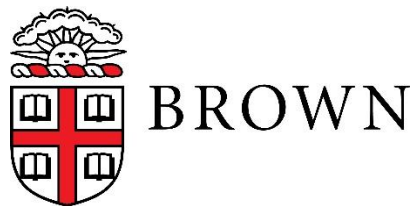


Report of the Committee to Review the Code

May 2019



Introduction

The Code of Student Conduct (“the Code”) requires that there be a review every five years to ensure that the Code continues to meet the changing needs of our community. The Office of Student Conduct & Community Standards (OSCCS) spent the 2017-2018 academic year reviewing the codes of peer institutions, examining best practice suggestions from relevant professional organizations, and consulting the Council for the Advancement of Standards in Higher Education (CAS) standards for student conduct programs to inform its approach to the present review. In contrast to previous reviews, which targeted specific areas of the Code and the Student Conduct Procedures (“the Procedures”), the present review was a full-scale examination of all aspects of the Code and the Procedures.

At the center of this review was the mission and five core values developed by OSCCS over the last three years. As much as possible, the committee was asked to consider whether each proposed change supported these values and the overall mission of the office:

Mission

The Office of Student Conduct and Community Standards at Brown University is committed to working within an educational framework to address potential violations of Brown’s community standards. We aim to be fair and transparent and work with integrity to serve individual students as well as the campus community in ways that are socially just. We approach our work as an investment in students’ learning and character development in order to prepare and educate them to discharge the offices of life with usefulness and reputation.

Values

- Educational - We engage students in honest discussions about their values and choices, the impact of their behaviors on the community, and the value of all community members being accountable for their actions. Our process encourages self-reflection and the building of healthy conflict resolution skills and offers leadership opportunities for students who want to be involved in promoting and upholding community standards.
- Multi-partial - We treat all students with respect and aim to be supportive and inclusive, honoring students’ perspectives and lived experiences in the consideration of appropriate outcomes. Our processes highlight and honor as many student voices as possible.
- Fair - We provide an opportunity for all students to communicate their perspectives and be heard without prejudice. There is a strong emphasis on due process and equitable treatment for all students who engage in our process.
- Transparent - We work to develop and disseminate a clear and understandable Code of Student Conduct that includes student input in its development and adjudication. Students are informed of their rights throughout the process, and we value open discussions with students about possible outcomes before decisions are finalized.
- Socially Just - We support the dismantling of all systems of oppression that erode human dignity and commit ourselves to continual education and purposeful action to ensure that our policies, processes, and interactions reflect this.

The Charge

The committee met nine times and discussed topics related to the charge of the committee. The charge given to the committee was as follows:

Review of the following items:

- a. Determine if the standards of student conduct are appropriate.
- b. Determine an appropriate and effective menu of response types.
- c. Determine rights and responsibilities of students under each response type and ensure they are equitable for all involved parties.
- d. Determine appropriate and effective possible outcomes for each response type.
- e. Determine an appropriate and effective appeal process.

Questions to inform the review:

- f. Do the Student Conduct Procedures support the mission of the University and the mission and values of the Office of Student Conduct and Community Standards?
- g. Does the conduct system support the academic and educational work of the institution, and does it effectively and fairly address behaviors that interfere with teaching and learning?
- h. Does the conduct system effectively balance individual and community rights and responsibilities?

The Committee

The committee was comprised of a selection of individuals across campus communities to better inform the review. The committee membership was as follows:

Derek DeBobes, Assistant Vice President, Institutional Equity & Diversity

Kevin Escudero, Assistant Professor of American Studies

Michael Grabo, Associate Counsel

Cameron Kinder, Undergraduate Student

Michelly Pena, Senior Associate Director for Strategic Initiatives, Residential Life

Zoila Quezada, Assistant Director, Office of Diversity and Multicultural Affairs, Alpert Medical School

Kriyana Reddy, Undergraduate Student

Charlie Scott, Graduate Student Intern

Katherine Smith, Associate Dean of Biology Undergraduate Education, Assistant Professor of Ecology and Evolutionary Biology (Research)

Maria Suarez, Associate Dean of Student Support, Graduate School

Colin Sullivan, Deputy Director of Athletics

Alastair Tulloch, Graduate Student

Kirsten Wolfe, Associate Dean of Students and Assistant Director of OSCCS

Ex-Officio:

Yolanda Castillo-Appollonio, Senior Associate Dean of Students and Director of OSCCS

Staffing:

Mark Addison, Student Conduct Coordinator

Michele Armstrong, Assistant Dean of Students

Committee Recommendations

Following are the recommendations that have come from our meetings as a committee as well as from presenting to and gathering information from constituents around campus. The recommendations are organized into five different focus areas: legalistic language, transparency, changes, additions, and recommendations to the University.

Focus Area 1 – Legalistic Language

The committee determined that the current Code and Procedures contain language that is unnecessarily legalistic and recommended several changes. The specific changes that were recommended are as follows:

- 1.1 Change Offenses to Prohibited Conduct.** The current offenses refer to the list of behaviors that are considered to be violations of the Code. The committee felt it was more accurate and approachable to refer to this as a list of prohibited conduct.
- 1.2 Change ‘Violation of terms’ to ‘Noncompliance with terms.’** When allegations are made against a student who is on a community status from a previous proceeding, they are currently charged with *Offense XVIII: Violation of the terms of any student conduct hearing sanction*. The committee recommended changing ‘violation of’ to ‘noncompliance with.’
- 1.3 Change the name of Sanction to Community Status.** Sanctions are the statuses (e.g., probation, suspension) assigned when a student is found responsible for prohibited conduct. Community status better reflects the spirit of these outcomes and moves away from formal and legalistic ‘sanctions.’
- 1.4 Change the name of Investigations to Investigative Reviews.** The committee felt that ‘investigation’ is too closely associated with legal processes involving criminal matters. In addition, OSCCS currently conducts a ‘preliminary review’ to gather additional information when complaints or reports do not contain sufficient information to determine a resolution method upon initial review. Changing the name of investigations to investigative reviews will be consistent with this naming practice.
- 1.5 Change the name of Dean’s Hearings and Student Organization Hearings.** Dean’s Hearings and Student Organization Hearings are lower-level hearings between a student or a representative of a student group and a single hearing officer. There is a determination of responsibility and an assignment of appropriate outcomes, but the meetings themselves are rather informal. Students on the committee shared that proceedings with ‘hearing’ in their names evoke images of formal processes that take place in front of a panel and suggested renaming the lower-level hearings to Administrative Review Meetings and Student Group Administrative Review Meetings to better reflect their informal nature.

Focus Area 2 – Transparency

The committee is making the following recommendations to improve the transparency of current practices and the clarity of the Code and Procedures documents.

2.1 Clarify the Code’s off-campus jurisdiction. In the current Code, there is only one brief mention of off-campus jurisdiction. It reads:

In their off-campus lives students are also expected to conform to the standards of community behavior as expressed in the Principles of the Brown University Community and in this Code of Student Conduct.

This has sometimes led to confusion for students about when the University would pursue disciplinary action against them, and some have felt that this brief statement does not give the University proper jurisdiction over behaviors that occur away from the Providence area. The committee is recommending the following language be used in the new Code:

The Code covers behaviors by all Brown University students or student organizations, no matter where the behavior occurs. This includes, but is not limited to, behaviors that occur off campus but cause potential or actual harm to individuals (whether or not those individuals are affiliated with the University), the University community, or to institutional reputation, or that suggest a student’s presence on campus may pose a safety risk. Students are responsible for the behavior of their guests on campus. The determination of whether behavior is subject to this Code will be made by the Dean of Students or their designee. Online behaviors are also subject to the jurisdiction of the Code. The Code applies whether or not the University is in session.

2.2 Clarify the Code’s jurisdiction over the behavior of guests. The current Code makes no mention of guest behavior and who will be held accountable for it. However, it has always been the practice of OSCCS to hold students accountable for the behavior of their guests. The committee is recommending the addition of this information to the Scope section of the Code.

2.3 Rename the community status of deferred suspension for clarity. The current Code has a community status called deferred suspension that reads as follows:

Deferred suspension is used for offenses found serious enough to warrant suspension, but where the specific circumstances of the case mitigate the offense or for repeated offenses of a less serious nature. Deferred suspension is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community’s expectations of behavior articulated in the Code of Student Conduct. A student on deferred suspension shall not represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad. If the student is found responsible for violating any additional University code or regulation during the period of deferred suspension, the student may be immediately suspended from the University and may be subject to additional sanctions for the subsequent violation. A deferred suspension may be accompanied by a transcript remark.

While the committee is recommending that the next Code keep a status that includes most of this information, it felt that the name of this status was confusing and improperly indicated that a suspension was set to be implemented at a later time. The committee is recommending changing the name of this community status to 'probation with restrictions' with a description as follows:

Probation with restrictions is a designated period of time during which a student is given the opportunity to demonstrate the ability to abide by the community's expectations of behavior articulated in the Code. A student on probation with restrictions shall not represent the University as an official delegate or representative, hold an office (elected or appointed) in University groups of any kind, or participate in University-sponsored travel or study abroad. If the student is found responsible for any additional Code violations during the period of probation with restrictions, the student may be subject to more severe disciplinary action. Students on this community status are considered to not be in good community standing.

2.4 Create a separate Procedures document for student groups. The current Code has some information pertaining to student groups outlined in its own section, containing mostly information regarding sanctions (community statuses) and accompanying terms. However, OSCCS has received feedback that the current Code is confusing for representatives of student groups to know which parts of the Procedures apply to student groups and which parts apply only to individual student respondents. To address this confusion, the committee is recommending that a Procedures document that applies only to student groups be created. This document will outline the rights, responsibilities, and expectations of student groups and will contain information about hearings, community statuses, and accompanying terms that apply differently to student groups.

2.5 Reformat the list of prohibited behaviors to incorporate examples and clarifying information. The current list of offenses contains short descriptions of prohibited behaviors followed by comments that are offered as a guide to understanding the University's policies but are not to be considered part of the policies themselves. As such, the comments are not binding upon the University or its designated representatives. The committee is recommending the reformatting of the prohibited conduct to include explanations and examples as binding parts of the outlined prohibited conduct. This is meant to provide clarity to those consulting the Code for information about the University's expectations for student behavior.

2.6 Clarify the behaviors that may constitute hazing. The current Code defines hazing as a *method of initiation into or conduct of any student organization or group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person.*

Over the last two years, more allegations of hazing have been made against student groups, and this limited definition has not made it transparent what behaviors the University might consider

to fall under this definition. The committee is recommending adding the following language to the original definition of hazing:

Method of initiation into or conduct of any student organization or group, whether on public or private property, which willfully or recklessly endangers the physical or mental health of any student or other person. Officers and members of a student organization who knowingly permit such prohibited activity to occur without taking reasonable preventative measures are subject to the Code as an individual, even if they did not administer the hazing activity. Examples of hazing include, but are not limited to, compulsory alcohol or drug consumption, physical brutality, psychological cruelty, public humiliation, morally degrading activities, forced confinement, creation of excessive fatigue, required removal or destruction of public or private property, or any other activity that endangers the physical, mental, or academic well-being and/or safety of an individual. Please see the University's hazing policy for more information about prohibited behaviors and information about the Organizational Amnesty provision.

2.7 Clarify the rights granted to complainants. The current Procedures outline the rights afforded to respondents, but they do not outline the rights granted to complainants. While most of the following rights have always been granted to complainants, the committee is recommending the official establishment of the following complainant rights for clarity:

Complainant Rights. Students serving as complainants in University proceedings are afforded the following rights:

- A. To be informed in writing of the charge(s) and alleged misconduct for Student Conduct Board Hearings, Administrative Hearings, or Restorative Boards.
- B. To have an advisor during a formal Investigative Review, a hearing before the Student Conduct Board, an Administrative Hearing, or a Restorative Board.
- C. To request reasonable accommodations through Student and Employee Accessibility Services to participate in these proceedings.
- D. To have a reasonable length of time to prepare for a proceeding.
- E. To be given an opportunity to articulate relevant concerns and issues, express opinions, and offer evidence before the Administrative Reviewer or Hearing Officer(s).
- F. To be afforded privacy, in accordance with University practices and legal requirements.
- G. To request that an Administrative Reviewer, Hearing Officer, Restorative Board member, or member of a Student Conduct Board be disqualified on the grounds of personal bias.
- H. To appeal a decision in cases of *D.9 Harassment* or *D.10 Harm to Person(s)*.

Focus Area 3 – Changes

The committee recommends the following changes to the current Code and Procedures. These include changes to definitions of prohibited behaviors, who can adjudicate cases, the role of the chair of upper-level hearings during deliberations, how outcome recommendations will be reported by upper-level hearing officers, time limits for reporting, and how appeals will be handled.

3.1 Eliminate the time limit for reporting prohibited conduct. The current Code requires that complaints be submitted within sixty (60) days of an incident and that if a complaint is submitted after that time, the Dean of Students will determine whether circumstances support the late filing of charges. The committee felt that this deadline may be discouraging individuals who have experienced harm from seeking accountability, particularly since traumatic experiences take time to process emotionally and complainants may not be ready to submit a complaint before the deadline has passed. The committee also recognizes the benefit of timely complaints for the investigation process and proposes the following alteration:

There is no time limit by which complaints must be submitted after an incident. However, the ability of the Office of Student Conduct and Community Standards to fully investigate an incident is impacted by how much time has elapsed since an incident occurred. In addition, a complaint alleging a Code violation by an individual who is no longer a student at the University will be reviewed but may not be investigated unless that individual re-enrolls at the University.

3.2 Change the definition of harassment and harm to person(s). The current Code contains the following offenses:

XI. Actions that result in or can be reasonably expected to result in harm to a person or persons.

XIV. Harassment:

- a. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions.
- b. Subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions, including, but not limited to, those based on race, color, religion, sex, gender, disability, age, economic status, ethnicity, national origin, sexual orientation, gender identity, gender expression, or status as a veteran. (See "Civil Rights & Non-Discrimination")

In an effort to better reflect the seriousness of identity-based harassment and distinguish it from more general behaviors that tend to have a different impact and intent, the committee is recommending moving the 'general harassment' language (XIVa) to the description for 'harm to persons.' The new prohibited conduct would read as follows:

D.9 Harassment. Subjecting another person or group to uninvited or unwelcome behaviors that are abusive, threatening, intimidating, or humiliating. This includes, but is not limited to, those based on race, color, religion, sex, disability, age, national or ethnic origin, sexual orientation, gender identity, gender expression, or status as a veteran.

Whether the alleged conduct constitutes harassment depends on the totality of the particular circumstances, including the nature, frequency, and duration of the conduct in question, the location and context in which it occurs, and the status of the individuals

involved. For information specific to sexual or gender-based harassment, please refer to the [Sexual and Gender-Based Harassment, Sexual Violence, Relationship and Interpersonal Violence and Stalking Policy](#). In some cases, gender-based harassment will be addressed by the Office of Student Conduct and Community Standards when ancillary to other allegations of violations of the Code of Student Conduct, and students will be afforded all applicable rights required by law.

D.10 Harm to Person(s). Actions that result in or can be reasonably expected to result in harm to a person or persons. Examples of this conduct include, but are not limited to, the throwing, hurling, or firing of projectiles without regard for the safety of others, and physical assault. Assault is defined as any unwelcome physical contact that is intentional or reckless including, but not limited to, striking, slapping, hitting, biting, punching, shoving, or kicking another person.

This offense also encompasses behavior that is intended to or can reasonably be expected to result in significant emotional or psychological harm. Examples of this include, but are not limited to, subjecting another person or group to abusive, threatening, intimidating, harassing, or humiliating actions.

3.3 Expand the list of individuals who can serve on the Student Conduct Board. The current Procedures require that the Student Conduct Board be made up of students, faculty, and deans. It is difficult to maintain a list of active faculty members, so most SCB panels end up with one student and two deans from the Office of the Dean of the College. Scheduling hearings is often very difficult due to these limitations, and panels are usually lacking representation by individuals with a student development background. In an effort to remedy this, the committee is recommending that other administrators, particularly seasoned student affairs administrators in the Division of Campus Life, be allowed to serve on the Student Conduct Board.

3.4 Change how hearing officers report recommended outcomes to the Director of Student Conduct & Community Standards. Under the current Procedures, hearing officers for upper-level hearings determine responsibility for charges and recommend a sanction and one or more accompanying terms to the Director of OSCCS. While these hearing officers are presented with information about a student's or organization's conduct history and information about precedent sanctions, they often are reluctant to recommend a suspension or deferred suspension even when they are clearly warranted. In addition, for Student Conduct Board hearings in which three panel members are making decisions, it is often difficult for panels to come to agreement on an appropriate sanction recommendation. To combat this and ease the discomfort of hearing officers, the committee is recommending that instead of settling on a single sanction, hearing officers should recommend a range of sanctions with which they would be comfortable to the Director of Student Conduct & Community Standards.

3.5 Change the role of the chair of upper-level hearings during hearings and deliberations. Under the current Procedures, the chair for upper-level hearings does not ask questions during the hearing or participate in the post-hearing discussion among hearing officers except to provide

information regarding precedents and a student's or organization's conduct history. The committee is recommending that the chair be able to ask questions during the hearing and be able to participate in post-hearing discussions to provide guidance as hearing officers are thinking through their recommendations. This will allow for the chair to offer insights on proposed outcomes in real time to help hearing officers understand potential unintended ramifications of their proposals and get the perspective of an expert on the feasibility and anticipated impact of their recommendations. The chair would continue to have no voting rights during any deliberations regarding findings or outcomes.

3.6 Mandate that some appeals be heard by a panel instead of a single appeal officer¹. Under the current Procedures, all appeals at all levels are heard by a single appeal officer. While this model works in most instances, there are some cases for which this model is less than ideal. For example, upper-level cases that involve allegations of harassment or harm can be challenging for appeal officers because they must consider the personal impact on complainants in addition to their considerations about appropriate outcomes for respondents. Additionally, upper-level cases that involve student groups often have a large and public community impact, and asking a single appeal officer to be the final arbiter of what may be a public and controversial decision seems unreasonable. Because of this, the committee is recommending that cases that are required to be heard by a Student Conduct Board (e.g., those involving student groups or identity-based harassment) also be required to have associated appeals heard by a panel of three (3) appeal officers, chaired by the Dean of Students.

Focus Area 4 – Additions

The committee is recommending the following additions to the Code and Procedures.

4.1 Add restorative justice processes to the available response options. The committee is recommending the following restorative practices be added to the menu of available response options:

4.1.1 Restorative Circle. Students will meet with trained facilitators for a mediated dialogue aimed at resolving conflict and addressing behaviors that may not rise to the level of a Code violation but have caused individual or community harm. Participation in restorative circles is voluntary and may or may not result in a formal agreement between students or groups of students. Restorative circles are considered non-disciplinary processes.

4.1.2 Restorative Conference. Students who take responsibility for engaging in prohibited conduct that has caused minor harm (e.g., minor theft, property damage, community disruptions) may be offered the opportunity to participate in a restorative conference. These proceedings bring students who have caused harm together with harmed parties, community members, and co-facilitators to explore ways that the harm can be redressed. This process is voluntary for all parties. If the harmed party decides not to participate, the case may be referred to an Administrative Review Meeting, depending on the particular circumstances. If the responsible party decides not to participate, or if an agreement is not made during the conference, the case will be referred to an

¹ This recommendation was not accepted and will not be moving forward to the Corporation for consideration.

Administrative Review Meeting. Restorative conferences are considered disciplinary processes that may be offered as alternatives to Administrative Review Meetings.

4.1.3 Restorative Board Hearing. Students who take responsibility for engaging in prohibited conduct that has caused serious harm (e.g., physical assault, serious and/or bias-related harassment, major theft or property damage) may be offered the opportunity to participate in a Restorative Board Hearing if deemed appropriate by the Case Administrator. Such proceedings will focus on the harm that was caused and ways that the student(s) who caused it can address and repair that harm. If no agreement is made during the hearing, the case will be referred to a Student Conduct Board or administrative hearing. Restorative board hearings are considered disciplinary processes that may be offered as alternatives to upper-level hearings.

For both restorative conferences and restorative board hearings, community status outcomes will be determined by a collaboration among responsible parties, harmed parties, and facilitators/hearing officers. However, if a student completes all terms of their agreement, no official community status outcomes or further disciplinary action will result. If terms of the agreement are not met, the pre-determined community status will be implemented.

This focus on restorative practices is not meant to replace a more traditional approach to student conduct; rather, it is meant to supplement this work and offer opportunities for growth and healing that are not always available through traditional approaches. The committee believes that the addition of these options will encourage students to take active accountability for their prohibited behavior and engage in designing repair measures that center the needs of harmed parties. The committee also hopes that the addition of these options will encourage harmed parties to come forward and seek accountability – harmed parties who may currently be reluctant to file complaints because they do not want the responsible parties to be subject to the traditional hearing process.

4.2 Add new prohibited behaviors. The committee is recommending the addition of the following prohibited conduct to the Code:

4.2.1 Participation in Derecognized Groups. It is a violation of University policy for students to knowingly affiliate with groups, teams, or organizations that have had their University recognition suspended or permanently revoked by the University. The definition of affiliation includes joining, rushing, pledging or being involved in any activity that would normally be associated with being a member of such organization. This applies to organizations that were created by members of a derecognized organization in an attempt to continue its presence on campus.

This prohibited conduct does not apply to unrecognized student groups who have never had University recognition or who are currently not recognized by the University because of non-disciplinary disbandment. However, known members of unrecognized student groups may be held accountable for any prohibited conduct by these groups.

4.2.2 Invasion of Privacy. Intrusion into the personal life of another, in ways that are reasonably likely to cause injury or distress, in places where one would have a reasonable expectation of privacy. Amnesty may be granted to individuals who use recording devices to document abuse against themselves or others, provided those

recordings are not distributed. A determination of someone's reasonable expectation of privacy will be at the discretion of the Office of Student Conduct and Community Standards. Examples of this conduct include, but are not limited to, making, viewing, listening to, or distributing secret recordings or installing the equipment for such recordings, secretly monitoring others in their living quarters or bathrooms either in person (e.g., window peeping) or digitally (e.g., drones, pen cameras), intrusion on a person's property or communications, and the appropriation or use of someone's likeness, identifying personal data, or documents.

4.2.3 Violations of Law. Violation of any federal, state, or local law, regulation, or ordinance.

4.2.4 Collusion. Knowingly or recklessly aiding, abetting, assisting, or attempting to aid or assist another individual to commit a violation of the Code.

4.2.5 Bribery. Offering or causing to be offered any bribe or favor to any University employee in an attempt to influence a decision or action. This includes attempting to unduly influence a University proceeding, including a disciplinary proceeding outcome or appeal process.

4.2.6 Disruption of Safety

4.2.6.1 Disruption of Fire Safety. Examples of this conduct include, but are not limited to, tampering with or improper activation of a fire alarm, covering or otherwise compromising the proper functioning of a smoke detector or fire sprinkler, deliberately or recklessly igniting or attempting to ignite an unauthorized fire on campus, and failure to evacuate during a fire alarm or fire drill.

4.2.6.2 Disruption of General Safety. Examples of this conduct include, but are not limited to, false reporting of an emergency or terroristic threat in any form and using or threatening to use a bomb or a chemical or biological agent.

4.2.7 Unauthorized Entry or Use of Space. Examples of this conduct include, but are not limited to, the unauthorized entry into or occupation of any University room, building, or area of the campus, including such entry or occupation at any unauthorized time, or any unauthorized or improper use of any University property, equipment, or facilities. Refusal to leave a space at the request of a University official is considered prohibited conduct. Assisting another individual to enter a restricted area without authorization is prohibited, as is the unauthorized possession, use, or duplication of University keys, cards, codes, or other methods of access. A student's University residence hall room is considered a restricted area where permission to enter must be obtained on every occasion, even if the resident's door is not closed.

4.3 Offer complainants appeal rights in certain cases. Under the current Procedures, complainants do not have the right to appeal the outcome of any hearing associated with their complaints. This has often resulted in pain and frustration for complainants who feel that the students who harmed them were not sufficiently held accountable. The committee is recommending that complainants in cases of Harm to Person(s) or Harassment have the same rights to appeal the outcome of their cases as respondents.

4.4 Allow reviewers and hearing officers to consider impact statements. The current Code does not allow for impact statements to be used in any hearing. The committee is recommending that students be allowed to submit statements to reviewers and hearing officers to be considered after a finding but prior to a determination of outcomes. These statements are not meant to influence a finding of responsibility for prohibited conduct but are meant to assist reviewers and hearing officers in assigning appropriate community statuses and accompanying terms. The recommended language is as follows:

***Impact Statements.** A person making a complaint shall have the right to submit an impact statement to the Administrative Reviewer or Hearing Officer(s) to be considered after a finding of responsibility but prior to a determination of outcome(s). A respondent in a higher-level proceeding may submit a statement of mitigation or extenuation. Impact statements shall not be considered as evidence that the incident in question was in fact committed, and shall not be the basis for examination in any proceeding. However, the Administrative Reviewer or Hearing Officer(s) may consider the impact statement in making a determination as to the appropriate outcome to be imposed upon a finding that the Code has been violated.*

4.5 Create a procedure for handling mid-process withdrawals from the University. The current Code does not outline how the University will proceed in the event that a student withdraws from the University with a disciplinary matter pending. The committee could envision a scenario in which a student facing suspension or expulsion might withdraw from the University to avoid those outcomes, and members had concerns about such a student being able to enroll at other institutions without being held accountable and without the University having the ability to communicate the situation to other institutions. As a result, the committee is recommending the following language be used in the new Code:

If a student withdraws or takes a leave of absence from the University with an investigation or resolution process pending, the University reserves the right to proceed with the investigation and resolution to the extent possible and reserves the right to make an entry on the student's academic transcript indicating that the student withdrew or is on a leave of absence with a non-academic disciplinary matter pending. The University reserves the right to place a hold on the student's official and unofficial academic transcripts for up to 3 years until the matter is resolved. Students may petition the Dean of Students to have this hold removed before 3 years have passed.

4.6 Hold known members of unrecognized groups accountable for group conduct. The current Code is unclear about how incidents involving unrecognized student groups will be handled. When recognized groups engage in prohibited conduct, the student group is subject to the Procedures for adjudicating those violations, but individual students are usually not charged. There have been several incidents involving unrecognized student groups engaging in prohibited conduct, and since unrecognized groups have no official oversight from the University, it is not possible to hold the groups accountable in a meaningful way. The committee is recommending that when unrecognized groups engage in prohibited conduct, known members of such groups should be held accountable for the groups' behaviors.

Focus Area 5 – Recommendations to the University

In addition to the changes and additions proposed to the Code and Procedures, the committee is making a number of recommendations to the University. These include developing new University-wide policies, instituting a new practice, and supporting the ongoing initiatives of OSCCS.

- 5.1 Create a University-wide hazing policy.** The committee is recommending that the University develop a comprehensive hazing policy that will address the needs and concerns of the campus community regarding hazing. This policy should provide students with a thorough understanding of the behaviors that may be considered hazing, guidance on developing positive member activities, expectations for reporting potential hazing behavior, and information on hazing prevention. In addition, the committee is recommending that these stakeholders consider an organizational amnesty provision for groups who voluntarily work with the University to address potential past hazing behaviors and cultivate healthier environments for their members.
- 5.2 Create a University-wide nudity policy.** The committee considered adding public nudity to the list of prohibited conduct but had concerns about some of the political implications of such a decision. For example, there is a lot of campus activism around desexualizing nude bodies, and the committee was reluctant to prohibit public nudity without considering the broader impact. The committee is recommending that the University create a University-wide nudity policy that will be reflective of and responsive to the needs of the community.
- 5.3 Create a University-wide drone policy.** The committee considered the potential impact of students using drones on campus, particularly as it relates to surveillance and privacy issues. Since there seemed to be additional implications to the campus community, the committee is recommending that the University develop a comprehensive drone policy that addresses guidelines and restrictions around drone use on campus.
- 5.4 Publicize the community status of student groups.** The committee is recommending that OSCCS work with the Student Activities Office and the Vice President for Campus Life to determine an effective way to publicize the community status information about student groups that are under investigation or not in good conduct standing. This information will not only help current members of these groups keep track of the status of their groups, but it will provide helpful information to students who are considering joining these groups.
- 5.5 Provide more resources for the Office of Student Conduct & Community Standards.** The committee is recommending that the University support the efforts of OSCCS to increase their staffing in order to be able to carry out the work of the office as outlined in the proposed new Code and Procedures. The addition of restorative resolution options will require the investment of more time than is currently required by traditional resolution processes. In addition, OSCCS staff have expressed a need for more intensive training for reviewers, facilitators, and hearing officers at all levels. The committee is recommending an increase in staffing to be able to focus efforts in this important area while maintaining the current level of excellence in other areas.

Conclusion

After a comprehensive review, the committee is making recommendations in five major focus areas.

Focus Area 1 – Legalistic Language

- 1.1 Change Offenses to Prohibited Conduct.**
- 1.2 Change ‘Violation of terms’ to ‘Noncompliance with terms.’**
- 1.3 Change the name of Sanction to Community Status.**
- 1.4 Change the name of Investigations to Investigative Reviews.**
- 1.5 Change the name of Dean’s Hearings and Student Organization Hearings.**

Focus Area 2 – Transparency

- 2.1 Clarify the Code’s off-campus jurisdiction.**
- 2.2 Clarify the Code’s jurisdiction over the behavior of guests.**
- 2.3 Rename the community status of deferred suspension for clarity.**
- 2.4 Create a separate Procedures document for student groups.**
- 2.5 Reformat the list of prohibited behaviors to incorporate examples and clarifying information.**
- 2.6 Clarify the behaviors that may constitute hazing.**
- 2.7 Clarify the rights granted to complainants.**

Focus Area 3 – Changes

- 3.1 Eliminate the time limit for reporting prohibited conduct.**
- 3.2 Change the definition of harassment and harm to person(s).**
- 3.3 Expand the list of individuals who can serve on the Student Conduct Board.**
- 3.4 Change how hearing officers report recommended outcomes to the Director of OSCCS.**
- 3.5 Change the role of the chair of upper-level hearings during hearings and deliberations.**
- 3.6 Mandate that some appeals be heard by a panel instead of a single appeal officer.**

Focus Area 4 – Additions

- 4.1 Add restorative justice processes to the available response options.**
- 4.2 Add new prohibited behaviors.**
- 4.3 Offer complainants appeal rights in certain cases.**
- 4.4 Allow reviewers and hearing officers to consider impact statements.**
- 4.5 Create a procedure for handling mid-process withdrawals from the University.**
- 4.6 Hold known members of unrecognized groups accountable for group conduct.**

Focus Area 5 – Recommendations to the University

- 5.1 Create a University-wide hazing policy.**
- 5.2 Create a University-wide nudity policy.**
- 5.3 Create a University-wide drone policy.**
- 5.4 Publicize the community status of student groups.**
- 5.5 Provide more resources for the Office of Student Conduct & Community Standards.**

The committee is recommending the adoption of all of these changes, which are reflected in the attached drafts of the 2019-2020 Code and Procedures documents. Thank you to the members of the committee for their thorough review and to the members of the Corporation for their thoughtful consideration of these recommendations.