside of stated guidelines. Students may have a guest stay overnight in their residence hall room only when they have the consent of their roommate(s). Guests may stay overnight only for two nights within a seven-day period (this also applies to students occupying a single room). Guests must comply with all residence hall and university policies and regulations. Resident students hosting guests are responsible for informing their guests of these rules and may be held responsible for the behavior of their guests. Guests are not permitted during break periods.
2. Possession of prohibited items in university buildings, including residence halls, as detailed in the [Denison Student Housing Policy](#).
3. Allowing more than fifteen (15) total persons within a residential space, such as an entire residential campus apartment, residence hall room, or residence hall suite at one time.
4. Possession of furnishings from outside the institution (e.g., queen-size beds, sofas), as well as common area furnishings (residential lounge furniture) within residential spaces.² Note, the cost of repair or replacement of common area furnishings beyond normal wear and tear may be shared by members of a residential community.
5. Unauthorized occupancy of student residential spaces, as outlined in the Student Resident Agreement, including but not limited to entering or inhabiting residential spaces outside of the period of the housing contract, remaining in residential spaces after housing contract terms have expired, or engaging in unapproved room changes outside the approved process on the MyHousing Portal or Residential Communities and Housing.
6. Misrepresentation of self or any other manipulation of the official Denison housing selection process.
7. Failure to comply with the [Denison Student Housing Policy](#) and/or the [Denison Student Residence Agreement](#).

O. Additional Behavior Violations

1. Participation in a campus organization that has had their recognition suspended or revoked, or groups of students operating as a campus organization without pending or official university recognition, including but not limited to the Wingless Angels, Tri-fold, and formerly recognized Fraternity and Sorority Life groups.
2. Soliciting, selling, or fundraising on university premises without prior official university authorization.
3. Smoking, including e-cigarettes, in any interior spaces of university buildings, including residential rooms/halls. Smoking is allowed only outside and at least 30 feet from building entrances and windows. Providing tobacco or alternative nicotine products (e.g., e-cigarettes and vaping products) to individuals under 21 years of age is a violation of Ohio state law.

² The reason individuals are not able to possess outside furnishings (mattresses, chairs, etc.) is because these items limit egress, pose fire safety issues, and can introduce pests and allergens to campus facilities.

4. Posting of signs, notices, banners, or other materials on trees, light fixtures, life-safety equipment, doors, windows, or window frames, or inside stairwells. Coverings may not be posted on doors, windows, or pathways of emergency egress such that impair ability to view, or access exits or emergency equipment. Banners and/or other materials are not permitted to hang from the outside of buildings or ceilings. Advertising materials may only be hung in interior spaces. Any advertising or other materials posted on any exterior surface is subject to removal, and fines may be levied against responsible parties.
5. Possession of or facilitating the entry of animals into university buildings. Prior written authorization must be obtained for medical accommodations or Emotional Support Animals (ESA). Fish in residence hall rooms are the only exception to this policy; one (1) aquarium up to a maximum of ten (10) gallons is allowed per room.
6. Failure to complete educational sanction requirements by the assigned deadline as established through any finding and outcome letter processed through a formal conduct process.

P. Violations of Law and/or University Policy

1. Conduct that could constitute a violation of any local, state, and/or federal law.
2. Conduct that could constitute a violation of any Denison University policy and/or procedure.

Section V: Alleged Policy Violations Incident Reports and Investigations

Any member of the Denison community, as well as any outside entity not affiliated with the University, including but not limited to law enforcement, Granville community members, and other universities or colleges, may report alleged misconduct by a student or campus organization. While there is no required reporting timeline, reports should be submitted as soon as possible after alleged misconduct, or knowledge of alleged misconduct, occurs. It is important to note that anonymous reports will be considered to the best of the university's ability, and Denison reserves the right to take action on anonymous reports. However, Denison's ability to fully investigate and respond may be limited based on the ability to collect sufficient information and evidence.

OCVSC works collaboratively with appropriate colleagues or external agencies to conduct investigations and gather additional information regarding the submitted allegations. There may be instances in which the University must employ personnel outside the institution to investigate alleged policy violations, in which they also have the authority to call a student to appear for an interview or request information from a student. A student who fails to appear for an interview during an investigation may be charged with a violation of the Code.

Reports of academic misconduct are investigated by the Provost's Office following the process detailed in the [Code of Academic Integrity](#). The University prohibits sexual misconduct as defined in the [Policy Prohibiting Sex Discrimination and Sexual Misconduct Policy](#), as well as the procedures for investigations and adjudication of those alleged behaviors.

For allegations involving a campus organization or student group that may be in violation of [Denison's Anti-Hazing and Hazing Prevention Policy](#) or other policy violations, investigations may include a simultaneous response with national organizations' offices in process and/or may also result in deployment of an investigator who would provide findings to the OCVSC and the office the campus organization is affiliated with (i.e. the Alford Community Leadership and Involvement Center (CLIC), Fraternity and Sorority Life, Athletics). The University will make determinations regarding the findings and outcomes of alleged group misconduct regardless of whether a national governing body participates in a simultaneous response.

Section VI: Student Conduct Resolution Processes

The OCVSC routinely receives, and reviews reports and determines the appropriate methods for their resolution. The available Alternate Resolution and Formal Resolution pathways shall be selected at the discretion of the OCVSC considering factors such as the severity or community impact of the reported conduct, frequency, or existence of a pattern of behavior or violation, or issues related to fairness and equity. Case resolution relies on participants' honesty, integrity, and commitment to resolving allegations and conflict.

A. Alternate Resolution Processes - Within the Alternate Resolution pathway, at the discretion of the OCVSC, some incidents are most appropriately resolved by a Respondent not going through the formal resolution disciplinary process. Responding students who have engaged in first-time, low-level offenses of the Code may be referred to a variety of educational workshops, in lieu of a formal resolution. Matters meeting the criteria for resolution under Denison's Medical Assistance Policy (detailed below) are resolved through an Alternate Resolution method. Students may also participate in mediation or restorative justice conferences and other methods of alternate resolution, which may eliminate the need for more formal proceedings; resolution via these processes is determined by mutual consent of the involved parties. Matters that are resolved through alternate resolution processes, even where responsibility for policy violations is decided, are normally not released to other University or outside entities as part of a student's University disciplinary record but can be considered internally (e.g., to influence educational outcomes in case of a future policy violation or determine participation or recognition by the University). Matters resolved through an Alternate Resolution process are considered finally decided, with no subsequent process or appeal.

1. **Notification of Reports:** Some incident reports for first-time alleged behavior do not rise to a level necessitating a 1:1 conversation nor the imposition of an educational initiative (e.g., a class, reflection exercise, etc.). In instances for first time reports regarding behaviors of low community impact or severity, a Notification of Report email will be sent to the alleged student's Denison University email account. This email notice is not a disciplinary record, but instead a letter indicating to the student that a report was received that alleged the student engaged in behavior that could have been a violation of the Code of Student Conduct and that moving forward they are reminded of their responsibility to be aware of their actions as they relate to expectations of members of the Denison community. Further reports involving the same responding student for similar behavior after a student has received a Notification of Report letter will likely result in progressive disciplinary action. If a student would like to further discuss the emailed Notification of Report they received, they are encouraged to contact the Office of Community Values and Student Conduct.
2. **Direct Resource Referrals:** Some matters can be directly resolved through protective measures, education, and engagement with campus and community resources to address behavior and redirect future decision making. During direct resources referrals, students may complete a class (e.g., Fire Safety Class, Traffic Safety Class), counseling, assessment (e.g., substance use assessment), one-on-one educational conversation meetings, and/or other reflective or educational requirements. For a student who successfully completes the Direct Resource Referrals they have been assigned, the matter is closed without further action. If the student fails to complete their direct resource referral requirement by the deadline assigned, the matter will instead transition into the formal resolution process.

When it has been determined that Direct Resource Referrals are recommended, the responding student is emailed a letter indicating they are being offered the opportunity to complete a direct resource initiative in lieu of going through the formal resolution process. If a student does not believe they have engaged in behavior that would warrant a direct resource referral, the student has five (5) business days to contact the OCVSC and request to have their alleged incident be heard through the formal process. If the student requests to have their case heard formally, and they are

found not responsible, the matter is closed without further disciplinary action. If the student is found responsible through the formal resolution process, the matter is recorded in the student's disciplinary record.

3. **Mediation:** When students are in conflict or dispute, facilitated dialogue (mediation) can be an effective approach to help parties find an agreement that best meets their needs. A third-party mediator works with students in dialogue. Students are referred to this pathway to find a mutually acceptable resolution, which may or may not include outcomes. Participation in a mediation or conflict resolution circle does not require admission of a violation by any involved party. However, if one or more involved parties is no longer willing or able to participate, the incident will be referred for formal resolution.
4. **Restorative Justice:** Restorative practices are effective in repairing harm and rebuilding community through the input of those most affected by wrongdoing. A restorative justice (RJ) conference is a collaborative decision-making process that includes harmed parties, Respondents, and other community members who seek to hold Respondents accountable by asking them to (a) acknowledge and accept responsibility for their wrongdoing, (b) repair the harm they caused to harmed parties and the community to the best of their ability, and (c) work to reduce the risk of further violations by rebuilding positive connections to the community. Trained facilitators guide the conference. After discussion, involved parties (rather than a case manager or board) decide what steps must be taken to repair the harm. An RJ conference is a voluntary process used when a student has admitted to a violation. If, after parties agree to participate in a restorative justice conference, either the harmed parties or Respondent(s) are no longer willing or able to participate, the incident will instead be resolved by a formal resolution process. Similarly, failure by the responding student to complete decided obligations will result in referral to formal resolution.
5. **Medical Assistance (MA) Education:** The University's primary concern is the health, safety, and welfare of its members. To maintain a safe and scholarly community, the university encourages students to report code of conduct violations and crimes involving a victim, including sexual misconduct. When a student may require medical intervention because of consuming alcohol or other drugs, the MA protocol generally provides the opportunity for an alternate resolution to students who call upon University or emergency personnel for assistance or who are called upon due to their personal consumption of alcohol and/or drugs. MA can be applied when an intoxicated student seeks assistance or if another student calls on the intoxicated student's behalf.

Students under MA are referred to wellness personnel to review the incident and determine substance-related education for the student to complete. Contingent upon completion of educational obligations, incidents resolved under MA are not normally disclosed outside of the University. If a student fails to complete MA education, incidents are referred for formal resolution.

The MA protocol does not preclude a formal response to violations of the Code that may occur in association with alcohol consumption, including evidence of distribution or intent to distribute. When an organization hosts an event and medical help is sought for a member or guest, the organization or individuals may be held responsible for expectations related to alcohol distribution; however, willingness to seek assistance for a member or guest may be viewed as a mitigating factor in determining an outcome. MA policy does not prevent action by law enforcement personnel. Additionally, the university may determine additional action is needed in instances where high-risk consumption behaviors have become habitual or disruptive to the campus community.

- B. Formal Resolution Processes** - In situations where it has been determined that a formal resolution is appropriate, the OCVSC will initiate the process of assessing what charges will be assigned based on the nature of the reported behavior, may reach out to reporting parties or individuals who have been impacted

by the alleged behavior of others, and determine whether any interim measures need to be put in place. Matters that are resolved formally are included in the student's university disciplinary record if the student is found responsible for any violation through the process. Students who are found not responsible for all of the charges against them within the formal resolution process will not have a disciplinary record for that matter. If a student is found to be responsible for violating university policy during a formally resolved matter, the responding student is eligible to appeal. During the summer, when the University is not in session, all formally resolved matters are completed administratively. In some cases, the University may postpone its resolution of a matter until the University is back in session.

Denison recognizes that the gravity and complexity of some incidents may prompt a person's desire for support during an administrative or university conduct board (UCB) meeting. Students seeking such assistance may be accompanied by one **Support Person**, which can be a member of the Denison community (e.g., a faculty member, administrator, or another student) of the student's choosing. A Support Person cannot be a responding party in the same incident as the student seeking support, nor can they be someone the respondent would like to participate in the process as a witness. Support Persons are not permitted to speak, advocate for, or participate directly in conflict resolution processes in any way; students are responsible for their own engagement. Within this process, Support Persons and respondents can request short recesses within meetings and hearings to convene with one another. If the parameters for the support person role are not followed, the presence of a Support Person can be revoked at the discretion of the case manager or hearing authority. It is the responsibility of the student to identify and arrange inclusion of a Support Person; students should be aware that the resolution process timeline generally cannot be altered significantly based solely on the unavailability of their Support Person. Students are welcome to reach out to the OCVSC team prior to their scheduled meetings regarding questions about the role of a Support Person or if they are having a difficult time identifying a Support Person.

Responsibility for violations of the Code of Student Conduct or other University policies within the formal resolution process is determined based on a **preponderance of evidence**; that is, whether the greater weight of the evidence indicates that the Respondent violated the Code. Students participating in any of the processes contemplated by this Code of Student Conduct are responsible for identifying witnesses and evidence prior to their meeting or hearing.

Any student with a disability or in need of additional support within the student conduct process can request reasonable accommodations to support their participation in the student conduct process. Students wishing to request reasonable accommodations should make those requests directly to the Academic Resource Center (ARC), as well as the OCVSC. Students do not have to disclose information about the incident or situation involving the conduct process to request reasonable accommodation except to the extent that it may assist staff in supporting the student with options for reasonable accommodations. Accommodations are determined on an individual basis by ARC staff and implemented in consultation with OCVSC.

Students who may not have a disability documented with the University but need additional resources to navigate the student conduct process are encouraged to communicate directly with the OCVSC to share concerns or information regarding their need. If needed, the OCVSC will consult with appropriate departments and offices to determine accommodations. Students are responsible for requesting accommodations in a timely manner; failure to do so may result in a delay in the process.

Hearing Authorities in Formal Resolution Processes

Case Manager - Professional staff member in the OCVSC or Residential Communities & Housing assigned to a reported incident who is responsible for facilitating a Community Values Meeting (CVM) with a Respondent student(s), as well as any additional investigation meetings with Complainants or witnesses. The Case Manager presents reported information to the Respondent, offers space for the Respondent to share their perspective on the reported incident, and shares options for resolution. Based on information

presented through the investigation and Community Values Meeting, a Case Manager can dismiss cases without further disciplinary action or assign sanctions to a student accepting responsibility for the charges pending against them.

Hearing Officer - Assigned OCVSC or Residential Communities & Housing staff serving as the hearing authority who oversees the Administrative Resolution hearing and use the preponderance of the evidence standard to determine whether a responding party is responsible or not responsible for violating the Code of Student Conduct. Within the Administrative Resolution, the Hearing Officer follows an outline which includes hearing from the Respondent, any witnesses provided in the matter, and a review of any supplemental documentation provided through the course of the case manager's investigation. If a responding party is found responsible, the hearing officer also determines the appropriate sanctions to resolve the matter.

University Conduct Board (UCB) - This hearing authority shall be composed of student, faculty, and staff members who have shown interest and commitment in serving as panelist decision makers regarding suspension or expulsion level cases involving students, campus organizations, or athletic team behavior. By the preponderance of evidence standard, the UCB determines where a responding student, campus organization, or student group is responsible or not responsible for violating the Code of Student Conduct. In the event the UCB determines there has been responsibility in violating the Code of Student Conduct, the UCB also manages determining the recommended sanctions of the responding party. University Conduct Board (UCB) members also serve as members of the University Appeals Board (UAB).

Member applicants to the UCB shall be chosen through an application and interview process overseen by the Office of Community Values and Student Conduct. Student Board members shall be full-time students, who have completed at least one full semester of study and are in Good Disciplinary and Good Academic standing with the University. Student Board members shall maintain a cumulative grade point average of 2.5 or greater to remain eligible to serve. All members shall serve one-year terms, which may be renewed. Annual training is required for all UCB and UAB members and shall be facilitated by the OCVSC.

- 1. Community Values Meeting:** Within a Formal Resolution process, the first step to addressing the behavior will involve a student or organization involved in an incident report (Responding Student or Respondent) being invited to attend a Community Values Meeting (CVM) to discuss resolution of the matter and next steps. Where the Respondent may deny responsibility for a behavior or alleged violation or would like to deny the sanctions proposed to resolve the case, the University will provide the responding student or campus organization an opportunity to be heard via a Formal Hearing before a determination has been made. However, if the Respondent or the Complainant fails to appear or participate within this process, resolution will continue despite their absence and determinations will be based on the information that is available. The University reserves the right to assess additional alleged violations of university policy during the conflict resolution process.

The Respondent will be notified in writing of the date, time, and location of the Community Values Meeting. Written notification will include:

- The specific charges pending against the Respondent;
- A summary of the referral;
- Statement of Right and Responsibilities; and
- If applicable, a statement notifying the Respondent that the alleged conduct is significant enough that they may face suspension or expulsion if they are found responsible for violating the Code of Student Conduct.

At the time of the responding student's Community Values Meeting, the Respondent will receive more information regarding the student conduct process, clarification of their rights and options,

the ability to inspect and review all relevant information as well as a range of potential sanctions for the violation in question should the charges be substantiated. After a discussion regarding the incident and review of relevant information, the Respondent will have an opportunity to accept or deny responsibility for the charge(s) and the proposed sanctions to resolve their case.

If the Respondent accepts responsibility for the charge(s), the case manager will sanction the Respondent as part of the Community Values Meeting. If the Respondent denies responsibility for one or more of the charges or if the Respondent requests a hearing specifically for the proposed sanctions, the case manager will proceed to schedule a hearing for the student. If the case manager has determined that should the charge(s) be substantiated, disciplinary suspension or disciplinary expulsion are not appropriate sanctions, the Respondent will be scheduled for an administrative resolution. If the hearing authority determines that disciplinary suspension or disciplinary expulsion are potential sanctions, the Respondent may choose either an administrative resolution or a university conduct board to resolve their case. If a Respondent decides to accept some charges, but deny other charges and requests a hearing, the hearing authority will determine findings and sanctions for all charges the Respondent is found responsible for.

The Community Values Meeting is a mandatory meeting within the formal adjudication process. If the Respondent fails to appear for two scheduled Community Values Meetings and the absence is not excused, the Community Values Meeting process will proceed in the Respondent's absence. In these instances, if the hearing authority has determined that disciplinary suspension or disciplinary expulsion are not potential sanctions should the Respondent be found responsible for violating the Code, the matter will be resolved in the Community Values Meeting based on an evaluation of the information available to the case manager at the time of the scheduled meeting. This means the case manager will determine by the preponderance of evidence whether the Respondent is responsible for violating the Code, and if applicable appropriate sanctions to resolve the case. If the case manager determines that disciplinary suspension or disciplinary expulsion are potential disciplinary status sanctions should the Respondent be found responsible for violating the Code, the Respondent may be scheduled for an Administrative Resolution hearing and sent notification of that hearing.

In a situation where the Respondent party may withdraw or unenroll from the University prior to the completion of the formal resolution process, OCVSC may pause the process and notate in the Respondent's case file that they may be unable to return to Denison University, in addition to receiving a registration hold and/or receive their transcripts until the matter is resolved.

2. Formal Hearing Opportunities

- a. Administrative Resolution and Hearing Procedures** - An Administrative Resolution Hearing occurs when a responding student denies responsibility for the alleged charges and is not at risk for suspension or expulsion. The Respondent's case manager will schedule the hearing with another hearing authority.

If the Respondent fails to appear at a scheduled administrative resolution hearing and the absence is not excused, the hearing may proceed in the Respondent's absence or may be rescheduled at the discretion of the hearing authority.

Following the Community Values Meeting in which the Respondent denied responsibility and requested an Administrative Resolution Hearing, written notification of the hearing shall be provided via email to the responding party's Denison University email address, at least 72 hours prior to the hearing date. Notification shall include formal charge(s), a brief narrative of the reported incident, as well as the date/time of the Administrative Resolution Hearing. Hearings may be postponed and rescheduled, provided written notification is

provided to all parties involved, at the discretion of the OCVSC, if the need arises. Respondents may request a hearing be rescheduled once due to an academic course/exam conflict or illness. Respondents shall contact the OCVSC to discuss any requests for rescheduling.

Respondents may be accompanied by a Support Person, as outlined above, of their choosing. Respondents may provide witnesses who have relevant knowledge of the incident.

The order of the hearing will typically be as follows:

- The hearing authority will call the meeting to order and provide an overview of the procedural expectations of the hearing.
- All participants will be provided an opportunity to introduce themselves and briefly explain their role in the hearing.
- The hearing authority will provide an overview of the alleged violations and a summary of the allegations.
- The Respondent will have the opportunity to address the hearing authority in response to the incident report and reported allegations, as well as provide any additional information regarding why they requested the hearing.
- The hearing authority will have the opportunity to ask questions of the Respondent and any additional participant, such as a witness.
- The Respondent will have an opportunity to ask questions of any witnesses provided in the matter.
- The Respondent may offer final remarks to the hearing authority to ensure any information they would like considered in the determination made by the hearing authority is considered.
- The hearing authority will then adjourn the meeting.

The hearing authority will deliberate independently and determine findings. Determinations will be finalized using the preponderance of the evidence standard to determine if any violations of the Code have occurred. If the hearing authority finds the Respondent not responsible for the alleged violation(s), the matter is closed, and the Respondent is notified by the OCVSC. If the hearing authority finds the Respondent responsible for any violation of the Code, the hearing authority will then review the Respondent's past disciplinary history with the University. If the Respondent is found responsible for any violation of the Code, the hearing authority will determine appropriate sanctions/outcomes. The hearing authority will document their decision, rationale, and sanctions, if applicable. They will then remit such findings back to the OCVSC case manager. The case manager will review the hearing authority's findings and meet with the Respondent within two (2) business days of the completion of the hearing to discuss the findings and sanctioning/outcomes.

- b. University Conduct Board & Hearing Procedures** - A University Conduct Board hearing occurs when a responding party, who is at risk for separation from the institution through suspension or expulsion, has denied responsibility for the pending charges against the Code of Student Conduct and requested to be heard via a panel hearing. University Conduct Board hearings are presided over by a panel of three members of the Denison University community, typically including at least one student member and at least one faculty/staff member. In certain circumstances, including certain times of year (i.e., holidays, semester breaks, summer break), the panel composition may be different to enable timely and equitable resolution of cases that arise. Each University Conduct Board includes one person who serves as the hearing chair. The hearing chair is responsible for

reading the hearing script, as well as ensuring that hearing decorum is followed. The hearing chair role can be served by a student, faculty, or staff member.

Each University Conduct Board hearing also consists of a Hearing Board Advisor, who does not serve as a panel member or decision maker, but instead serves to make sure the University Conduct Board process is being followed and can address any procedural questions University Conduct Board members may have as board members determine a finding and sanctions (if applicable).

If the responding party fails to appear at a scheduled UCB hearing and the absence is not excused, the hearing may proceed in the Respondent's absence or may be rescheduled at the discretion of the chair.

Following the Community Values Meeting in which the responding party requested a University Conduct Board, written notification of the hearing shall be provided via email to the responding party's Denison University email address, at least 72 hours prior to the hearing date. Notification shall include formal charge(s), a brief narrative of the reported incident, as well as the date/time of the University Conduct Board. At the discretion of the OCVSC, and for good cause, hearings may be postponed and rescheduled, provided written notification is provided to all parties involved. Respondents may request a hearing be rescheduled once due to an academic course/exam conflict or illness. Respondents shall contact the OCVSC to discuss any requests for rescheduling. Situations in which there are multiple Respondents will likely be resolved as a single case with a single hearing.

Respondents may request that a member of the Hearing Panel be excluded from the hearing if a conflict of interest is shown. A listing of possible panel members will be available to the Respondent for review prior to the hearing. Requests to exclude a panel member must explain and substantiate the basis for the request. The OCVSC will make a final decision on whether to exclude a Hearing Panel member. The decision is final and cannot be appealed. Once presented with hearing notification and information, panel members with a self-determined conflict of interest must notify the OCVSC and recuse themselves in a timely manner prior to the scheduled hearing day, so a new member may be designated in their place.

Any party involved is welcome to take written notes during interviews and hearings, but audio, video recordings, and/or typed transcripts by the parties are not permitted. Deliberations by conduct administrators or panels are never recorded by means of audio or videotaping and no transcripts are kept, and the University does not allow for the recording or transcribing of these proceedings. UCB hearings are closed hearings. However, Respondents may be accompanied by a Support Person of their choosing.

Generally, University Conduct Board hearings follow an order of process, which is directed by the hearing chair.

The order of the hearing will typically be as follows:

- The hearing Chair will call the meeting to order and provide an overview of the procedural expectations of the hearing.
- All participants will be provided an opportunity to introduce themselves and briefly explain their role in the hearing.
- The hearing chair will provide an overview of the alleged violations and a summary of the allegations.
- The Respondent will have the opportunity to address the hearing authority in

response to the incident report and reported allegations, as well as provide any additional information regarding why they requested the hearing.

- The hearing authority will have the opportunity to ask questions of the Respondent and any additional participant, such as a witness.
- The Respondent may offer final remarks to the hearing authority to ensure any information they would like considered in the determination made by the hearing authority is considered.
- The hearing authority will then adjourn the meeting.
- The hearing chair will adjourn the meeting.

The hearing panel will meet in a closed session to deliberate and determine findings. Determinations will be finalized by a panel majority vote using the preponderance of the evidence standard to determine if any violations of the Code have occurred. If the hearing panel finds the Respondent not responsible for the alleged violation(s), the matter is closed, and the Respondent is notified by the OCVSC.

If the hearing panel finds the Respondent responsible for any violation of the Code, the panel will then have an opportunity to review the Respondent's past disciplinary history with the University. If the Respondent is found responsible for any violation of the Code, the hearing panel will deliberate to determine appropriate sanctions/outcomes for each finding of responsibility. The hearing chair will capture all findings and rationales by the panel and remit such findings back to the OCVSC case manager.

The case manager will review the hearing panel's findings and meet with the Respondent within two (2) business days of the completion of the hearing to discuss the findings and sanctioning/outcomes. If the Respondent is suspended or expelled from the University, they will have by noon the following day to turn in their keys/University ID to Campus Safety or Residential Communities and Housing and depart campus.

- c. **Sanction-Only Hearings and Hearing Procedures** - Students may select a sanction-only hearing when they accept responsibility for the charges against them but would like the opportunity to have a hearing authority review the matter for the purposes of determining an appropriate disciplinary status sanction and/or educational sanction. Sanction-only hearings are structurally like Administrative Resolution Hearings and University Conduct Board hearings, except that the hearing authority will only make a determination regarding sanctioning. The hearing authority for sanction-only hearings may be either a single hearing officer or a university conduct board panel. Respondents who are not at risk for suspension or expulsion from the institution will have the opportunity to have a Sanction-Only Administrative Resolution, respondents who are at risk for suspension and expulsion will have the opportunity to decide whether they would like to have a University Conduct Board hearing or an Administrative Resolution hearing for their sanction-only hearing.

Generally, within a sanction-only hearing, the hearing authority will follow an order of process, which is directed by either the hearing officer or the hearing chair. The outline for this process is similar for both types of hearing authority.

The order of the hearing will typically be as follows:

- The hearing authority will call the meeting to order and provide an overview of the procedural expectations of the hearing.
- All participants will be provided an opportunity to introduce themselves and briefly explain their role in the hearing.
- The hearing authority will provide an overview of the alleged violations and a

summary of the allegations and will confirm that the Respondent has accepted responsibility for the charges pending against them.

- The Respondent will have the opportunity to make a statement regarding the allegations or their understanding of responsibility within the situation. The hearing authority does have the ability to ask questions to the Respondent regarding the incident and allegations.
- The case manager will then provide an overview of the Respondent's disciplinary history, if any. The Respondent will then be able to respond or provide a statement or information pertaining to prior disciplinary history.
- The case manager will provide the hearing authority with the proposed sanctions offered to the respondent in resolving this matter. The Respondent may then offer sanctions they would like the hearing authority to consider.
- The hearing authority may ask questions to the case manager or Respondent regarding any of the information provided through the course of the sanction-only hearing.
- The hearing authority will then adjourn the meeting.

The hearing authority will deliberate and determine the appropriate sanctions related to the charges the student accepted responsibility for. The hearing authority will then remit the determined sanctions and rationale back to the case manager. The case manager will review the hearing panel's findings and meet with the Respondent within two (2) business days of the completion of the hearing to discuss the findings and sanctioning/outcomes.

- 3. Sexual misconduct, including sexual harassment, gender/sex discrimination, dating violence, domestic violence, stalking, and sexual assault** - Federal regulations falling under Title IX of the Education Amendments Act of 1972 prescribe the procedures for investigating and responding to certain types of sexual misconduct. Accordingly, Prohibited Conduct regarding behaviors involving sexual misconduct are found within the University's [Sex Discrimination and Sexual Misconduct Policy](#) will be governed by the Director of Civil Rights and Title IX. For students accused of a policy violation involving a some nature of sexual misconduct, resolution procedures for these behaviors are also governed by the [Sex Discrimination and Sexual Misconduct Policy](#).

- C. University Appeals Process** - A student's appeal rights depend on their violation. For matters involving violations of the Code of Conduct's prohibition on dating violence, domestic violence, sexual assault, and stalking, as well as matters arising under the [Sex Discrimination and Sexual Misconduct Policy](#), both the parties may appeal the outcome. In all other cases, a student who has been found responsible for violations of the Code of Student Conduct through formal resolution processes, including Community Values Meetings, Administrative Resolution hearings, University Conduct Board Hearings, or sanction-only hearings, may appeal a disciplinary outcome to the University Appeals Board (UAB).

The purpose of the appeals process is to provide a check and balance on the original process and decision. The UAB considers specific claims regarding that process and decision, rather than substitute its judgment for that of the original decision-making body. To be considered, appeals must be submitted in writing to the Associate Vice President/Dean of Student Life Office no later than five (5) business days after the date of the outcome letter. The appeal must be full and complete upon submission and must include a detailed response from the student explaining the basis for appeal. Where an appeal is presented based on new information, such documentation must also be included. Character references are not considered to be new information and are not to be presented. A student's submission of an appeal does not suspend the imposition of any sanction.

A student may appeal a decision on one or more of the following bases: 1) the conduct process substantially varied from the procedures in this Code, such that prejudice resulted; 2) the sanction imposed was disproportionate relative to the violation(s) of the Code for which the student was found responsible; or 3) new information, unknown to and not reasonably available to the appealing student at the time of the original decision has been discovered, which is sufficient to alter the decision.

If the appeal response does not provide sufficient information to identify one of the permissible bases for appeal, the UAB shall deny the appeal. If the UAB determines a proper basis for appeal has been stated, the UAB shall review the appeal only on that basis. Review shall be limited to the case record and appropriate supporting materials submitted by the appealing student. A student's disciplinary history may also be considered when proportionality of the sanction is being evaluated. No testimony is given during an appeal unless requested by the UAB. The UAB may (1) uphold a decision; (2) remand the case for reconsideration if warranted by relevant new information or determination of prejudicial procedural error; or (3) modify sanctions determined to be disproportionate, which can include increasing or decreasing the original sanction. Should a remanded matter subsequently be appealed again, the original UAB will retain jurisdiction over the appeal.

Section VII: Outcomes – Status Sanctions and Educational Sanctioning

Any student or campus organization determined to be responsible for violation of the Code of Student Conduct may expect to receive both a status sanction and educational sanctions. Denison's student conduct program is committed to restorative practices and strives, whenever possible, to design outcomes that address the needs of community members, educate the responsible student about their behavior, and create opportunities to redress harms and rebuild community. Educational sanctions may be applied singularly or in combination with one another, influenced by mitigating and aggravating circumstances, as well as the frequency, severity, and community impact of violations. A student that fails to fulfill an outcome may be subject to additional action which can include a registration hold, delay of housing selection, limited ability for athletic participation, participation in senior week activities, or graduation because of the failure to complete educational sanctions. For a student organization who fails to complete sanctions may be subject to loss of hosting privileges for organizational and/or social events, ability to reserve space on campus, loss of organization recognition.

For students or campus organizations determined to be responsible for violating the Code of Conduct's prohibition on dating violence, domestic violence, sexual assault, or stalking, the range of potential outcomes include all disciplinary statuses outlined below, revocation or deferral of admission and/or degree, coupled with any educational sanctions that may be deemed appropriate.

The following **disciplinary status sanctions** may be imposed as a sanction when a student is found responsible through the formal resolution process:

Warning: Official written notice to a student discussing the incident and policy violation. In the event of further violations, increased consequences may be administered.

Disciplinary Probation (DP): Disciplinary Probation status designates a period during which a student or organization is not in good standing with the University. When imposed, the University has the authority to declare the student or organization ineligible to represent Denison in any official capacity during the period of probation and may designate other loss of privileges (e.g., Party Registration Hosting, loss of housing selection status). While the student/organization may continue to participate in team practices, group meetings, etc., the student/organization is prohibited from holding office in a campus organization, joining a fraternity or sorority, and representing the University, including through varsity athletic, club sport, or other competition. Students on DP may not participate in Off-Campus Studies programs. While on DP, students risk being suspended or organizations dissolved, if further violations occur.

Disciplinary Suspension: Disciplinary Suspension separates a student from the University community for a designated period, normally with educational requirements to complete during the period of separation, after which the student becomes eligible to return. Suspended students may not earn credits at Denison University, are prohibited from entering university premises, and may not participate in any University-sponsored activity without advance written authorization from the OCVSC or from the Dean of Student Life.

Upon suspension, students must depart the premises by the timeline established within their outcome letter, typically within 24 hours of being emailed their decision letter. Disciplinary suspension may include periods when the University is not in session (e.g., winter or summer break). A student may not graduate from Denison while serving a suspension. To be reinstated to the University, a student must meet all stipulated conditions to be completed during the suspension period.

Disciplinary Expulsion: This sanction permanently separates a student from the University, such that a student may not earn any academic credit at Denison and may not graduate with a degree from the University. Students who have been expelled are strictly prohibited from university premises and from participation or presence at any University-sponsored activity without advance written authorization from the OCVSC or the Dean of Student Life.

Educational sanctions may be imposed as a sanction when a student is found responsible through the formal resolution process, these include but are not limited to:

Alcohol and Other Drug Education and Assessment: The University assigns several educational tools to address alcohol and other drug use, including but not limited to the BASICS (Brief Alcohol Screening and Intervention for College Students) program, eCheckUpToGo and other education and training, and substance use assessments. These tools may include time with a wellness educator, questionnaires to identify health-related patterns, education, and reflection components to identify strategies to pursue wellness and decrease the likelihood of negative consequences associated with these behaviors. Some tools may have a user fee.

Educational Programs: Educational workshops, including but not limited to the Community Values Education Class, Marijuana Education classes, Fire Safety Class, Substance Use Assessment/Education, Emotional Regulation Sessions, or other educational programs to address and assess decision making, the connections between values, choices, and attainment of goals and a healthy future, and skill building toward success. Participation may include advance preparation assignments, program engagement, and written assignments or assessments after the programs. Some tools may have a user fee.

Reflective & Research Exercises: Research and reflective exercises address various violations, decision making, consequences, community influence, and repair. These exercises could include written reflections, multi-media projects, action plan, guided interview reflections, etc.

Restorative Practices: Restorative practices are powerful in restoring trust and rebuilding community by addressing harm that has been caused. Some examples of restorative practices include written and verbal apologies, community service, and restitution. Service is helpful to others, demonstrates social responsibility, and rebuilds trust through investment in the community. Students may be assigned to an on-campus (e.g., the Denison Community Association) or off-campus/community entity, and the service supervisor must provide documentation of the service to the OCVSC via a signed document. When students or campus organizations/student groups are responsible for damages to property, financial restitution may be assigned to be paid back via Student Accounts, including the appropriate costs for materials and labor.

Loss of Privileges: Students responsible for violations of the Code of Student Conduct may be denied specified privileges, such as loss of access to specific residential, academic, or other facilities, restriction from designated campus events, participation in campus organizations or eligibility for leadership roles therein, University driving or parking privileges, party registration hosting, housing selection priority, and participation in Senior Week, Commencement, and other activities.

Housing Reassignment: The University reserves the right to reassign a student to another residence hall and/or living space, especially when a student has caused significant community disruption or compromised the health and safety of others in a community.

Revocation or Deferral of Admission and/or Degree: Admission to or a degree awarded from Denison University may be revoked for fraud, misrepresentation, or other violation of Denison University standards in obtaining the degree, or for other serious violations committed by a student prior to graduation. Similarly, Denison reserves the right to delay conferral a student's degree as an outcome.

Student Life Meeting: A student may meet with a member of the Student Life professional staff team (e.g., a dean, director, or coordinator) to discuss the behavior that is of concern. Educators may suggest helpful resources, answer questions or concerns, or develop further plans of action with the student.

Students are responsible for checking their Denison University email following the adjudication of their resolved student conduct matter regularly to ensure educational sanctions are completed by the assigned deadline. In instances where students have not completed assigned educational sanctions by the deadline established, students will initially receive a reminder email indicating that an outstanding sanction is due and that they have one additional week to complete what is due. If after that week, the student's sanction(s) is still overdue, a registration hold will be placed on the student's account barring them from registering for classes. A notice will be provided to the student that a registration hold has been placed. Students who attempt to reach out to the registrar's office regarding registration holds for disciplinary reasons will be directed to contact the Office of Community Values and Student Conduct. If a student is in their senior year, following spring registration, and has an overdue sanction, they may lose privileges to participate in senior week activities, participate in graduation, or receive their diploma until the completion of their sanctions. Students will be notified via email if their outstanding sanctions will prohibit their involvement in senior week or graduation activities.

Section VIII: Student Rights & Responsibilities within the Formal Conduct Process

The following rights and responsibilities apply to students who resolve their matter with the Office of Community Values and Student Conduct formally through a Community Values Meeting (CVM), Administrative Resolution, or University Conduct Board hearing.

A. Rights of the Respondent

1. Written notice of alleged charges of violation(s) made against them and the basis of such allegations.
2. In instances in which the disciplinary outcome of the matter could result in separation from the institution, such as suspension and/or expulsion, the above-mentioned notice will include information regarding the possibility of said outcome.
3. The be accompanied by a Support Person, who must be a member of the university community and eligible in terms of the description detailed in the Code of Student Conduct.
4. The right to privacy surrounding their disciplinary case, as protected under the Family Educational Rights and Privacy Act (FERPA).
5. To request reasonable accommodations due to disability within the student conduct process and/or appeals process via the Academic Resource Center (ARC) or through their student conduct process Case Manager.
6. Reasonable access to inspect and review their own case file, which includes all information that would be used during the student conduct process, to the extent permitted by confidentiality laws.
7. To be presumed not responsible for a violation of prohibited conduct until found responsible by a preponderance of the evidence.
8. To speak or not speak on their own behalf.
9. The opportunity to respond to information used as part of the decision-making process.

B. Responsibilities of the Respondent

1. To educate oneself on expectations for being a university community member, including steps to resolve alleged misconduct, by reading the policies and processes outlined in the Code of Student Conduct.
2. To be honest and forthright in all information they provide during the Student Conduct Process. Presenting false and misleading information during this process is a violation of the Code of Student Conduct.
3. To attend all scheduled meetings or hearings unless alternate arrangements are made in advance. Failure to attend or participate in the Student Conduct Process will result in the case being determined in a respondent's absence.
4. To prepare and present their entire case as well as secure the presence of any witnesses who will speak on their behalf.
5. To be respectful in all interactions with the Office of Community Values and Student Conduct (OCVSC) staff, case managers, hearing authorities, and University Conduct Board members.

Section IX: Interim Measures and Retaliation Policy

Interim or protective measures can be initiated by the University following a report. When the University has information supporting a serious threat to persons or property in the Denison community, to alleviate that threat, the University may impose interim restricted access of a student before resolution of a report. Interim restricted access is an interim, preventative action.

In certain circumstances following an incident of alleged misconduct by a student or campus organization, the University may impose interim or protective measures *prior* to resolution of an incident throughout the student conduct process if there is reason to believe it is necessary (a) to ensure the safety and well-being of members of the Denison University community; (b) to ensure the student's own physical or emotional safety and well-being; (c) if the student poses a threat of disruption of or interference with the normal operations of the University; or (d) when a felonious act has been alleged. When interim restricted access is imposed, a student may be denied access to university premises and activities, which may include classes, and all other privileges for which a student might otherwise be eligible. Imposition of interim measures does not replace the student conduct process.

The University will reasonably protect reporting persons and witnesses from retaliation, harassment, and intimidation. Retaliation, either personally engaging in or soliciting the help of others, against other individuals is prohibited. Individuals may not intimidate, threaten, coerce, or harass reporting persons, complainants, witnesses, and/or any individual connected with a disciplinary process based on their perceived or actual reporting or participation in a university or off-campus investigation or proceeding related to prohibited conduct. Behavior that deters or seeks to deter a reasonable person in the same circumstances from acting is prohibited.

Section X: Notification of Parents Regarding Drug and Alcohol Violations

Students are encouraged to proactively communicate with parents/guardians about their involvement in the resolution of matters falling under the Code. In accordance with the Family Educational Rights and Privacy Act (FERPA), Denison University has the authority to disclose information to a parent or legal guardian of a student regarding any violation of federal, state, or local law, or any rule or policy of the University governing the use or possession of alcohol or controlled substances. This notification policy only applies to tax-dependent students under the age of twenty-one (21). Notification may occur when:

- The student is responsible for a pattern of alcohol violations, even when those infractions may be minor. Two or more incidents in which a student is responsible shall be reasonable cause for notification;
- The student receives an outcome of Disciplinary Probation, Disciplinary Suspension, or Disciplinary Expulsion because of the violation;
- The incident was determined to be life threatening to the student, threatening to the community, or resulted in the student becoming physically ill and/or requiring medical intervention or transport following consumption of alcohol or other drugs (even when Medical Assistance (MA) may be granted); and/or
- The student is responsible for any violation of the University's policy regarding drugs.

The Office of Community Values and Student Conduct (OCVSC) shall be responsible for notification. Notification may be made to the primary parents or guardians listed with the University. Notification shall not occur until a decision about a student's responsibility has become final. Unrelated to FERPA, the University has the authority to contact parents or guardians during health and safety emergencies regardless of the age or tax-dependency of the student.

Section XI: Maintenance and Release of Student Conduct Records

All records related to situations involving violations of the Code of Student Conduct are maintained by the Office of Community Values and Student Conduct (OCVSC). Student conduct records are generally established once the OCVSC receives an incident report alleging a violation of the Code of Student Conduct by a student or campus organization. All information is housed and maintained within an electronic database. Student conduct records are maintained by the University for seven (7) years from the date of the case resolution for the last violation the Respondent was found responsible for. Records related to incidents involving the expulsion of a student or campus organization are maintained indefinitely.

The University will not release any information related to a student's involvement in student conduct processes without the express written consent of the student, except where FERPA permits disclosure. Some University entities routinely check students' disciplinary histories to perform evaluations or determine eligibility for programs. Students may request a waiver to release information from the OCVSC to a third party. This grants the OCVSC permission to release information but does not require the release of information.

Under FERPA, students may inspect information in their record and can request to do so in writing to the OCVSC no fewer than three business days in advance. It should be noted that for larger record requests, such as a student having multiple incidents to review, the OCVSC may need longer than three business days to prepare for the student to review their record. Resolution processes will normally not be rescheduled based on a student's lack or delay of request to review their record.

Students may not retain, copy, photograph, or otherwise duplicate file materials; however, they may hand-write information from the file for their personal notes. Materials in the file may be redacted to protect the information of students who are not the requesting party. Students' records pertaining to disciplinary violations, including findings and outcomes, shall be destroyed seven years after the student's graduation or withdrawal from the University, except for student records resulting in expulsion from the University, which will be maintained indefinitely.

Section XII: Code of Student Conduct Review Process

The Code of Student Conduct will undergo a formal review and modification process every two academic years. The review process will be led by the Director of the Office of Community Values and Student Conduct in collaboration with a Code of Student Conduct Review Committee. This committee will be composed of Denison University students, faculty, and staff members.

Student members will participate in an application process in the Fall semester of the review year and will be extended an invitation to participate on the committee for the duration of the following Spring semester. Faculty and staff members may volunteer or be appointed to serve on this review committee given time and availability during the review period. Campus community members not on the Code of Student Conduct Review Committee will be extended the opportunity to submit via an online form comments, questions, and suggestions for possible changes to the Code of Student Conduct through the first half of the Spring semester of the review year.

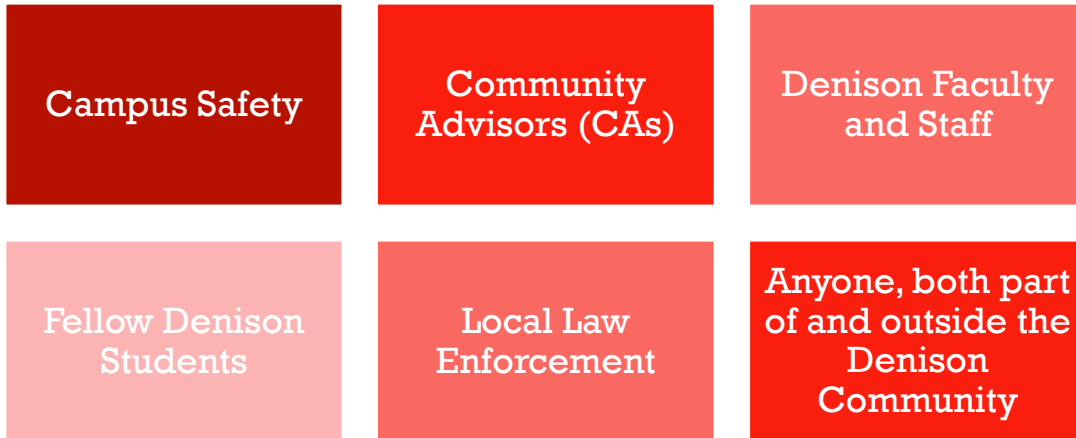
Individuals serving on the Code of Student Conduct Review committee will be responsible for reviewing the Denison University Code of Student Conduct, making recommendations for edits, clarifications, and additions, and reviewing and approving suggestions made by the general campus community to amend the Code.

If changes to the Code of Student Conduct are necessary due to changes to local, state, and or federal laws, changes may be brought forth prior to the two-year review cycle; this effort will be led by the Director of Community Values and Student Conduct and the Associate Vice President of Student Life/Dean of Student Life.

Section XIII: Reference Guides to Student Conduct Processes

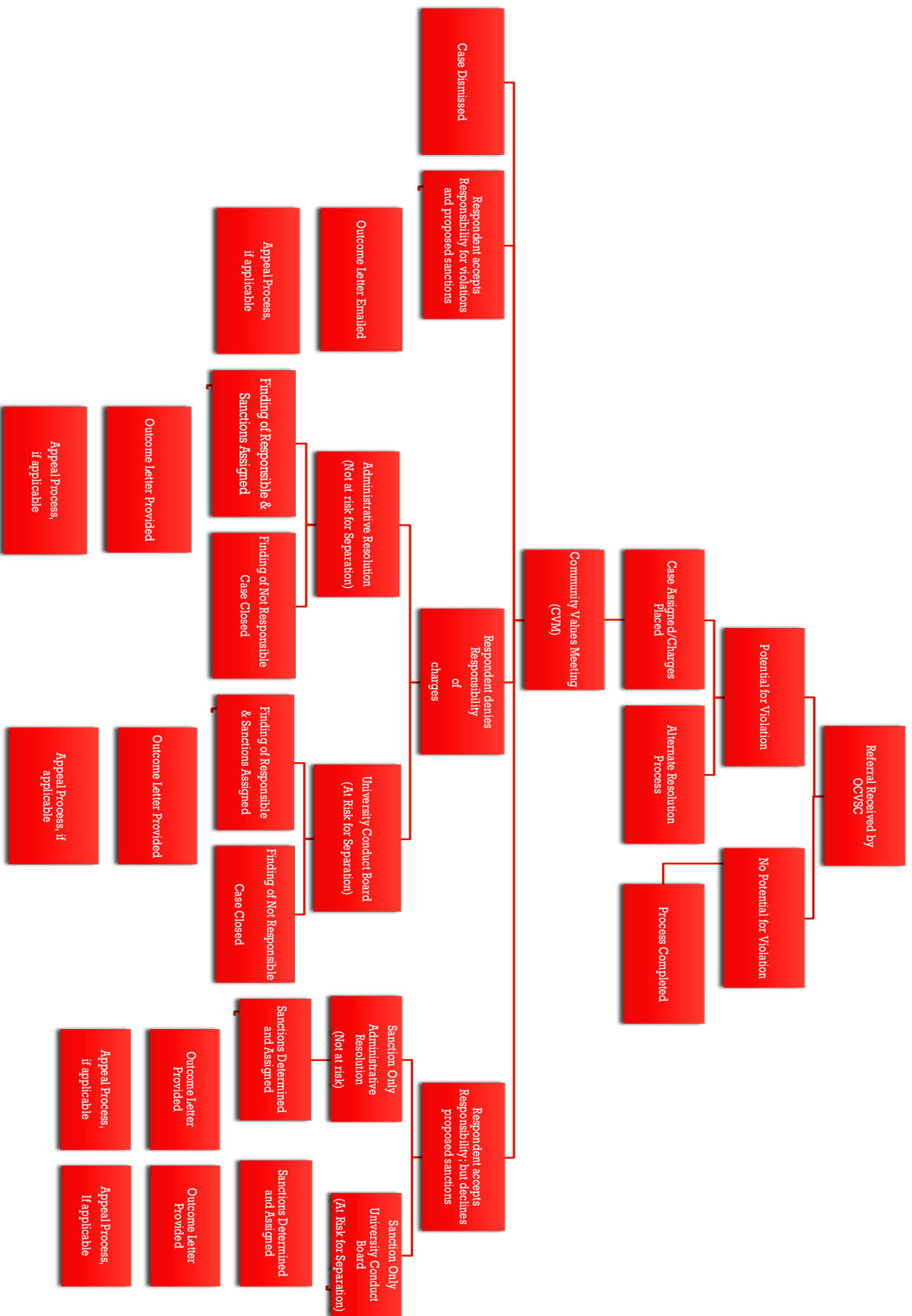
Please see the following quick reference materials regarding various components of the Code of Student Conduct. Reviewing these guides does not replace reading and understanding the entire Code of Student Conduct document, as all Denison student community members are expected to comply with the elements found within this document.

Office of Community Values and Student Conduct Referral Sources



<h4>Alternate Resolution Processes</h4> <p>Within the Alternate Resolution pathway, at the discretion of the OCVSC, some incidents are most appropriately resolved by a Respondent not going through the formal resolution disciplinary process. Responding students who have engaged in first time, low level offenses of the Code may be referred to a variety of educational workshops, in lieu of a formal resolution. Matters meeting the criteria for resolution under Denison’s Medical Assistance Policy (detailed below) are resolved through an Alternate Resolution method. Students may also participate in mediation or restorative justice conferences and other methods of alternate resolution, which may eliminate the need for more formal proceedings; resolution via these processes is determined by mutual consent of the involved parties (see p.15 16).</p>	<h4>Formal Resolution Processes</h4> <p>In situations where it has been determined that a formal resolution is appropriate, the OCVSC will initiate the process of assessing what charges will be assigned based on the nature of the reported behavior, may reach out to reporting parties or individuals who have been impacted by the alleged behavior of others, and determine whether any interim measures need to be put in place. Matters that are resolved formally are included in the student’s university disciplinary record if the student is found responsible for any violation through the process. Students who are found not responsible for all the charges against them within the formal resolution process will not have a disciplinary record for that matter. If a student is found to be responsible for violating university policy during a formally resolved matter, the responding student is eligible to appeal. (see p.16 24).</p>
<ul style="list-style-type: none"> • Notification of Reports • Direct Resource Referrals • Mediation • Restorative Justice • Medical Assistance (MA) Education 	<ul style="list-style-type: none"> • Community Values Meeting (CVM) • Administrative Resolution (AR) • University Conduct Board (UCB) • Sanction-Only Hearing (AR & UCB options)

Community Values and Student Conduct Process Flow



Relevant People to Note with the Conduct Process

Respondent

An individual or group who has been reported to be the perpetrator of conduct that could violate this Code.

Case Manager

Professional staff member in the OCVSC or Residential Communities & Housing assigned to a reported incident who is responsible for facilitating a Community Values Meeting (CVM) with a Respondent student(s), as well as any additional investigation meetings with Complainants or witnesses. The Case Manager presents reported information to the Respondent, offers space for the Respondent to share their perspective on the reported incident, and shares options for resolution. Based on information presented through the investigation and Community Values Meeting, a Case Manager can dismiss cases without further disciplinary action or assign sanctions to a student accepting responsibility for the charges pending against them.

Support Person

A member of the Denison community (i.e., a faculty member, staff member, or another Denison student) of the student's choosing that is not affiliated with the alleged incident. They can also not be a responding party in the same incident as the student seeking support. Support persons are not permitted to speak, advocate for, or participate directly in student conduct processes in any way; students are responsible for their own engagement. If these engagement parameters are not followed, the presence of a Support Person can be revoked at the discretion of the Case Manager or Hearing Authority. Students should be aware that the resolution process timeline generally cannot be altered significantly based solely on the unavailability of their Support Person, and the student should consider this when choosing a Support Person. A Respondent may have one Support Person with them in each meeting or proceeding of the student conduct process.

Hearing Officer

Assigned OCVSC or Residential Communities & Housing staff serving as the hearing authority who oversees the Administrative Resolution hearing and use the preponderance of the evidence standard to determine whether a responding party is responsible or not responsible for violating the Code of Student Conduct. Within the Administrative Resolution, the Hearing Officer follows an outline which includes hearing from the Respondent, any witnesses provided in the matter, and a review of any supplemental documentation provided through the course of the case manager's investigation. If a responding party is found responsible, the hearing officer also determines the appropriate sanctions to resolve the matter.

Witness

An individual who has experience with, or knowledge of, events or circumstances related to the specific incident. Witnesses may be identified by university officials, Complainants, or Respondents. Witnesses may not serve in any other role throughout the student conduct process (e.g., support person, etc.).

University Conduct Board

This hearing authority shall be composed of student, faculty, and staff members who have shown interest and commitment in serving as panelist decision makers regarding suspension or expulsion level cases involving students, campus organizations, or athletic team behavior. By the preponderance of evidence standard, the UCB determines where a responding student, campus organization, or student group is responsible or not responsible for violating the Code of Student Conduct. In the event the UCB determines there has been responsibility in violating the Code of Student Conduct, the UCB also manages determining the recommended sanctions of the responding party. University Conduct Board (UCB) members also serve as members of the University Appeals Board (UAB).

Sanctioning in Case Resolution

Any student or campus organization determined to be responsible for violation of the Code of Student Conduct may expect to receive both a status sanction and educational sanctions. Denison's student conduct program is committed to restorative practices and strives, whenever possible, to design outcomes that address the needs of community members, educate the responsible student about their behavior, and create opportunities to redress harms and rebuild community. Educational sanctions may be applied singularly or in combination with one another, influenced by mitigating and aggravating circumstances, as well as the frequency, severity, and community impact of violations.



University Appeal Process

The purpose of the appeals process is to provide a check and balance on the original process and decision. To be considered, appeals must be submitted in writing to the Dean of Student Life Office no later than five (5) business days after the date of the outcome letter. The appeal must be full and complete upon submission and must include a letter from the student explaining the basis for appeal. Where an appeal is presented based on new information, such documentation must also be included.

A student may appeal a decision on one or more of the following bases:

1) the conduct process substantially varied from the procedures in this Code, such that prejudice resulted;

2) the sanction imposed was disproportionate relative to the violation(s) of the Code for which the student was found responsible;

3) new information, unknown to and not reasonably available to the appealing student at the time of the original decision has been discovered, which is sufficient to alter the decision.

If the appeal letter does not provide sufficient information to identify one of the permissible bases for appeal, the UAB shall deny the appeal. If the UAB determines a proper basis for appeal has been stated, the UAB shall review the appeal only on that basis. Review shall be limited to the case record and appropriate supporting materials submitted by the appealing student. A student's disciplinary history may also be considered when proportionality of the sanction is being evaluated.

Section XIV: Appendices

- A. Denison Academic Catalog: <https://catalog.denison.edu/>
- B. Denison Student Handbook: <https://denison.edu/forms/student-handbook>
- C. Denison Sexual Discrimination and Sexual Misconduct Policy: <https://denison.edu/forms/sexual-discrimination-and-sexual-misconduct-policy>
- D. Denison Student Resident Agreement: <https://denison.edu/forms/student-residence-agreement>
- E. Denison Student Housing Policy: <https://denison.edu/forms/student-housing-policy>
- F. Ohio Revised Code: <https://codes.ohio.gov/ohio-revised-code>
- G. Granville Village Ordinances: <https://www.granville.oh.us/codified-ordinances>
- H. Campus Organization Handbook: <https://denison.edu/forms/campus-organization-handbook>
- I. Denison Event Management Policy: <https://my.denison.edu/campus-resources/alford-community-leadership--involvement-center-clc/responsible-hosting-of-social-events>
- J. Denison Anti-hazing Information and Policy: <https://denison.edu/campus/anti-hazing>
- K. Denison Code of Academic Integrity: <https://denison.edu/forms/code-of-academic-integrity>