

EMPORIA STATE UNIVERSITY™



STUDENT CODE OF CONDUCT

(Effective as of August 2026)

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Letter of Promulgation

Dear Hornet Community,

Emporia State University is committed to fostering a learning environment that promotes integrity, respect, responsibility, and accountability. To support these values and ensure a safe, fair, and supportive campus community, the University has completed a comprehensive review and update of its Student Code of Conduct.

Effective July 1, 2026, the updated Student Code of Conduct is officially implemented and binding upon all students enrolled at Emporia State University. This revision was developed through collaborative input from students, faculty, staff, and University governance groups, and reflects both the University's values and the requirements of the Kansas Board of Regents and applicable state and federal laws.

The updated Code includes:

- Clearer definitions of prohibited conduct and student rights
- Enhanced procedures for investigation, hearing, and appeal of conduct matters
- Expanded focus on restorative and educational outcomes
- Alignment with current legal and regulatory standards

All students are expected to familiarize themselves with the updated Student Code of Conduct, which is available on the University's website. Printed copies may also be obtained from the Office of Student Conduct, located in the Memorial Union.

The Student Code of Conduct is an essential framework for maintaining the standards of our community and ensuring that every student has the opportunity to learn and thrive in an environment of mutual respect. By adhering to these standards, each of us contributes to the ongoing success and integrity of Emporia State University.

I extend my sincere appreciation to those who participated in the review process and to every member of our community for your commitment to upholding these values.

Together, we will continue to advance Emporia State University as a place where students learn, grow, and succeed as responsible citizens and leaders.

With Hornet Pride,

Dr. Taylor "TK" Kriley
Executive Vice President of Enrollment Management &
Student Success
Emporia State University



Drug Free Schools and Communities Act Annual Notification

Standards of Conduct

Emporia State University prohibits the unlawful possession, use, manufacture, distribution, or dispensing of alcohol and controlled substances by students and employees:

- On University property;
- As part of any University activity, whether on or off campus; or
- When representing the University in official capacities.

Students and employees are expected to comply with all federal, state, and local laws relating to alcohol and drugs, as well as University policies.

Applicable Legal Sanctions

Federal Law

- **Controlled Substances Act (21 U.S.C. § 841 et seq.):** Prohibits the manufacture, distribution, or dispensing of controlled substances, with penalties ranging up to life imprisonment and substantial fines depending on the substance and amount.
- **Federal Student Aid Eligibility:** Convictions for drug-related offenses may affect eligibility for federal financial aid programs.

Kansas Law

- **Alcohol:**
 - Possession or consumption by persons under 21 is illegal (K.S.A. 41-727).
 - DUI (blood alcohol content ≥ 0.08) is prohibited, with penalties including fines, license suspension, and potential jail time (K.S.A. 8-1567).
- **Controlled Substances:**
 - Possession of marijuana, methamphetamines, or other controlled substances is prohibited (K.S.A. 21-5706).
 - Distribution or intent to distribute carries felony penalties, with enhanced penalties near schools or universities (K.S.A. 21-5705).

Health Risks

Use of alcohol and controlled substances poses serious risks, including but not limited to:

- Impaired judgment and coordination leading to accidents and injuries.
- Physical health consequences such as liver disease, cardiovascular issues, and neurological damage.
- Mental health impacts including addiction, depression, and anxiety.
- Increased risk of violence, unsafe sexual behavior, and academic or professional failure.

University Sanctions

Violations of this policy may result in disciplinary action up to and including:

- **Students:** Warning, probation, mandatory counseling, suspension, expulsion, or any other sanctions listed in Section 4.4 of the Code of Conduct.
- **Employees:** Reprimand, mandatory counseling, suspension, termination of employment, or any other action permitted by University Policy.

Sanctions may be imposed in addition to referral for criminal prosecution.

Available Resources

On-Campus

- **Student Wellness Center:** Counseling and referral services.
- **Human Resources:** Employee Assistance Program (EAP) services.
- **University Police:** Information and referral to community resources.

Community Resources

- **CrossWinds Counseling & Wellness (Emporia, KS)** – outpatient counseling, substance abuse programs.
- **Newman Regional Health** – detoxification and treatment referrals.
- **Alcoholics Anonymous / Narcotics Anonymous** – peer support groups in the Emporia area.

Biennial Review

Emporia State University conducts a biennial review of its alcohol and drug prevention program to:

- Determine program effectiveness and consistency of enforcement;
- Identify needed improvements; and
- Ensure compliance with the Drug-Free Schools and Communities Act.

Contact Information

Questions may be directed to the Office of Student Success or Human Resources

1. Introduction

The Code, presented here in its entirety, is subject to amendment by the University with the approval of the President. Any activity, policy, rule or regulation for the implementation of this code is subject to the approval of the President and the Kansas Board of Regents as provided by law. This code of conduct is subordinate to the University Policy Manual and any University policy that conflicts with or contradicts this Code will take precedence.

1.1 Student Rights and Responsibilities

As a member of the Emporia State University community, each person has the right and ability to make personal decisions about his or her own conduct. Each person has the responsibility to strive to uphold the tenets of Emporia State University's Values Statement. When decisions are made that are counter-productive to the values and environment of this institution, students are encouraged to transform their behavior to meet the needs of the university community. Choosing to abide by the Values Statement enables each person to determine who he or she is with respect to the rest of society. The university has four core values: excellence, respect, responsibility, and service.

- With **excellence**, the university values intellectual challenges, problem solving, and creative and critical thinking.
- With **respect**, the university values integrity, collaboration, diversity, freedom of thought, freedom of inquiry, and freedom of expression.
- With **responsibility**, the university values accountability and stewardship of the institution, the environment, human resources, and personal well-being.
- With **service**, the university values engagement in leadership and community that positively impacts our global society.

By enrolling at Emporia State University, students accept responsibility for compliance with the Student Code of Conduct, all university and Board of Regents policies, and contracts. The accused shall have the right of due process and appeal as prescribed in this document and other relevant University policies, rules or regulations. Disciplinary action may be taken for violation(s) occurring on University premises and at University sponsored events. The University reserves the right to take action for off-campus violations of law and/or serious violations of University policy that adversely affect some distinct and clear interest of the University and its constituents. Students may be subject to civil and/or criminal penalties in addition to campus sanctions. Campus resolution may/can proceed before, during or after civil and/or criminal actions are concluded and is not subject to challenge based on the action or inaction of civil authorities.

1.2 Student Code Authority and Disciplinary Responsibility

The responsibility for the campus conduct system is delegated from the State of Kansas, to the Board of Regents, to the President of Emporia State University, who further delegates the responsibility to the Dean of Students. The Dean of Students is the Conduct Officer but may further delegate conduct authority to their designees.

1.3 Definitions

The following is a list of definitions that apply to this Code. In the event a word, phrase, or term is not defined in this Code, the University Policy Manual, or by law or regulation, the plain meaning of such word, phrase, or term shall apply.

“Accused Student” refers to any student accused of violating the Code.

“Advisor” means any person selected by a complainant or an accused to accompany them to the informal conference and/or formal hearings.

“Complainant” refers to any person who submits a charge alleging that a student, group or organization violated the Code.

“Day” means calendar day the University is officially open for business.

“Extra-Curricular Activity” means any activity sponsored by the University including Intercollegiate Athletics.

“Faculty Member” means any person hired by the University in a teaching appointment and those individuals holding academic administrative positions.

“FERPA” refers to the Family Educational Rights and Privacy Act of 1974 that defines student educational records, who may access those records, and under what circumstances. (20 U.S.C. 1232g (2002), 34 C.F.R. Part 99(2001)).

“Group” means a number of persons who are associated with each other, but who have not complied with University requirements for registration as an organization.

“Hearing Officer” means a University official designated by the Conduct Administrator or Dean of Students to conduct hearings, make determinations regarding responsibility, and recommend or impose sanctions under this Code. The University reserves the right to utilize either a single Hearing Officer or a Hearing Officer in its discretion.

“May” is used in the permissive sense.

“Member of the University Community” includes any person who is a student, faculty or staff member. The Dean of Students shall determine a person’s status as a member of the university community for individuals not easily defined in one of the three general categories.

“Official University Policies, Rules or Regulations” is defined as federal or state laws or regulations, as well as those policies, rules, or regulations that have been approved by the Kansas Board of Regents and/or the President of Emporia State University as found in, but not limited to, the Student Code of Conduct, the Employee University Policy Manual, Residence Life Handbook, and University Catalogs or Handbooks. These sources of information will be made available from the Office of the Dean of Students.

“Organization” means any number of persons who have complied with the formal requirements for University recognition.

“Shall” is used in the imperative sense.

“Staff Member” means any person hired by the University in a non-academic unclassified or classified position.

“Student” means any person who is currently registered or enrolled in one or more classes at the University or in any University sponsored program or who is registered for a future term, including faculty or staff so registered or enrolled.

“Title IX” refers to Title IX of the Education Amendments of 1972, which states that “no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under an education program or activity receiving Federal financial assistance.” 34 CFR Part 106.

“University” means Emporia State University.

“University Official” includes any person employed by or volunteering for the University performing assigned administrative, academic, or professional responsibilities.

“University Premises” and **“Campus”** includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University and/or the ESU Foundation (including adjacent streets and sidewalks). Note, the University reserves the right to take action for off-campus violations of law and/or serious violations of University policy that adversely affect some distinct and clear interest of the University and its constituents.

“University Sponsored Activity” means any activity on University premises or at an off-campus location, which is directly initiated or supervised, hosted or authorized by the University.

“Witness” refers to any student or member of the University who is called by the Conduct Officer to provide information about an alleged complaint or to provide information regarding an accused student or complainant.

2. Prohibited Conduct

Any student found to have committed one or more of the following acts of misconduct is subject to the disciplinary sanctions outlined in Section 4.4.

2.1 Offenses Against the University Community

- A. Acts of dishonesty, including, but not limited to, the following:
 - 1. Furnishing false or misleading information to any University Official or Office.
 - 2. Forgery, alteration, or misuse of any University document, record, or instrument of identification, or possession, use of a forged or altered document, record, or instrument of identification, or a document belonging to another person.
 - 3. Tampering or interfering with campus, local, state, or federal elections or an individual's right to vote in the same, including, but not limited to, asking or requiring someone to provide evidence of voting or evidence of voting for a particular candidate or issue, coercing or using valuable incentives (e.g., organization participation points, food, beverages, etc.) to induce an individual to vote in an election or for a particular candidate or issue, or taking detrimental actions against an individual who refuses to vote or provide evidence of voting for a particular candidate or issue. Discouraging a student from participating in a campus election as a candidate through conduct that otherwise violates the Code, including, but not limited to, using threats or harassment to push or persuade a student to not seek an elected position.
 - 4. Bribery and acceptance of bribes.
 - 5. Impersonating any University Official.
- B. Disruptive Conduct. Conduct that is materially or substantially disruptive to the normal operations of the University, or that incites others to do so, in any of the following activities: teaching, research, administrative functions, disciplinary proceedings, other University activities whether on or off campus, and other authorized activities that take place on campus. In evaluating whether conduct is materially or substantially disruptive, the University may consider the totality of factors, including, but not limited to, whether there was an intent to prevent the activity or event from continuing to completion and whether the conduct was a sustained and continuous disruption. Disruptive conduct does not include any conduct protected by the First Amendment, but may include any of the following:
 - 1. Disruption of University Officials in the performance of their duties.
 - 2. Disruption of a University Activity or event.
 - 3. Disruption of a class or curricular activity. Classroom or other academic workplace behavior that interferes with either:
 - a. The instructor's authority or ability to conduct the class; OR
 - b. Other students' ability to benefit from the instructional program.

4. Interference with the rights of others to carry out their activities or duties at or on behalf of the University.
 5. No finding of disruptive conduct shall be issued for speech or expressive activity protected by the First Amendment or applicable state law.
- C. Failure to comply with directions of University officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- D. Violation of published University policies, rules, requirements or regulations, including, but not limited to, the University's Drug Free Campus & Workplace Policy, Alcohol and Other Drugs Policy, Hazing Policy, Equal Opportunity and Discriminatory Harassment Policy, Title IX & Sexual Misconduct Policy, Dangerous Weapons and Firearms Policy, Student Organization Event Policy, Facility and Grounds Use Policy, Community Living Standards, Office of Information Technology policies, parking and traffic regulations, plans/requirements related to health and safety, etc.

2.2 Offenses Against Persons

A. Physical Abuse

1. Intentionally or recklessly causing physical harm or endangering the health or safety of any person, including, but not limited to, simple assault and aggravated assault.
2. Intentionally or recklessly causing another person to come into contact with a bodily fluid without their consent. Bodily fluids include: Blood, Saliva, Seminal fluid, Urine, and Feces.

B. Hazing

1. All forms of Hazing are prohibited under the University policy and constitute a violation of this Code.
2. Any definitions, requirements, and related terms in the University's Hazing Policy are incorporated herein by reference.

C. Sexual Misconduct

1. The University prohibits sexual misconduct and any related retaliation.
2. Any definitions, requirements, violations, accommodations, prohibitions, and sanctions outlined in the University's Title IX and Sexual Misconduct Policy are incorporated herein by reference.

D. Harassment

1. Harassment that is defined as not being of a sexual nature includes:
 - a. Conduct that violates the University's Equal Opportunity and Discriminatory Harassment Policy, which may include conduct (physical, verbal, graphic, written, or electronic) that is

(1) unwelcome; (2) discriminatory on the basis of genetic information, race, color, religion, national origin, age, disability or protected veteran status; (3) directed at an individual; and (4) so severe and/or pervasive that it interferes with an individual's ability to participate in or to realize the intended benefits of an institutional activity, opportunity, or resource. Conduct must be deemed severe and/or pervasive from both a subjective and an objective perspective. Similar conduct that relates to an individual's sex (which includes sexual orientation) is addressed in the University's Title IX and Sexual Misconduct Policy.

- b. Any attempt to intentionally and repeatedly make contact with a person over their stated objections for the purpose of harassing or alarming them, including, but not limited to, non-gender based stalking (see "Stalking" definition in University's Title IX & Sexual Misconduct Policy).
- c. Invasion of another's privacy, where that person has a reasonable expectation of privacy, including, but not limited to, creating, making, possessing, storing, sharing, or distributing unauthorized audio, video, digital, or photographic images of a person taken in a location in which that person has a reasonable expectation of privacy.

E. Threatening Behavior

- 1. Threatening behavior is any written, oral, or physical conduct that causes a reasonable expectation of injury to the health or safety of any person - including students, employees, and other members of the campus community. To be considered a violation, the conduct must create a reasonable expectation of injury to a reasonable person under similar circumstances.

2.3 Offenses Against Property

- A. Attempted or actual theft of and/or damage to property of the University or property of a member of the University community or other personal or public property.
- B. Unauthorized possession, duplication, or use of keys or access cards to any University premises or unauthorized entry to or use of University premises or other public or private property.
- C. Theft or other abuse of computer usage, including, but not limited to:
 - 1. Unauthorized entry into or transfer of a file.
 - 2. Unauthorized use of another individual's identification or password and/or computer, tablet, phone, or other similar device.
- D. Use of University computing facilities, network, equipment, accounts, or services in a manner contrary to University policy, including, but not limited to, sending, downloading, or viewing obscene messages, material, or content and/or interfering with the work of another student or University official.
- E. Unauthorized entry into the water of any fountain or other body of water on the University campus that is not designed and maintained for recreational purposes; dumps, throws, places or causes to be placed any material, object, trash, person, animal, waste or debris in the water of any fountain or other such body of water located on the University campus.

2.4 Offenses Disrupting Order or Disregarding Health and Safety

- A. Use, possession, solicitation, cultivation, manufacturing, dispersing, attempted distribution, or distribution of and/or driving under the influence of narcotics, synthetic drugs, or other controlled substances or the possession of drug paraphernalia that is prohibited by law.
- B. Improper use or possession of products for purposes of altering mood or state of being. This includes the possession or misuse of illegal products as inhalants or misuse of legal products as inhalants.
- C. Use, possession, or distribution of alcoholic beverages, except as expressly permitted by the law and University regulations, or public intoxication and/or driving under the influence.
- D. Possession or use of a dangerous weapon or firearm on University premises in violation of University policy, including, but not limited to, the University's Dangerous Weapons and Firearms Policy.
- E. Actions that disrupt the normal operations of the University and infringe on the rights of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian and/or vehicular, on campus; actions that incite or contribute to panic or distress and disrupt the normal operations of the University, regardless of intent.
- F. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised functions.
- G. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on or off University premises or at functions sponsored by, or participated in, by the University.
- H. Violation of federal, state, or local law on University premises or at a University sponsored or supervised activity.
- I. Entering false fire alarms or bomb threats, tampering with fire extinguishers, alarms, or other safety equipment.
- J. Violation of traffic and parking rules and regulations, including, but not limited to:
 - 1. Repeated or flagrant violations of the rules as set forth in University Traffic and Parking Regulations.
 - 2. Tampering with, removal, or theft of wheel locks, barricades, traffic cones or traffic control devices.
- K. Violation of federal, state, or local law off University premises and not related to University sponsored or supervised activities that adversely affects or is detrimental to the University community and/or the pursuit of its objectives. The decision to pursue disciplinary action under this provision is that of the Conduct Administrator.

- L. The operation of any form of gambling business or related activity.
- M. Facilitating or encouraging gambling by a student athlete or seeking or encouraging a student athlete to provide information or advice regarding competitions in which they shall participate.
- N. The unauthorized use of University property or resources for personal gain.
- O. A student may not intentionally aid or abet a Code violation. Mere presence at a location where a violation occurs shall not alone result in a finding of responsibility unless the student affirmatively assists, directs, or meaningfully participates in the violation, or fails to take reasonable steps to withdraw when safe to do so.
- P. Acts of animal cruelty or abuse, as well as a failure to report such acts.
- Q. Starting or maintaining a fire or causing an explosion that results in damage to a building or other property and/or injury to a person.
- R. Engaging in, or aiding and abetting the participation in, a motor vehicle speed contest, a motor vehicle exhibition of speed, a motor vehicle sideshow, a motor vehicle burnout, a motor vehicle donut, or other reckless driving maneuver.
- S. Use, possession, solicitation, cultivation, manufacturing, dispersing, attempted distribution, or distribution of and/or driving under the influence of THC, marijuana or any derivatives thereof.
- T. Violation of the Smoke-Free Campus Environment Policy or underage possession or use of nicotine products including but not limited to cigarettes, cigars, pipes, E-cigarettes, vaporized inhalants, smokeless tobacco products is prohibited.

2.5 Abuse of the Conduct System

- A. Failure to obey the summons of a Conduct Investigator, a Conduct Officer, or University official.
- B. Failure to control the participation of a selected adviser at any point in the conduct process.
- C. Falsification, distortion, or misrepresentation of information before a Conduct Officer or to a University official during the conduct process.
- D. Disruption or interference with the orderly conduct of a conduct proceeding.
- E. Pursuit of an alleged violation of the Code in a manner that is intentionally dishonest, frivolous, or malicious (e.g., filing a false report).
- F. Attempting to discourage or influence an individual's proper participation in, or use of, the conduct system.

- G. Attempting to influence the impartiality of a Conduct Investigator, the Conduct Administrator, a Chairperson, a Conduct Officer, or other University official prior to and/or during the course of the conduct proceeding.
- H. Harassment (verbal or physical) and/or intimidation of a Conduct Investigator, the Conduct Administrator, a Chairperson, a Hearing Officer, or other University official prior to, during, and/or after a conduct proceeding.
- I. Failure to comply with sanction(s) imposed under the Code of Student Conduct.
- J. Influencing or attempting to influence another person to commit an abuse of the conduct process.
- K. Any other act that is intended to or has the effect of delaying or interfering with the orderly operation of the conduct process.

2.6 Self-Disclosure of Arrests and Convictions

To ensure the safety and security of the University community, a student must disclose to the Office of Student Conduct any arrests or convictions for a criminal offense—excluding minor traffic violations that do not result in an arrest or injury to others—that occurs after the student is first admitted to the University. This disclosure obligation applies to all arrests and convictions described above that occur inside or outside the State of Kansas at any time, regardless of whether the University is in session at the time. Such disclosures must be made within seven (7) calendar days of the arrest or conviction, whichever occurs first. "Conviction" means a judge or jury has found you guilty of the crime(s) charged against you in a court of law, following a trial or guilty plea. If you are a juvenile delinquent, have a confidential youthful offender status, or if your conviction has been sealed, expunged, or overturned, you do not have to disclose the arrest or conviction associated with that situation. Failure to comply with this disclosure obligation without a valid legal basis for doing so shall be deemed a violation of the Code of Student Conduct.

2.7 Retaliation

It is a violation of this Code for any student to retaliate or allow retaliation in any manner against a member of the University community who, in good faith, reports a suspected violation of this Code to University officials or participates in any aspect of the conduct process relating to a suspected violation. This includes, but is not limited to, efforts to retaliate either directly or indirectly against an individual as well as direct or indirect retaliation against that individual's family and friends. Retaliation based on the outcome of the conduct process is also prohibited. Instances of retaliation arising out of allegations of sexual misconduct are also prohibited, see the Title IX and Sexual Misconduct Policy.

3. Organizational Misconduct

Student organizations enrich the campus and community by providing a source of intellectual, personal, and social development of students through their programs and activities. The University fulfills an important mission by providing procedures and policies for the registration and support of student organizations.

Inherent in the University's recognition of student organizations is the obligation of each organization to conduct activities in accordance with University rules and policies as well as applicable laws. Student organizations are required to comply with the rules and policies of the University as well as other rules and policies that may govern the organization. Further, any student organization that is a member, chapter, affiliate, or associate of a local, state, national, or international organization (collectively "parent organization") must provide notice and details to the Dean of Students within twenty-four (24) hours of receiving notice of any investigation, sanction, probation, discipline, or misconduct related issue involving the student organization or any of its members and the parent organization.

3.1 Responsibility of Officers

A fundamental aspect of any organization is the right of the membership to elect officers who serve to ensure, among their other duties, that the activities of the organization are conducted properly. It is the responsibility of the officers of each student organization to ensure that the organization complies with this Code and to actively oppose and/or prevent any planned or impromptu organizational activity that would violate the Code. It is also the obligation of the officers of any student organization to advise and counsel individual members of their organization whose conduct could lead to misconduct charges against the organization, as provided herein. Any officer of the organization who know of an act or plan that would violate this Code and fails to take reasonable steps to prevent, limit, or report the conduct commits a violation. All notices to organizations under this section shall be provided in writing to the president of the organization, or designee, and shall identify the conduct of concern, the issue prompting organizational scrutiny, and the period during which future related violations may lead to disciplinary action.

Likewise, any organizational officer who knows of an unreported violation of the Code that has been committed and does not report it to appropriate University officials is in violation of the Code. The organization may also be sanctioned if an organizational officer is found to be in violation of this provision of the Code.

3.2 Organizational Responsibility for Misconduct

Student organizations will be held responsible for misconduct in the following circumstances:

A. Organizational responsibility for its own acts. The organization will be held responsible:

1. When the organization violates published University policy, rules, requirements, or regulations, including, but not limited to, acts of discrimination; improper membership education and initiation; improper organizational registration of activities for which registration and/or permission is required; failure to comply with applicable health and safety regulations; misuse of University property, facilities, and equipment; violations of University regulations on the use of alcohol; and violations of the Code or any other rule or policy applicable to organizations.

2. When one or more officers refuse or neglect to perform their duties under this Code as described above in Section 3.1.

B. Organizational responsibility for individual acts of misconduct.

1. The organization will be held responsible for the actions of one or more of its members that violate this Code when the actions arise in the course of or derive from the activities of the organization.
2. In situations other than those described in a. above, the organization may be held responsible for a member or members' misconduct when, prior to such misconduct, a member or members committed acts of misconduct the nature of which has caused the Office of Student Success to be concerned that the organization is not conducting activities in a manner that discourages such conduct, and the Office of Student Success has notified the organization that further occurrences of such conduct by one or more members will result in disciplinary actions against the organization. Examples of such violations include, but are not limited to, offenses against persons, offenses against property, hazing, alcohol abuse, and illegal drug abuse. The notice will be in sufficient detail to notify the officers of the precise nature of the offenses and the length of time the notice shall be effective.

4. Conduct Procedures

Members of the University community are strongly encouraged to participate in the conduct process as witnesses if they have knowledge or information regarding the alleged violation(s) in question and if they have been requested to participate. Individuals who are not members of the University community will generally be permitted to participate as a witness if they have direct knowledge or information regarding the incident or alleged violation in question.

Information and materials that the University obtains during the conduct process may be disclosed to law enforcement in response to a valid subpoena.

4.1 Sexual Misconduct

All matters involving allegations covered by the [University's Title IX and Sexual Misconduct Policy](#) will be handled under the Code of Student Conduct in a manner consistent with the requirements, accommodations, procedures, and processes outlined in the Title IX & Sexual Misconduct Policy. To the extent there is an inconsistency between the substance of the Title IX & Sexual Misconduct Policy and the Code of Student Conduct related to the process for handling such allegations, the terms of the Title IX & Sexual Misconduct Policy will control. If a matter involves allegations of both Prohibited Conduct, as defined in the Title IX & Sexual Misconduct Policy, and potential violations of the Code of Student Conduct (aside from Section 2.2(C), the process to be followed will depend on whether the Prohibited Conduct and potential violations of the Code are intertwined. If the allegations of Prohibited Conduct are intertwined with the potential violations of the Code of Student Conduct, both violations will proceed under the processes outlined in the Title IX & Sexual Misconduct Policy. If the allegations of Prohibited Conduct are not intertwined with the potential violations of the Code of Student Conduct, the Title IX Office will process the allegations of Title IX or Sexual Misconduct Prohibited Conduct, and the Office of Student Conduct will process the potential violations of the Code of Student Conduct. The determination of whether the allegations will be addressed under one or separate processes lies with the Title IX Coordinator or designee.

4.2 Complaints and Investigations

- A. Any member of the University community may file complaints against any student or organization for misconduct. Complaints may be prepared in writing and directed to the Office of Student Conduct. Any alleged violation should be submitted as soon as possible after the event takes place, preferably within thirty (30) calendar days of the knowledge of occurrence. While preferred, a formal, written complaint from a member of the University community is not required to initiate the conduct process. Although anonymous complaints are permitted, they will be assessed for credibility, documentation, and any investigatory steps reasonably available. The University will make reasonable efforts to complete investigations within forty-five (45) calendar days absent complexity, breaks, or unavailability, in which case notification of the delay and anticipated timeframe will be provided to the parties involved.
- B. Any Conduct Investigator who has reason to believe that a violation of this Student Code may have occurred is authorized to begin an investigation in the same manner as if a complaint from a member of the University community had been received. The Office of Student Conduct may investigate and cite students or organizations with misconduct when that Office has reason to believe that a violation may have occurred.
- C. Student organizations shall have all the rights of students listed herein, which shall be exercised by the head officer of the organization. Organizations may, however, appoint an alternate spokesperson

to formally represent the organization. A student organization spokesperson must be a current Emporia State University student who is a member of the responding organization. The spokesperson may not be an alumni advisor, chapter advisor, faculty/staff advisor, national or international headquarters volunteer or staff member, or coach. Student organizations may only appoint one spokesperson for each case and must inform the University in the event that the appointed spokesperson is not the president of the organization. A Conduct Investigator or Hearing Officer may issue a summons for a student or organization to appear for discussion about an alleged violation or for a hearing in a pending complaint. Such summons will generally provide to the student or student organization initial notice of the alleged violation as well as information related to the conduct process, including a date/time for an initial meeting to discuss the matter.¹ The summons may also include an order to produce records that may be helpful in the course of an investigation of a complaint. The accused student is encouraged to participate in the process, but their silence or refusal to provide information will not be held against them. The process, however, may move forward and a decision made based on available information. In addition, failure to attend a scheduled conduct meeting or hearing after proper notice may result in the matter proceeding in absentia.

- D. An effort will be made to set the initial conduct meeting with an accused student at least seven (7) calendar days after delivery of the summons. Pre-scheduled meetings are scheduled around a student's academic schedule. Should a student wish to reschedule an appointment or meet sooner than the designated time, they should make such a request in a timely manner. The University will make a reasonable effort to accommodate student scheduling conflicts but will not permit unreasonable delays in the conduct process. Students are advised to keep their most current local address, permanent address, and local telephone number updated in the student records system at <https://www.hornet365.com/update-info>. Failure to attend a scheduled meeting may result in a disciplinary hold being placed on your student account. In addition, notice sent to a student's official University email address shall constitute sufficient notice under this Code.
- E. The Conduct Investigator may conduct an investigation to determine if the allegations of violation(s) have merit. This investigation will include, among other things, a meeting with the accused student to discuss the alleged violation(s) as well as sharing of evidence collected during the investigation as appropriate. If the Conduct Investigator determines there is sufficient information establishing that a Code violation occurred under the preponderance of evidence standard, the student will be presented with an opportunity to accept responsibility for the conduct violation(s) and, with that, be subject to any sanctions that are presented. If the student accepts responsibility for the Code violation(s), such disposition shall be final and no formal hearing will occur. A student may, however, accept responsibility or waive their right to a hearing and still seek review of the sanctions before the Vice President for Student Success (or designee) as outlined in this Section of the Code. If the student does not accept responsibility, the student may request a formal hearing on the alleged violation(s) as outlined herein.

¹ The summons and other materials may be sent to the student's assigned Emporia State University email address, delivered via Certified Mail to the student's last known address, or personally delivered to the student. The ultimate delivery method is left to the sole discretion of the Office of Student Success. University email (userID@emporia.edu) is the University's primary means of communication with students. Students are responsible for all communication delivered to their University email address.

- F. If the student has been notified and fails to respond within seven (7) calendar days of the initial notice, a conduct case not sanctionable by suspension or expulsion may be resolved in their absence. If the case is resolved in absentia, the student shall have their right to a hearing waived. The Conduct Investigator will, in their professional judgment, determine findings for any alleged violation(s) and may specify sanction(s) described in Section 4.4 of the Code of Student Conduct. Reasonable efforts shall be undertaken to provide a student whose conduct is sanctionable by suspension or expulsion the opportunity for a hearing. The outcome of a resolution in a student's absence may be rescinded if the Conduct Investigator determines that the student's failure to appear was not for the purpose of defeating the disciplinary proceedings.
- G. Except as limited herein, the accused has the right to be assisted during the investigation by any advisor they may choose, at their own expense. The advisor may be an attorney, but cannot be a potential witness or party in the matter or a related matter. An advisor has no right to speak or participate directly in any aspect of the conduct process. The accused student must speak on their own behalf and communicate directly with the Conduct Investigator. An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the meeting and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.
- H. To the extent a Conduct Investigator determines a violation of the Code has occurred based on the preponderance of evidence standard and a hearing on any conduct violations is necessary, a time shall be set for the hearing after the student has been informed of the Conduct Investigator's determination and properly requested a formal hearing in writing. A formal hearing request must be made in writing to the Conduct Administrator within seven (7) calendar days of delivery of the Conduct Investigator's determination to the accused student. A student should be sent notice of the scheduled hearing date at least six (6) calendar days in advance of the hearing. A hearing shall be held within a reasonable time after the student has been notified of the Conduct Investigator's determination and requested a hearing. The ultimate selection of a hearing date, however, shall be within the sole discretion of the Conduct Administrator. If a formal hearing request or sanction review is not timely made, the determination of the Conduct Investigator, including any accompanying sanctions, will be deemed final.

4.3 Hearings

Hearings shall generally be conducted by a single Hearing Officer designated by the Conduct Administrator according to the following guidelines. The University reserves the right, in its discretion, to utilize a Hearing Officer in matters involving particularly complex allegations, organizational misconduct, or other circumstances deemed appropriate by the Conduct Administrator or Hearing Officer. Student organizations shall have all the rights of students listed herein, which shall be exercised by the head officer or designated spokesperson of the organization.

- A. Hearings normally shall be conducted in private. Hearings will generally be held in person but may be held remotely by electronic means if the University determines it to be appropriate.
- B. Admission of any person to the hearing shall be at the discretion of the Hearing Officer. The Chairperson also has the discretion to remove any person from the hearing at any time when they deem it necessary.

- C. In hearings involving more than one accused student, the Hearing Officer, in their discretion, may permit the hearings concerning each student to be conducted separately.
- D. Except as limited herein, the accused has the right to be assisted during the investigation by any advisor they may choose, at their own expense. The advisor may be an attorney but cannot be a potential witness or party in the matter or a related matter. The accused is responsible for presenting their own case, and, therefore, advisors have no right to speak or participate directly in any hearing before a Hearing Officer. An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the proceeding and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.
- E. All materials to be presented at the hearing must be submitted to the Conduct Administrator at least seven (7) calendar days prior to the hearing. The Conduct Administrator will make copies of submitted materials available for inspection to all relevant student parties involved in the matter at least three (3) calendar days prior to the hearing, consistent with the Family Educational Rights and Privacy Act (FERPA) or other regulation governing the disclosure of education records. Any materials submitted and/or discovered less than seven (7) calendar days before the hearing may only be considered at the discretion of the Hearing Officer. Further, the Chairperson holds ultimate discretion over what records, exhibits and written statements may be accepted as information for consideration by a Hearing Officer.
- F. The Conduct Administrator (or designee) and the accused shall have the privilege of presenting witnesses, subject to the right of cross-examination by the other party or the Hearing Officer. Parties must provide a list of potential hearing witnesses to the Conduct Administrator at least seven (7) calendar days prior to the hearing. The Conduct Administrator will provide the witness list(s) to all relevant parties involved in the matter at least three (3) calendar days prior to the hearing. Any hearing witness presented must have been identified and accessible to the Conduct Investigator during the investigation process. If a witness is not provided to the Conduct Investigator during the investigation process, then the accused student's presentment of that witness during the hearing is at the discretion of the Chairperson and should only be allowed based on new information not known during the investigation process. Character witnesses are generally not permitted unless the Chairperson determines relevance to adjudicating responsibility (e.g., bias, credibility, or motive).
- G. All procedural questions, including those going to materials and testimony that will be presented during the hearing, are subject to the final decision of the Hearing Officer.
- H. Following the hearing, the Hearing Officer shall deliberate privately and determine whether the student or organization is responsible for violating the Code of Student Conduct.
- I. The Hearing Officer shall determine, based upon the preponderance of the evidence standard, whether the accused student or organization violated the Code of Student Conduct. If a violation is found, the Hearing Officer may recommend or impose sanctions consistent with this Code and the authority delegated by the Conduct Administrator.
- J. Reasonable efforts shall be undertaken to create a single verbatim record, such as an audio recording, of all hearings before a Hearing Officer. The record shall be the property of the University and it shall be the only record made of the hearing. The Hearing Officer's deliberations, which will be

conducted in private, will not be recorded. Upon request, the record will be available for review or inspection as appropriate.

- K. Except in the case of a student cited with failing to obey the summons of a Hearing Officer or University official, if a student or organization fails to appear for a scheduled hearing after proper notice, the hearing may proceed in absentia at the discretion of the Hearing Officer. The University shall present available information supporting the alleged violation(s), and the Hearing Officer shall determine responsibility based upon the preponderance of the evidence standard. A finding of responsibility shall not be based solely upon the failure of the student or organization to appear. In all complaints, the information in support of the alleged violation shall be presented and considered.

4.4 Sanctions

- A. **Students.** When it has been determined that a student is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:
 - 1. **Warning** - A notice in writing to the student.
 - 2. **Probation** - A written reprimand for violation for specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions, including suspension or expulsion, if the student is found to be violating any University regulation(s) during the probationary period.
 - 3. **Loss of Privileges** - Denial of specified privileges for a designated period of time. Such privileges include, without limitation, representing the university in any official manner, the use of or access to university-controlled property, university parking privileges, or participation in university-affiliated activities (e.g. extracurricular activities).
 - 4. **Educational Assignment** - A student is required to complete a specified educational assignment related to the violation committed. This may include completion of a workshop, seminar, class, report, paper, project, alcohol or drug program, consultation, assessment, evaluation, and/or counseling.
 - 5. **Fines** - Previously established and published fines may be imposed.
 - 6. **Restitution** - Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - 7. **Discretionary Sanctions** - Work assignments, service to the University or community as well as other related discretionary assignments (such assignments must have the prior approval of the Conduct Administrator), etc.
 - 8. **No Contact Order** - The student may have no further contact or communications with a student who was their accuser or otherwise involved with the Code violation.
 - 9. **Residence Hall Access** - Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Condition(s) for readmission may be

specified. A student may also be required to transfer to a different residence hall on campus. Permanent separation of the student from the residence halls may also occur.

10. **Campus Ban** - Order, warning, or directive prohibiting access to University property. This may take the form of a formal Trespass Warning issued by Emporia State University Police & Safety.
 11. **University Suspension** - Separation of the student from the University for a definite or indefinite period of time. When a student is eligible to return, conditions for readmission may be specified.
 12. **Deferred Suspension** - The student may be subject to immediate suspension, if the University subsequently determines they have failed to comply with the conditions placed upon continued enrollment at Emporia State University or if the student is found responsible for additional conduct violation(s).
 13. **University Expulsion** - Separation of the student from the University permanently. A student permanently expelled is prohibited from reapplying to the University in the future or from earning a degree from any of its colleges or schools. If a disciplinary action results in a recommendation that expulsion is the appropriate sanction, then the Vice President for Student Success shall review the sanction and shall make the final decision to expel after consultation with the President of the University. Because a decision to expel a student is made after consultation with the President, a student has no right to request a review of the sanction of expulsion.
 14. **Loss of Scholarship** - Students suspended or expelled for violations will forfeit any remaining semesters of their university awarded scholarship(s).
- B. **Organizations.** When it has been determined that a student organization is responsible for violating any provision of this Code, one or more sanctions may be imposed. The following is a non-exhaustive list of potential sanctions that may be utilized individually or in combination:
1. Any of the sanctions listed in paragraphs (A)1. through (A)12. above.
 2. Loss of or limitation on social event privileges.
 3. Loss of preferred seating at University sponsored events.
 4. Loss of recognition as a student organization. The Office of Student Success may notify any national or regional governing body with which the organization is associated or which sponsors social, academic, or sports events when such suspension is imposed.
- C. The Conduct Administrator shall advise the student or organization in writing of any sanction(s) imposed.² If the Conduct Administrator decides expulsion is the appropriate sanction, then that decision will be communicated to the Vice President for Student Success as provided in Section 4.4(A) above.

² Conduct Investigators who are full time University employees may unilaterally make initial findings and issue sanctions in matters that do not involve suspension or expulsion.

- D. Sanctions will vary based upon the facts and circumstances of each individual situation. Sanctions are generally progressive in nature and include the probability of more severe discipline if the student is found responsible for multiple or subsequent Code violations. Depending on the Code violation(s), however, more significant sanctions, including immediate suspension or expulsion, may be more appropriate than progressive measures. Any prior Code violations the student has previously been found to have committed may be considered in imposing sanctions.
- E. Similarly, if a Code violation is determined by a preponderance of the evidence to have been committed or motivated by prejudice toward a person or group because of protected factors, which include genetic information, race, color, religion, national origin, sex (which includes sexual orientation), age, disability or protected veteran status, such a discriminatory purpose may be treated as an aggravating factor in determining the appropriate sanction(s).
- F. In some circumstances, the Conduct Administrator may elect to defer a sanction. For example, a deferred suspension means the sanction does not go into effect as long as the student complies with all requirements the Office of Student Success imposes. In those instances where the student completes all expectations during the designated period, the student's record will not show that the deferred sanction was ever imposed.
- G. A student or organization that fails to complete or comply with any sanctions may be subject to additional measures from the Office of Student Success, including, but not limited to, a disciplinary hold preventing a student from registering for classes and/or further charges under the Code for failure to comply. A student organization may not be able to register an event, reserve a space on campus, or utilize student organizational seating at athletic events if they are on hold.

4.5 Reviews

- A. A decision that a student or organization is responsible for a Code violation reached by the Hearing Officer or a sanction imposed by the Conduct Administrator (excluding the sanction of expulsion of a student, which is determined by the Vice President for Student Success after consultation with the President) may be sent for review to the Vice President for Student Success (or designee) if a request for such a review is made within seven (7) calendar days of the delivery of the decision or sanction to the student or organization. Such review requests shall be in writing on the form available through the Office of Student Conduct and shall be delivered to the Conduct Administrator or their designee. If a review request is not made within the seven (7) day time limit, the conduct decision and/or sanctions will be deemed final.
- B. A review is not a rehearing on the merits; it is limited to procedural, disproportionate sanction, new evidence, or conflict-of-interest grounds as described herein. Except as required to explain the basis of new information, a review shall be limited to review of the verbatim record of the initial hearing, if one occurred, as well as supporting documents and information relevant to the alleged violation and imposed sanction for one or more of the following purposes:
 - 1. To determine whether there was procedural irregularity that impacted the outcome of the matter.

2. To determine if the sanction(s) imposed were grossly disproportionate to the violation(s) committed.
 3. To determine if substantial new evidence exists that was not previously available, but that would materially impact the outcome. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
 4. The Conduct Investigator(s), or Decision-Maker had a conflict of interest or bias that affected the outcome of the matter.
- C. Except for matters involving allegations covered by the Title IX & Sexual Misconduct Policy, review of a sanction by the Vice President for Student Success or designee employing the forgoing criteria may not result in more severe sanction(s) for the accused student or organization.
- D. In all cases other than expulsion, the Vice President for Student Success or designee makes the ultimate decision on a conduct case following a proper review request. The Vice President for Student Success or designee may elect to review some or all of the relevant materials associated with the matter in conjunction with the foregoing criteria. Thereafter, the Vice President for Student Success or designee shall issue a decision based on the specific review request, which may include upholding or reducing the sanctions imposed by the Hearing Officer or Conduct Administrator. This decision is final and not subject to further review.

4.6 Disciplinary Records

Disciplinary sanctions, with the exception of University expulsion, shall not be made part of the student's permanent academic record (official transcript), but shall become part of the student's confidential disciplinary record, subject to the Family Educational Rights and Privacy Act (FERPA). Pending cases will be retained as long as is administratively necessary as determined by the Conduct Administrator. Cases involving expulsion or suspension will be retained indefinitely. Other student conduct files will be retained for seven (7) years following the incident or until the student leaves the university, whichever is longer.

Removal:

1. Removal eligibility exists for a single low-level violation where the student satisfies the following: a) completed sanction(s), b) accrued no subsequent violations, and c) articulates evidence of reflection, changed behavior, and personal growth.
2. All removal decisions shall be made at the sole discretion of the Conduct Administrator. The Office of Student Conduct will attempt to avoid releasing a removed violation pursuant to proper third-party requests, but will, when it deems necessary, offer an explanation of the removal process in response to third-party requests. If a removed violation is disclosed, as required by law or otherwise, it will be done in the sole discretion of the Office of Student Conduct and will include an explanation that the violation has been removed from the student's disciplinary record pursuant to this provision. In addition, reports and/or other correspondences maintained by other university departments, local and/or campus police, or another reporting agency are not subject to this removal provision. Further, previous disciplinary record checks reported by the Office of Student Conduct or another university department will not be affected by this process.

4.7 Interim Measures for Students

In certain circumstances, the Dean of Students, or a designee, may impose interim measures limiting a student's access to campus based on an individualized safety and risk analysis prior to the hearing before the Hearing Officer or a student's acceptance of responsibility. The Dean of Students or designee shall determine the level of interim measures appropriate to address the specific situation even if a Formal Complaint or Charges has not been filed. Interim measures may include, but are not limited to, a full interim suspension, removal from University housing, removal from University sponsored events, and/or restriction on access to University facilities and programs.

A. Interim measures may be imposed only:

1. to ensure the safety and well-being of one or more members of the University community or preservation of University property;
2. to ensure the student's own physical or emotional safety and well-being; OR
3. if the student poses a definite threat of disruption of or interference with the normal operations of the University.

Imposition of interim measures does not constitute a determination of responsibility.

- B. Interim measures may be imposed immediately. A student may request a review of the interim measures in writing within two (2) calendar days of the issuance of any interim measures. Such request should be submitted to the Conduct Administrator. Reasonable efforts will be made to hold such a review of the interim measures before the Dean of Students or designee within five (5) calendar days of the receipt of the request for review of the interim measures to determine if the sanctions should continue, as issued, through the remainder of the conduct process. If the student submits a timely review request, the review may be held beyond this five (5) calendar day period if scheduling issues exist.
- C. At any requested review, information will be presented in support of any challenged interim measures. The student may offer statements or other information to rebut any grounds offered in support of the interim measures.
- D. Except as limited herein, the accused has the right to be assisted during the interim measure process by any advisor they may choose, at their own expense. The advisor may be an attorney, but cannot be a potential witness or party in the matter or a related matter. An advisor has no right to speak or participate directly in any aspect of the process. The accused student must speak on their own behalf. An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the proceeding and/or additional conduct violations to be asserted against the student relating to abuse of the conduct system.
- E. The decision of the Dean of Students or designee following the interim measures review will be final.

4.8 Interim Measures for Organizations

- A. The Dean of Students or other designee may temporarily suspend the recognition of a student organization when the pending alleged violations arise from a flagrant violation of this Code, such as organized conduct that is a violation of law and/or this Code, or when the conduct represents a flagrant disregard of the rights or property of persons in the University community, or when the conduct is in flagrant disregard of the property or authority of the University.
- B. During the interim measures, the organization's activities may be limited, up to and including a full discontinuation of all activities.
- C. Interim measures may be imposed immediately. An organization may request a review of the interim measures in writing within two (2) calendar days of the issuance of the interim measures. Such request should be submitted to the Conduct Administrator. Reasonable efforts will be made to hold such a review of the interim measures before the Dean of Students or designee within five (5) calendar days of the issuance of the interim measures to determine if the suspension should continue through the remainder of the conduct process. If the organization submits a timely review request, the review may be held beyond this five (5) calendar day period if scheduling issues exist.
- D. At any requested review, information will be presented in support of the interim measures. The organization may offer statements to rebut any grounds offered in support of the interim measures.
- E. Except as limited herein, the accused, represented by the organization president, has the right to be assisted during the interim measures process by any advisor they may choose, at their own expense. The advisor may be an attorney, but cannot be a potential witness or party in the matter or a related matter. Any advisor has no right to speak or participate directly in any aspect of the process. The president must speak on their own behalf. An advisor's failure to comply with these participation limitations may cause the advisor to be removed from the proceeding and/or additional conduct violations to be asserted against the president and/or organization relating to abuse of the conduct system.
- F. The decision of the Dean of Students or designee following the interim measures review will be final.

4.9 Potential Conflict of Interest/Bias

Matters related to the Code of Student Conduct should be handled by people free of any actual or reasonably perceived conflicts of interest and biases for or against any party. Any person exercising investigative or decision-making authority under this Code, who believes they may have a conflict of interest or bias that would prevent them from impartially exercising their authority, shall disclose the potential conflict/bias to the Conduct Administrator (or designee) as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias-free alternative decision-maker in the case at issue. Furthermore, if the accused student or organization believes a person exercising investigative or decision-making authority under this Code has a conflict of interest or bias relating to the matter that would prevent the person from exercising their authority impartially, the student or organization may make a prompt objection to the Conduct Administrator (or designee) within five (5) calendar days of becoming aware of the potential conflict. If the student or organization believes the Conduct Administrator has a conflict of interest or bias, such objection should be made to the Dean of Students (or designee). Regardless of the time period, such objection must occur before a determination as to responsibility is made under the Code. If the objection as to a conflict or bias is made with respect to the chairperson or a Hearing

Officer, such objection must occur before the scheduled hearing. If the Conduct Administrator or designee determines that the objection is reasonable, the challenged person will be replaced. The decision of the Conduct Administrator, Dean of Students, or designee regarding a challenge will be final.³In addition, the fact that a Hearing Officer previously served in an investigative, administrative, or student conduct role at the University does not, standing alone, establish bias or a conflict of interest. Additionally, a conflict exists when a decision-maker has a personal interest or bias that would cause a reasonable person to question impartiality; disagreement with mere administrative judgment or outcome is not a conflict.

4.10 Computing Time

- A. For purposes of computing any time period set forth in the Code of Student Conduct:
1. Exclude the day of the event that triggers the period (e.g. the day a request is made or notice is received);
 2. Count every day, including intermediate Saturdays, Sundays, and University holidays; AND
 3. Include the last day of the period, unless it falls on a Saturday, Sunday, or University holiday, in which case the period will continue to run until the end of the next day that is not a Saturday, Sunday, or University holiday (e.g. period ends on a Saturday and following Monday is not a holiday, then the period ends on Monday).
 - a. A "holiday" means any day when the operation of the University is suspended. Days when class is not in session are not automatically considered a holiday. If University operations are officially suspended due to weather for all or part of a day, that day will be considered a holiday.

In the event of any conflict, the Code found on the University's Policies Index website will govern. The Code does not create a contract or quasi-contract between the University or any University employee and any individual that may be affected by the Code. Further, although the policies contained herein are intended to reflect current rules and policies of the University, users are cautioned that changes or additions may have become effective since the publication of this material. In the event of a conflict, current policy statements of the President or Board of Regents, or superseding law, shall prevail.

Timeframes will be applied reasonably and equitably; extensions may be granted when necessary to ensure due process, provided notice is given to the parties involved.

³ Knowledge of or acquaintance with the student or organization or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal conduct process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining if a conflict exists.