

STUDENT CONDUCT CODE



STUDENT RESOLUTION CENTER
COLORADO STATE UNIVERSITY

Student Conduct Code

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PHILOSOPHY

The Student Conduct Code exists to notify students, faculty, and staff of the specific expectations Colorado State University holds related to student behavior and the rights and responsibilities that accompany being a student and participating in student organizations.

Colorado State University expects students to maintain standards of personal integrity in harmony with its educational goals; to be responsible for their actions; to observe national, state, local laws, and University regulations; and to respect the rights, privileges, and property of other people.

The student conduct process is intended to be a learning experience which can yield growth, behavioral changes, and personal understanding of one's responsibilities and the consequences and impacts of one's actions. This process balances the needs and rights of students with the needs and expectations of the University and larger community. The student conduct process offers a continuum of responses to allegations of misconduct. Students are treated with care and respect while being afforded the opportunity to receive a fair hearing. Many sanctions and interventions are designed to be educational and restorative in nature, promoting the University's mission.

The Student Conduct Code defines University intervention, resolution options and possible disciplinary action related to the behavior of both individual students and student organizations.

JURISDICTION

The University seeks to help students and organizations learn to become conscientious members of their community. Students are expected to conduct themselves in a responsible manner at all times, whether on or off campus. Colorado State University's Student Conduct Code applies to behavior that occurs on University premises and at University-sponsored programs and activities. It also applies to off-campus behavior that adversely affects the University community's health, safety or welfare, poses a threat to persons or property, or may damage the institution's reputation or relationship with the greater community (including behavior occurring in a foreign country or in another state, and behavior at all University activities, regardless of location).

A student may face both the University student conduct process and criminal or civil litigation charges, since the same factual situation may allegedly violate both the Student Conduct Code and criminal or civil law. The student conduct process may happen before, during, or after criminal proceedings. Since the student conduct process is entirely separate from criminal or civil litigation, legal outcomes do not affect the student conduct process nor will pending criminal or civil litigation stop or delay the student conduct process.

Colorado State University, as a state, public institution, is required to follow all federal, state, and local laws, including laws that may not apply to private entities. This means that the Student Conduct Code must comport with the Constitution of the United States, federal statutes, federal administrative regulations, the Constitution of the State of Colorado, Colorado Revised Statutes, and State of Colorado administrative regulations. Accordingly, the Student Conduct Code cannot conflict with or supersede any federal, state, or local law.

DEFINITIONS

Academic Misconduct Review Committee refers to individual members selected from the trained pool of faculty and students authorized to hear appeals of student conduct cases. The Academic Misconduct Review Committee is comprised of two (2) faculty members and one (1) student from the Appeal Committee.

All University Hearing Board (AUHB) refers to individual members selected from the trained pool of students who represent Associated Students of Colorado State University (ASCSU) Supreme Court, Fraternity and Sorority Life, and recognized student organizations which include club sports and faith based organizations. The Director will also appoint a Hearing Officer from Student Conduct Services, to serve as a voting member of the AUHB. Each hearing conducted by the AUHB will consist of three (3) members from the ASCSU Supreme Court, one (1) member from the specific community or area of the student organization being reviewed, and one (1) Hearing Officer from Student Conduct Services.

Appeal Committee refers to individual members selected from the trained pool of faculty, staff, and students authorized to hear appeals of student conduct cases.

Chair of the Appeal Committee refers to a faculty or staff member selected from the trained pool of University community members authorized to hear appeals of student conduct cases. A Chair of the Appeal Committee is nominated by the Director of the Student Resolution Center and appointed by the Vice President for Student Affairs. The Chair of the Appeal Committee is responsible for the application of the appeal process for individual students.

Complainant refers to the University when a student is charged with an alleged violation of the Student Conduct Code.

Consent to sexual activity is consent that is informed, knowing and voluntary. Consent is active, not passive, and requires cooperation in act or attitude pursuant to an exercise of free will and with knowledge of the nature of the act. Silence, in and of itself, cannot be interpreted as consent. Sexual activity with someone known, or who should be known, to be mentally or physically incapacitated by alcohol or other drug use, unconscious or in a state of blackout, or otherwise unable to give consent, is not valid consent. A person is considered to be incapable of giving consent when the person lacks the cognitive ability to make an important life decision, and this measure applies even when the same persons have engaged with one another in consensual sex in the past.

Disciplinary standing is a sanction that may be applied when a student or organization is found responsible for a violation of the Student Conduct Code. A disciplinary standing alone does not require any action from the student or organization. However, some disciplinary standings may limit certain privileges otherwise afforded to students/organizations at the University. A disciplinary standing will result in a reportable student conduct record.

Discretionary outcomes are sanctions that may be assigned when a student or organization is found responsible for a violation of the Student Conduct Code or in conjunction with an alternative resolution process. These outcomes are intended to provide appropriate education, conflict management, treatment, support, and accountability for the student/organization as a result of their behavior.

Director means the Director of the Student Resolution Center to include Student Conduct Services. The Director is designated by the Vice President for Student Affairs to be responsible for the administration of the Student Conduct Code. References to the Director in the Student Conduct Code include the Director or their designee.

Impacted Party means an individual or individuals directly impacted by alleged violence (including domestic violence and dating violence), sexual misconduct, or stalking. An Impacted Party will have the right to present information and/or provide written statements prior to the Responding Party's hearing, observe the hearing, bring an advisor and support person to the hearing, and appeal the outcome decision of the hearing.

Instructor means any person hired by Colorado State University to conduct classroom, research or teaching activities or who is otherwise considered by the University to be a member of its faculty.

Hearing Officer means a University official authorized by the Director of the Student Resolution Center to facilitate student conduct hearings and determine whether a student or an organization has violated the Student Conduct Code and to impose sanctions when a violation has been committed.

Lead team is a committee formed of members from several student-facing departments on campus who convene for the purpose of examining alleged conduct violations and viewing them through multiple lenses. The lead team makes recommendations to the Director of the Student Resolution Center on ways to address misconduct involving student clubs and organizations.

Policy means the written rules and regulations of the University as found in, but not limited to, the Student Conduct Code; Residential Contract and Handbook; undergraduate, graduate, and professional catalogs or policies; faculty manual; athletic policies, and University web pages including the Office of Policy and Compliance. These include policies related to computer use, solicitation, sexual harassment, non-discrimination policies, athletic events, use of facilities, travel, and participation in student organizations.

Rams Taking Responsibility is an accountability process in which a student organization conducts its own investigation to identify areas of concern, growth opportunities, and required educational programming to mitigate these concerns. By participating in Rams Taking Responsibility, the organization must comply with all requirements of that process and its resolution which are binding and not subject to appeal.

Reportable student conduct record means any record maintained by Student Conduct Services when a student or organization has been sanctioned to a disciplinary standing. These records are maintained for seven years from the end of the academic year of the last decision that includes a finding of responsibility.

Responding Party means any student/organization alleged to have violated the Student Conduct Code.

Student includes all persons taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, professional, or continuing education; those who withdraw after allegedly violating the Student Conduct Code; those who are not officially enrolled for a particular term but who have a continuing relationship with the University; those who have been notified of their acceptance for admission; and persons who are living in University owned or operated housing though not enrolled. The Student Conduct Code applies to all Colorado State University students enrolled online or through University programs who are studying abroad or at other remote locations, including the Denver campuses.

Student organization means any number of persons who have associated as a group and complied with the formal registration requirements for recognition as a University student organization including club sports.

Student organization activity means any activity on or off campus which is group sponsored, initiated, financed, advertised, or attended by a significant portion of the members.

University official includes any person employed by the University performing assigned administrative or professional responsibilities. University officials may be full or part-time, or may be student staff members.

University premises includes all land, buildings, facilities, and other property in the possession of or owned, used, leased, operated, controlled, or supervised by Colorado State University whether on the main Fort Collins campus or other locations.

PROHIBITED CONDUCT

The list of behaviors which follows is not exhaustive and the University maintains the right to amend its rules and policies. The following actions and/or behaviors are expressly prohibited:

Academic Misconduct:

- **Cheating:** Cheating includes using unauthorized sources of information and providing or receiving unauthorized assistance on any form of academic work or engaging in any behavior specifically prohibited by the instructor in the course syllabus or class presentation.
- **Plagiarism:** Plagiarism includes the copying of language, structure, images, ideas, or thoughts of another, and representing them as one's own without proper acknowledgment, and is related only to work submitted for credit. Disciplinary action will not be taken for academic work in draft form.
- **Unauthorized possession or disposition of Academic Materials:** Unauthorized possession or disposition of academic materials includes the unauthorized selling or purchasing of examinations, class notes, term papers, or other academic work; stealing another student's work; and using information from or possessing exams that an instructor did not authorize for release to students.
- **Falsification:** Falsification encompasses any untruth, either verbal or written, in one's academic work.
- **Facilitation of any act of Academic Misconduct:** Facilitation of any act of academic misconduct includes knowingly assisting another to commit an act of academic misconduct.

Abusive Behavior:

- Threatening or inflicting bodily harm upon any person or animal, or acting in a manner that creates a risk of bodily harm to any person, including oneself, or an animal.
- Threats, intimidation, coercion, or other unwelcome behavior, through any method of communication directed at an individual or individuals that is so severe, persistent, or pervasive such that it has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities, when viewed through both an objective and subjective standard.
- Any form of abusive behavior (as listed above) specific to current or former intimate partners.
- Hazing, which includes any action that endangers the mental, physical, or emotional health or safety of a student, or which destroys or removes

public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or student organization, or participating in, condoning, encouraging, requiring, or allowing an opportunity for hazing. A hazing violation may occur even when the victim expressed or implied consent.

Damage:

Any threatened, attempted or actual damage or destruction of University property or the property of others.

Discriminatory Harassment:

Threats, intimidation, coercion, bodily harm or other unwelcome behavior, through any method of communication directed at an individual or individuals on the basis of sex, gender identity, gender expression, veteran status, genetic information, race, creed, color, national origin or ancestry, sexuality, age, religion, pregnancy, or disability that is so severe, persistent, or pervasive such that it has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities, when viewed through both an objective and subjective standard.

Disruptive Behavior:

- Engaging in behavior that disrupts or interferes with teaching, classroom, or other educational interactions, residential communities, research, administration, governmental functions, or disciplinary proceedings.
- Engaging in behavior that disrupts or obstructs the right of free speech or expression of any person on campus (for more information, refer to the CSU policy on Free Speech and Peaceful Assembly).
- Leading, inciting, or participating in any on-campus or off-campus demonstration, riot, or activity that disrupts the normal operations of the university, freedom of movement or safe passage and/or infringes on the rights of other members of the university community.
- Behavior that is considered lewd by a reasonable person including (but not limited to) voyeurism, public urination/defecation, and public exposure of intimate body parts.

False Information:

- Knowingly furnishing false information to any University official, instructor, office or organization, or on any applications.
- Intentionally initiating or causing to be initiated any false report.
- Use or possession of false identification.

Misuse of Alcohol:

- Use or possession of alcohol as prohibited by law or University policy.
- Manufacturing or distribution of alcohol as prohibited by law or University policy.
- Operating any vehicle while under the influence of alcohol or while impaired by the use of any intoxicating substance.
- Excessive use of alcohol resulting in a state of intoxication that endangers oneself or others.

Misuse of Drugs:

- Use or possession of illegal drugs (under federal or state law) including but not limited to marijuana, methamphetamine, cocaine, opiates, LSD, mushrooms, heroin, designer drugs such as Ecstasy and GHB, or other controlled substances or any substance used for an intoxicating effect.
- Use or possession of prescription drugs other than by the person prescribed or for use other than the prescribed purpose and/or dosage.
- Manufacturing or distribution of illegal or prescription drugs.
- Possession or use of drug paraphernalia including but not limited to equipment, products, and materials used to cultivate, manufacture, distribute, or use marijuana or other illegal drugs.
- Operating any vehicle under the influence of drugs or while impaired by the use of any intoxicating substance.
- Use of drugs resulting in a state that endangers oneself or others.

Non-Compliance:

- Failure to comply with the verbal or written directions of any University officials acting in the performance of their duties and in the scope of their employment, including failure to identify oneself to these persons when requested to do so.
- Failure to comply with the verbal or written directions of any law enforcement officers acting in the performance of their duties and in the scope of their employment, including resisting or obstructing law enforcement officers or failing to identify oneself when requested to do so.
- Violating the terms of any interim measure, no contact order, or exclusionary order imposed by the University.

Retaliation:

Any form of abuse, threat, intimidation, bullying, coercion, harassment, or attempt to influence or interfere with another individual or group who submits a report, cooperates with any investigation or acts as a witness in relation to an alleged violation of the Student Conduct Code, University policy, or any federal or state law or local ordinances.

Sexual Misconduct:

Any actual or attempted non-consensual behavior of a sexual nature including (but not limited to):

- Intentional and unwelcome touching, kissing or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts.
- Sexual intercourse without consent, such as penetration, no matter how slight, of the vagina or anus with any body part or object, or oral sex, without the consent of the victim.
- Taking, sharing, or posting of videos or photographs/images of a sexual nature without consent.
- Deliberate observation of others for sexual purposes without their consent.
- Exposing one's genitals in non-consensual circumstances.
- Viewing, placing, or posting pornography in public venues; possessing, distributing or viewing illegal pornography.
- Sexual harassment that creates an intimidating, offensive, or hostile environment for another.
- Any act of sexual misconduct in violation of state or federal law or university policy.

Stalking:

Engaging in a course of conduct directed at a specific person or persons that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Theft:

Theft, attempted theft, or other unauthorized possession of University property or the property of others.

Unauthorized Use:

- Unauthorized use, entry, or occupation of another person's property or of University facilities, property, or vehicles.
- Any unauthorized possession, duplication, or use of University keys or access devices.
- Unauthorized removal or misuse of any University document, record, data, nonpublic information, identification, educational material, or property (including forgery or alteration).

Violation of Law or University Policy:

Evidence of a violation of any federal or state law, or local ordinance, or University policy.

Violation of University Rules, Contracts, or Agreements:

- Violation of any rules, contracts, or agreements governing residence in or use of University owned or controlled property, or at athletic or other authorized special events.
- Violations of any rules, contracts, or agreements governing recognized student organizations.

Weapons:

Illegal use or possession of firearms or other weapons such as blades larger than pocket knives; ammunition or explosives; dangerous chemicals, substances, or materials; bombs or incendiary devices; or simulated weapons; or any weapon prohibited by law or University policy. Use of any such item, even if legally possessed, in a manner that harms or threatens others is prohibited.

INTERIM MEASURES

In certain circumstances, interim measures may be taken upon notification to Student Conduct Services of alleged student misconduct. These interim measures do not replace the student conduct process. Interim measures may be imposed effective immediately, without prior notice, when in the judgment of the Director, the seriousness of alleged behavior threatens the safety and well-being of members of the University community, threatens University property or has potential to disrupt or interfere with normal University operations.

The student or organization will be notified in writing of the terms of the interim measures and the reason for the interim measures. Interim measures are reviewed if new information becomes available and will be adjusted accordingly. If the student or organization wishes to appeal the appropriateness of any interim measures imposed they may submit in writing to the Hearing Officer the reasons why the interim measures are not appropriate. The Hearing Officer will review the information and notify the student or organization in writing of their decision whether or not to adjust any interim measures.

Interim measures include but are not limited to:

Interim No Contact Order:

The student or members of an organization are prohibited from having any contact with specifically identified individuals up to and through a student conduct hearing, if required. This may prohibit students from attending specific events, activities, or classes.

Interim Trespass Order:

The student is prohibited from being in or near specifically identified locations, events, activities, or classes up to and through a student conduct hearing, if required.

Interim Residential Relocation:

The student is prohibited from residing, dining, or being near specifically identified University housing up to and through a student conduct hearing, if required. The student will be provided temporary University housing and access to University dining.

Interim Residential Suspension:

The student is prohibited from residing, dining, or being near University housing up to and through a student conduct hearing, if required. The student may attend classes.

Interim University Suspension:

The student is denied access to campus, classes, and University activities up to and through a student conduct hearing, if required.

Interim Transcript Notation:

A notation is made on a student's official transcript indicating that there is a pending student conduct process. This notation will be removed at the conclusion of the student conduct process.

Interim Registration Hold:

A hold is placed preventing a student from registering for classes until the conclusion of a student conduct hearing, if required.

Interim Degree Hold:

The awarding of a student's degree is withheld until the conclusion of a student conduct hearing, if required or until the completion of all sanctions imposed.

Interim Restriction of Organizational Activity:

A temporary restriction of student organization activity. This may include but is not limited to meetings, practices, philanthropic endeavors, and social gatherings until the matter is resolved.

PROCEDURES

In accordance with federal regulations, certain cases may be designated as Title IX cases depending on the allegations. This designation will be included in a Notice of Investigation sent to the involved parties. For such cases, details regarding applicable procedures may be found in the Title IX policy document at <http://policylibrary.colostate.edu/policy.aspx?id=773>. All other cases will follow the procedures outlined below.

Reports

The student conduct process begins when Student Conduct Services receives a written account of an incident. These reports include but are not limited to police reports, investigation reports from the Office of Title IX Programs and Gender Equity, or incident reports from faculty, staff, or students. A Hearing Officer will review the information available to decide next steps.

Review

If a Hearing Officer reviews a report and determines that misconduct did not occur, no action will be taken. If, however, it appears the student may have engaged in prohibited conduct as identified in the Student Conduct Code, a Hearing Officer may assign charges from the Student Conduct Code and schedule a student conduct hearing or pursue an alternative resolution process. In cases where a student organization is alleged to have engaged in misconduct, the incident will first be reviewed by the Lead Team to examine the alleged violations and make a recommendation to the Director or their designee on next steps which may include but are not limited to: Rams Taking Responsibility, a hearing with the Director or their designee, or a hearing conducted with the AUHB.

Notification of Student Conduct Hearing

The student or organization is notified of the charges in writing, along with the date, time, and location of the hearing. Documentation of the incident will be included with the notice letter. Any information not included in the notice letter that may be considered to determine responsibility will be made available to the Responding Party for viewing with staff of the Student Resolution Center upon request. Reproduction of that information in any form is prohibited. Police reports may be made available by the responding law enforcement agency (usually for a fee) or may be made available to the Responding Party for viewing with staff of the Student Resolution Center upon request. Requests to reschedule a hearing will be considered by the Hearing Officer and may be granted at the Hearing Officer's discretion. The notice letter is sent to the student's current email address on record with the University. In cases involving a student organization, the notice of hearing will be emailed to the President of the organization on record.

The student or organization will have at least two (2) business days to prepare for the hearing unless the student or organization and the Hearing Officer agree in writing to waive the two (2) business day notice.

In cases where a Hearing Officer has identified an Impacted Party, the Hearing Officer may provide that Impacted Party with the Responding Party's charges, along with the date, time, and location of the hearing. Documentation of the incident will be included with the notice letter. Any information not included in the notice letter that may be considered to determine responsibility will be made available to the Impacted Party for viewing with staff of the Student Resolution Center upon request. Reproduction of that information in any form is prohibited. An Impacted Party will have the opportunity to participate in the student conduct process. Participation includes the right to present information and/or provide written statements prior to the Responding Party's hearing, observe the hearing, bring an advisor and support person to the hearing, and appeal the outcome decision of the hearing. The Responding Party will have an opportunity to address any information that may affect the findings in the case.

Notification of Alternative Resolution Process

In some cases, a Hearing Officer may offer a resolution option other than a student conduct hearing (e.g., educational workshop, conflict coaching, mediation, restorative justice). If the student or organization chooses to participate in an alternative resolution process, and complies with all requirements of that process and its resolution, that incident will not be maintained as part of a reportable student conduct record.

When offering a resolution outside of a student conduct hearing, the Hearing Officer will consider the severity of the case, the conduct record of the individual student or student organization, and the educational outcomes available. The student or organization will receive in writing the resolution opportunity available to them. If the student or organization does not wish to participate in the alternative resolution opportunity, they may request a student conduct hearing. Alternative resolution processes are binding and not subject to appeal. If the student or organization does not complete the alternative resolution process, they may face additional disciplinary action.

Alternative resolution processes include but are not limited to:

Responsible Action Exemption: The University has adopted a Responsible Action Exemption policy for students seeking medical assistance for themselves or others for emergency situations that result from alcohol and other drug abuse.

Students or organizations, both on and off campus, who seek medical attention for themselves or on behalf of another student related to the use of drugs or alcohol will not be charged with violations of the Student Conduct Code related to that incident, provided that the student completes an assessment and any recommended treatment by the Hearing Officer. If a student is under 21 years of age, parents may be notified. A student organization must also cooperate with University officials and provide training or educational programs for its members as required by the Hearing Officer. The University reserves the right to adjudicate any case in which the violations are egregious. Students in need of medical assistance can only receive one (1) exemption, regardless of who calls for assistance.

The University may consider all prior exemptions granted to student organizations in determining whether additional exemptions should be granted. If it is determined that a student organization is engaging in repeat, similar conduct that results in alcohol or drug related incidents that negatively impact the campus or community, exemptions may be denied. No exemptions will be provided related to any activities that may constitute hazing in violation of the Student Conduct Code or Colorado law. Failure to complete an assessment and treatment may result in charges filed by Student Conduct Services.

If a student/organization believes they qualify for a responsible action exemption, the following steps must be completed:

- The student/organization must make initial contact with the appropriate resource (i.e. law enforcement, medical personnel or University staff) as a result of their actively seeking out medical assistance for themselves or on behalf of another individual.
- The student/organization seeking assistance for an intoxicated student must give their name to law enforcement or staff, remain on scene, and cooperate with medical personnel, law enforcement, or University staff.
- The student/organization seeking an exemption must meet with Student Conduct Services staff and complete an assessment, educational program, or any additional treatment requirements of the Hearing Officer. Verification of completion must be provided to the Student Conduct Services.

Option Letter: When a report of an alleged violation of the Student Conduct Code is received, a Hearing Officer may assign charges and offer a student the option to resolve the situation by forgoing a student conduct hearing. The option letter will be sent to the student's current email address on record with the University and will include the applicable Student Conduct Code charges along with a finding of responsibility. Additionally, the Hearing Officer will impose one (1) or more discretionary outcomes but will not apply a disciplinary standing. Documentation of the alleged violations may be included with the option letter. If the student agrees with the finding(s) and sanction(s) and chooses to complete all discretionary outcomes assigned by the Hearing Officer, the incident will not be maintained as part of the individual student's reportable conduct record. If the student disagrees with the finding(s) and sanction(s) they can choose to schedule a student conduct hearing and all of the procedures in the Student Conduct Hearing section of this code will apply. If the student does not contact the Student Resolution Center within ten (10) business days after the option letter is sent it will be assumed that the student accepts responsibility for the charges and will complete all of the discretionary outcomes by the assigned deadlines.

Rams Taking Responsibility: When an alleged violation of the Student Conduct Code involves a student organization, an alternative resolution process may be granted at the discretion of Student Conduct Services. Student organizations may be offered the opportunity to participate in

Rams Taking Responsibility which is an accountability process where the organization conducts its own investigation to identify areas of concern, growth opportunities, and required educational programming to mitigate these concerns. By participating in Rams Taking Responsibility, the organization must comply with all requirements of that process and its resolution which are binding and not subject to appeal. The incident will not be maintained as part of the organization's reportable discipline record though other notifications may be required. If the student organization does not complete the alternative resolution process, they may face additional disciplinary action.

Student Conduct Hearing

A student conduct hearing is facilitated by a Hearing Officer authorized by the Director of the Student Resolution Center. When the Responding Party is a student organization, the hearing will be conducted either by the Director (or designee) or by the All University Hearing Board (AUHB). The purpose of the student conduct hearing is to discuss alleged violations of behavioral expectations as identified in the Prohibited Conduct section of the Student Conduct Code. As part of this process, students or organizations will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as community impact. Those charged with engaging in prohibited conduct will have the opportunity to receive a fair hearing. The formal rules of process, procedure and evidence used by the criminal justice system do not apply to the student conduct process.

Standard of Proof: In order to find that a student or organization has engaged in prohibited conduct, the standard of proof required is a preponderance of the information contained in the record. The information must demonstrate that it is more likely than not that the violation occurred.

Support Persons/Advisors: A Responding Party and any Impacted Party may bring a support person/advisor to the hearing, at their own expense. The support person/advisor may be an attorney. The support person/advisor may not speak on the student or organization's behalf or participate directly in the hearing. The support person/advisor may not serve in a dual role as a witness in the hearing. In cases involving alleged violence (including domestic violence and dating violence), sexual misconduct, or stalking a support person/advisor may not be another student except for extraordinary circumstances and approved by a Hearing Officer.

Recordings: All student conduct hearings may be recorded. If the student or organization wishes to have their hearing recorded a request must be made prior to the hearing. If the student or organization requests a copy, the recording of the hearing will be transcribed at the expense of the student/organization and prepared by a credentialed transcriptionist. Alternatively, the recording may be made available to the Responding Party and any Impacted Party for viewing at the Student Resolution Center. Reproduction of the recording in any way by a Responding Party, Impacted Party, or Support Persons/Advisors is prohibited.

Witnesses: The Responding Party and any Impacted Party may bring or request relevant witnesses. A request for witnesses must be made at least one (1) business day prior to a scheduled hearing. Witnesses may be present only when they are giving information. Witnesses may not serve in the dual role as a support person. Only the Hearing Officer may ask questions; the Responding Party or Impacted Party may suggest questions for each other or witnesses. The Hearing Officer has the discretion to ensure questions are relevant to the case.

Missed Hearings: If the Responding Party misses the scheduled hearing, the Hearing Officer may proceed in the student's absence and will make a decision with the information available on record.

Accommodations: Student Conduct Services is committed to providing necessary accommodations to ensure a fair and safe process for participants. Accommodations will take into consideration disabilities, personal safety and language differences.

Decisions

The Hearing Officer determines the finding of responsibility for each charge based on the preponderance of information standard—whether it is more likely than not that the Responding Party engaged in prohibited conduct. If found responsible for engaging in prohibited conduct as outlined in the Student Conduct Code, the Hearing Officer will determine appropriate sanctions based on the incident's severity, impact on others, and the Responding Party's student conduct record. A Hearing Officer has ten (10) business days from the date of the hearing to provide a decision to a Responding Party. The number of days may be extended at the discretion of the Hearing Officer, who will notify all parties of any delay. The hearing outcome will include the findings of responsibility, rationale for the findings, sanctions (if applicable), and information on the appeal process. In cases involving an Impacted Party, they will also be notified of the Hearing Officer's decision. A copy of the decision may be shared with appropriate University offices.

Sanctions

The student conduct process is based on an individual review of each case. The Hearing Officer will consider the totality of information in each case when determining appropriate sanctions. This includes but is not limited to the severity of the incident, the student/organization's student conduct record, demonstrated understanding of the impact of their behavior, and the role that alcohol and drugs may have played in an incident. The Hearing Officer may impose one or more sanctions as appropriate for student development and community well-being. More than one sanction listed below may be imposed for any single violation. If the student or student organization fails to complete sanctions by the stated deadline, a "hold" will be placed on the student's registration status. A student or organization could face additional disciplinary action for failure to comply with sanctions. The following sanctions may be applied when appropriate.

Disciplinary Standings: A Hearing Officer may apply a disciplinary standing as a sanction for violating the Student Conduct Code.

Disciplinary Probation

Disciplinary probation is for a designated period of time during which a student or organization is expected to show appropriate changes in behavior. A violation of the Student Conduct Code while a student or organization is on disciplinary probation or any subsequent misconduct, may result in further disciplinary action, including loss of good standing, suspension, or expulsion.

Loss of Good Standing

Loss of good standing is for a designated period of time during which the student or organization is expected to show appropriate changes in behavior. A student or organization who is not in good standing with the University and is prohibited from:

- representing the University through official events
- serving on a University committee
- participating in intercollegiate or sports club athletics
- holding office in a student organization

A violation of the Student Conduct Code while a student or organization is not in good standing or any subsequent misconduct, may result in further disciplinary action, including suspension, or expulsion. A student or organization may be given the option of earning back their good standing at the discretion of the Hearing Officer.

Disciplinary Suspension

Suspension is for a designated period of time during which the student may not attend classes, access any University premises, participate in University activities, or be employed by the University. In some instances, the student must fulfill specified conditions before the student is eligible for re-admission. Disciplinary suspension is noted on the student's official transcript during the period of suspension and until all other sanctions or conditions for re-admission have been completed.

Deferred Disciplinary Suspension

Disciplinary suspension is deferred while the student participates in a designated program. The student may remain enrolled as long as the student is compliant with the designated program.

Disciplinary Expulsion

The student is permanently separated from the University and may not return. The student may not attend classes, access any University premises, participate in University activities, or be employed by the University. The expulsion is permanently noted on the student's official transcript.

Loss of Student Organization Recognition

The AUHB or Hearing Officer may recommend to the Dean of Students that a student organization lose recognition after a student conduct hearing. Approval of this action deprives the student organization of the use of campus resources, the use of the University's name, and the right to participate in campus sponsored activities or recruit Colorado State University students. This loss of recognition may be for a specific period, for an indefinite period of time, or until stated conditions are met. Should the Dean of Students approve this action, an official request will also be sent to the national office that the local student organization's charter be revoked.

Discretionary Sanctions: A Hearing Officer may require the student or organization to complete or comply with discretionary sanctions. Discretionary sanctions include but are not limited to:

Academic

- Academic Penalties: Instructors may impose a "grading penalty" upon a finding that a student has, either intentionally or unintentionally, committed academic misconduct. The minimum is reduced credit on the assignment and the maximum is course failure, regardless of academic performance. The instructor may also remove the repeat/delete option for a student.
- Academic misconduct transcript notation: The "AM" notation by a course grade as a result of academic misconduct may only be added to the official transcript with agreement of both the course instructor and a Hearing Officer. That negative notation is generally permanent.

Admissions

The University may revoke a student's admission to the University for fraud, misrepresentation, or for other serious violations committed by the student prior to matriculation.

Alcohol and Other Drugs

[Drugs, Alcohol, and You \(DAY\) Programs](#) at the CSU Health Network provides a continuum of services including assessment, educational workshops, and treatment that student may be required to complete.

Conflict Resolution

- Conflict Coaching: Students have the opportunity to talk about conflict and gain skills to handle conflict in a supportive and confidential environment. Conflict Resolution staff assist students in identifying goals, developing clarity, and managing conflict in the future.
- Mediation: Mediation is a voluntary and confidential process where a neutral third-party facilitator helps two or more people in

conflict have a constructive conversation about important issues. The mediator does not take sides, give advice, or tell parties what to do. The SRC staff will mediate small group disputes (i.e. roommate conflicts) and will also facilitate large-scale discussions involving multiple parties.

- Restorative justice: A restorative justice conference brings together those who were impacted by an offense, including those who were harmed, those who were responsible for causing the harm, and impacted community members. Through a facilitated dialogue, they discuss what happened and determine the best ways to repair harm and improve relationships.
- Impact Circles: Impact circles are a form of Restorative Justice that brings together small groups of students, who have been found responsible for similar types of offenses, with relevant community stakeholders. Through answering questions about their specific incidents and hearing others' stories and perspectives, students gain a better understanding of the impacts of their behaviors on the larger community.

Degree Conferral

- Withholding degree: The University may withhold awarding a degree otherwise earned until the completion of the student conduct process, including the completion of sanctions imposed.
- Revocation of degree: The University may revoke a degree for serious violations of the Student Conduct Code committed by the student prior to graduation. Only the Board of Governors may authorize the revocation of a degree.

Educational Workshops

Students may be required to participate in one or more of a variety of workshops designed to address specific knowledge or skill areas. These workshops are intended to help a student learn more about themselves and our shared communities.

Housing Modifications

- Residential reassignment: A student may be reassigned to another residence hall room or building for disrupting the residential community or to appropriately separate persons.
- Residential expulsion: The student is permanently banned from all residence halls.

Interpersonal Violence

A student may be required to complete an evaluation and recommended treatment.

Loss of Privileges

Privileges afforded to student organizations may be temporarily restricted in relation to the severity of the behavior and the relevant conduct history of the organization. These restrictions may include, but are not limited to:

- Restrictions on social events, including but not limited to restriction of the presence of alcohol at social events.
- Restrictions on recruitment of new members into the organization for a designated period of time.
- Restrictions on the organization's ability to participate in meetings or events.

Parent/Guardian Notification

The University may notify parents/guardians when a student under the age of 21 is found responsible for violations of the Student Conduct Code involving alcohol, drugs, or violence. Parental/guardian notification may also be made when a student is suspended or expelled from residence halls or the University.

Restitution

Monetary compensation for loss or damages to University property.

APPEAL PROCESSES

Appeal of a Disciplinary Decision for an Individual Student:

A Responding Party may appeal a Hearing Officer's decision. In cases where an Impacted Party has been identified by a Hearing Officer, that individual also has a right to appeal the Hearing Officer's decision. An appeal must be submitted online within ten (10) business days after the Hearing Officer's decision is sent to the involved parties. A Hearing Officer's decision is considered final if an appeal is not submitted within the specified time. Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges and affirms that the appeal represents their position. Once an appeal is submitted it is reviewed by the Chair of the Appeal Committee. While an appeal is pending, the Responding Party must comply with all sanctions and restrictions from the Hearing Officer's decision, unless otherwise specified by the Hearing Officer.

An appeal is limited to a review of the record of the hearing and supporting information that was evaluated in the decision making process. New information will only be considered if the Chair determines that the information was not available at the time of the hearing. The appeal will only be granted on one or more of the following grounds:

1. The hearing was not conducted fairly, giving the Responding Party or any identified Impacted Party the opportunity to present relevant information. Minor deviations from designated procedures will not be a basis for supporting an appeal unless there is an adverse effect on the outcome of the hearing.

2. The information presented in the case, if believed by the Hearing Officer, was insufficient to establish that a violation of the Student Conduct Code occurred.
3. The sanction(s) imposed were not appropriate based on totality of the circumstances.
4. There is new information not available at the time of the original hearing that may be relevant to the final decision.

The Chair of the Appeal Committee will review the appeal and the record of the hearing to determine one of the following actions:

- Deny the appeal.
- Send the case to the Director of the Student Resolution Center (or designee) to review the record, make any necessary modifications, and render a final decision. When the Director served as the original Hearing Officer, the Chair of the Appeal Committee will send the appeal to the Dean of Students (or designee) to review the record of the case, make any necessary modifications and render a final decision.
- Grant the appeal and convene the Appeal Committee to review the record of the case. New information will be considered at this time.

If the Appeal Committee is convened, upon conclusion of its review, will do one of the following:

- Affirm the findings of responsibility and sanctions. Decisions affirmed by the Appeal Committee are final. Written notification will be provided to the Responding Party and any Impacted Party.
- Affirm the findings of responsibility and return the case to the original Hearing Officer or Director of the Student Resolution Center (or their designee) with recommendations to modify the sanctions. Decisions made after review of the recommendations are final and written notification will be provided to the Responding Party and any Impacted Party.
- Recommend reversal of the findings of responsibility if the Appeal Committee disagrees with the Hearing Officer's evaluation of information in the record and does not believe sufficient information exists to support a violation of the Student Conduct Code. If the Appeal Committee recommends a reversal, the Chair will submit a recommendation in writing, as follows:
 - In all cases involving suspension or expulsion from the University (whether imposed by the original Hearing Officer or recommended by the Appeal Committee after review), the Chair of the Appeal Committee will make a recommendation in writing to the Vice Provost for Faculty Affairs and the Vice President of Student Affairs for a final decision.
 - In all cases involving any form of sexual misconduct or sexual harassment, the Chair of the Appeal Committee will make a recommendation in writing to the Vice Provost for Faculty Affairs

and Vice President of Student Affairs, who may also consult with the Director of Equal Opportunity for a final decision.

- In all other cases involving individual student violations of the Conduct Code, the Chair of the Appeal Committee will make a recommendation in writing to the Dean of Students (or designee) who will make a final decision.

If the Vice Provost for Faculty Affairs and Vice President of Student Affairs are unable to agree on the action to be taken, the decision will be referred to the Executive Vice President/Provost for final action.

Composition of an Appeal Committee for an Individual Student:

In most circumstances the Appeal Committee will be comprised of a Chair who will be either a faculty or staff member, one (1) additional faculty or staff member, and one (1) student appointed by the Associated Students of Colorado State University (ASCSU). In cases involving academic misconduct the Appeal Committee will be comprised of a Chair who will be a faculty member, one (1) additional faculty member, and one (1) student appointed by ASCSU. In cases involving interpersonal violence (including domestic violence, dating violence, sexual misconduct, or stalking) the Appeal Committee will be comprised of a Chair who will be either a faculty or staff member, two (2) additional faculty or staff members, and the Director of Equal Opportunity (or designee), as a non-voting member.

When an appeal is granted, a list of Appeal Committee members is provided to the Responding Party and any Impacted Party. If the Responding Party or Impacted Party believes there is a conflict of interest and provides rationale to the Chair of the Appeal Committee, they may request the removal of a member. The Chair decides whether sufficient reason exists to remove a member. Members of the Appeal Committee are expected to recuse themselves if they have a conflict of interest. If the Chair of the Appeal Committee is recused, has an identified conflict of interest or is unavailable within a reasonable period of time, the Director of the Student Resolution Center (or designee), will appoint another faculty or staff member to serve as Chair. When a member is removed, they will be replaced by another representative from the pool.

Appeal of a Disciplinary Decision for a Student Organization:

A student organization may appeal the decisions made by the All University Hearing Board (AUHB) or a Hearing Officer. In cases where an Impacted Party has been identified by a Hearing Officer that individual also has a right to appeal the decision.

An appeal must be submitted online within ten (10) business days after the decision is sent to the involved parties.

The Director of the Student Resolution Center (or designee) serves as the Appellate Officer for review of decisions made by the AUHB or a Hearing Officer. If the Director serves as the original Hearing Officer, the Vice President of Student Affairs will appoint a three (3) person Student Organization Appeal Committee to consider the appeal. The Committee will then make recommendations to the Vice President of Student Affairs, who will make the final decision regarding the appeal. A Hearing

Officer's decision is considered final if an appeal is not submitted within the specified time. While an appeal is pending, the student organization must comply with all sanctions and restrictions from the decision unless otherwise specified by the Hearing Officer or AUHB.

An appeal is limited to a review of the record of the hearing and supporting information that was evaluated in the decision making process. New information will only be considered if the Director or committee determines that the information was not available at the time of the original hearing.

The appeal request may be granted based on one or more of the following grounds:

1. The original hearing was not conducted fairly, or did not give the Responding Party organization or Impacted Party the opportunity to present relevant information.
2. The decision was not based on substantial and sufficient information.
3. The sanction(s) imposed were not appropriate based on the totality of the circumstances.
4. There is new information not available at the time of the original hearing that may be relevant to the final decision.

After reviewing the appeal, the Director of the Student Resolution Center (or designee) or the Vice President of Student Affairs will take one of these actions:

- Deny the appeal.
- Grant the appeal to review the record of the case. New information will be considered at this time. While the case is being re-considered, the student organization must continue to abide by any stated conditions imposed by the original Hearing Officer or AUHB.

The Director of the Student Resolution Center (or designee) may make one of the following decisions:

- Affirm the decision.
- Reverse the decision.
- Amend the decision to clarify sanctions or offer additional resources to support the Responding Party student organization.

The Director (or designee) will communicate the decision to the student organization in writing which will be considered the final outcome.

STUDENT CONDUCT RECORDS

Individual Student Conduct Records:

Student Conduct Services at the Student Resolution Center maintains student conduct records in keeping with the federal Family Educational Rights and Privacy Act of 1972 (FERPA), subsequent amendments, and implementation guidelines. These records are maintained for seven years from the end of the academic year of the last decision that includes a finding of responsibility. All disciplinary records are destroyed after this period, except in cases of expulsion. However, if a student is involved in litigation with the University, or the record is undergoing official review or audit, the record may be kept indefinitely while maintaining compliance with FERPA.

Information regarding a student's disciplinary record is available to University officials with a legitimate educational interest. Disclosure of disciplinary records to anyone else generally requires a written release from the student, except in the case of a court order or legal process, or as otherwise permitted or allowed under FERPA in the discretion of the University.

Notations of disciplinary action on the student's official transcript will be made only by Student Conduct Services. Disciplinary expulsion will be permanently noted on the official transcript and cannot be removed. Disciplinary suspension is noted on the official transcript during the period of suspension. If any additional sanctions are not completed, the student may submit a request to the Director or designee for removal of the notation after the designated period of suspension. If the Director denies the request for the removal of the transcript notation, a written request can be submitted to the Dean of Students for review and a final decision.

Should a student want a copy of their student conduct record, a request must be submitted in writing to Student Conduct Services. This may be done via mail, email, or in person. Once the request has been received, a copy will be made available to the student within 45 days. Alternatively, based on the totality of circumstances including the sensitive nature of the allegations or information, the request for copies may be granted or denied at the Hearing Officer's discretion. If the request for copies is denied, the information may be reviewed at the Student Resolution Center.

Student Organization Conduct Records:

Disciplinary records related to student organizations are maintained by Student Conduct Services. Personally identifiable information is considered part of a student's educational record. However, the University believes students seeking to gain membership within a student organization should have the opportunity to review the organization's conduct record. These records are maintained for four years from the academic year the decision was made for the last finding of responsibility. Student conduct cases involving a Loss of Recognition will be permanently maintained on the website.

As such, a student organization's student conduct records can be found online at: <https://resolutioncenter.colostate.edu/discipline-record-orgs/>

NON-DISCRIMINATION POLICY STATEMENT

Colorado State University is committed to providing an environment that is free from discrimination and harassment based on race, age, creed, color, religion, national origin or ancestry, sex, gender, disability, veteran status, genetic information, sexual orientation, gender identity or expression, or pregnancy and will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed, or disclosed their own pay or the pay of another employee or applicant. Colorado State University is an equal opportunity/equal access/affirmative action employer fully committed to achieving a diverse workforce and complies with all Federal and Colorado State laws, regulations, and executive orders regarding non-discrimination and affirmative action. [The Office of Equal Opportunity](#) is located in 101 Student Services.

The Title IX Coordinator is the Vice President for Equity, Equal Opportunity, and Title IX, 123 Student Services Building, Fort Collins, CO. 80523, (970) 491-1715.

The Section 504 and ADA Coordinator is the Vice President for Equity, Equal Opportunity, and Title IX, 101 Student Services Building, Fort Collins, CO 80523-0160, (970) 491-5836.

[Notice Pursuant to Colorado House Bill 16-1438 \(PDF\)](#)

INTERPRETATION AND REVISION

Under the authority of the President, any question of interpretation or application of the Student Conduct Code shall be referred to the Vice President for Student Affairs (or designee) for final determination. The Student Conduct Code shall be reviewed a minimum of every three years under the direction of the Vice President for Student Affairs, in consultation with the Office of the General Counsel and subject to the approval of the University President and Board of Governors.

**Student Resolution Center
8015 Campus Delivery
Aggie Village Walnut, Suite A
Fort Collins, Colorado 80523-8015
(970) 491 - 7165
resolutioncenter.colostate.edu**

An equal-access and equal-opportunity University