Mansfield University
Student Code of Conduct
(Revised: 12/2012)

Table of Contents

Welcome 2
Student Code of Conduct & Disciplinary Policy 3
Expectations of Students 3
Jurisdiction 4
University Organizations 4
Student Code of Conduct Prohibited Behaviors 5
Potential Sanctions for Violations of Prohibited Behaviors 8
Student Conduct Complaint and Hearing Procedures 8
How to Make a Complaint 8
Student Conduct Conference Process 9
Additional Procedures if Complaint Relates to Conduct Involving Alleged Sexual Harassment or Sexual Violence 11
Appeal Process 12
Failure to Appear 14
Failure to Complete a Mandatory Sanction 14
Family Educational Rights & Privacy Act of 1974 (FERPA) 15
Sexual Assault and Misconduct Policy 15
Definitions 17
Welcome to Mansfield University!

Thank you for selecting Mansfield University as your University of choice. On behalf of the staff of the Student Affairs Division, it is our pleasure to welcome you to Mansfield. Our goal is to promote student development by creating a supportive environment challenging to lifelong learning both in the classroom and beyond. We hope that we will be able to positively contribute to your education. The experiences and skills you acquire at Mansfield will benefit you the rest of your life.

The Student Code of Conduct is a guide to the standards of conduct required for a learning community in which members pursue their goals. This code provides much of the detailed behavioral guidelines students are responsible for knowing. The policies included in this book and published on Mansfield University’s Web site supersede all previously published policies. Read the contents and become familiar with the information; students are responsible for knowing the material in this book. For more information contact the Associate Vice President for Student Affairs and Dean of Students at 570.662.4342.

The Code of Conduct is a companion to the University catalog, which contains academic policies, financial information, and other policies. Mansfield reserves the right to change this document and the statements within as necessary and will provide appropriate notice to the students via the Student Code of Conduct on the Mansfield University web site.

The Vice President for Student Affairs has designated the Community Conduct Officer as the principal administrator of this document. Students with questions or comments about these policies should consult with the Community Conduct Officer.

We look forward to serving you. Best of luck with your studies!

Community Conduct and Student Affairs

Note: Students are held accountable for the information contained in this Student Code of Conduct as electronically published at www.mansfield.edu The University reserves the right to change or modify the contents listed herein. Check the Mansfield University web site at my.mansfield.edu on a regular basis for updates to this document.

Find the Student Code of Conduct on the Student Affairs web site: http://www2.mansfield.edu/student-affairs/
Student Code of Conduct & Disciplinary Policy

Introduction

The University has established a Student Code of Conduct to ensure the safety and welfare of the Mansfield University community. Students admitted to the University agree to adhere to the rules, regulations, and policies set forth in the code. Students voluntarily assume the obligation to fulfill the responsibilities set forth here and to bear personal responsibility for their actions. The University has developed policies, procedures, and standards, which endeavor to protect the rights of each member of the university community.

The Mansfield University President had assigned responsibility for the implementation of the Code of Student Conduct to Vice President for Student Affairs or his or her designee. Students should be aware that the student conduct process is different from criminal and civil court proceedings.

Expectations of Students

Students are expected to:

- Be accountable for information contained in the University course catalog, Student Code of Conduct, and any other published regulations relating to student responsibilities.
- Be respectful of the rights of others.
- Comply with the verbal and written directions of University officials.
- Respect and comply with all the laws and rights of good citizenship.
- Respect the freedom to teach and the freedom to learn.

Our Goals:

1. Educate students, faculty and staff on issues related to student conduct, responsibilities, and behavioral expectations in the Student Code of Conduct.
2. Protect the rights of students and the University community.
3. Provide fair and impartial review for students charged with violating the University’s Student Code of Conduct.
4. Educate students who have violated the Student Code of Conduct by assigning purposeful sanctions that foster learning, ethical development, and personal integrity.
5. Encourage respect for members of the University community.

Desired Outcomes:

1. Students involved in the student conduct process will demonstrate knowledge of the Student Code of Conduct and the rights of others.
2. Students involved in the student conduct process will be able to identify their rights as students.
3. Students involved in the student conduct process will be able to analyze their responsibilities as University community members.
4. Students involved in the student conduct process will demonstrate a greater awareness of their own developing identity.
5. Students found in violation of the Student Code of Conduct will demonstrate insight into their abilities for ethical decision making.

6. Students found in violation of the Student Code of Conduct will be able to predict consequences for their actions.

7. Students found in violation of the Student Code of Conduct will demonstrate a change in their behaviors.

Jurisdiction
The following acts of misconduct are prohibited on campus, at any clinical or internship site, and at any Mansfield University-sponsored or University-affiliated activity or event. The Student Code of Conduct shall apply to any and all lands owned or leased by the University, as well as to any location where a student is engaged in a University-related activity. The Student Code of Conduct may also apply off-campus, when the administration determines that the off-campus conduct affects a substantial interest to Mansfield University. Including, but not limited to, activities such as University teams traveling to events off campus; recognized clubs/organizations; any student or University sponsored group engaging in an event or activity off campus; off campus internships, community service, and study abroad.

Students will be responsible for their conduct, from the time of admission application until the actual awarding of a degree. This code also applies to behavior that is a violation of city, state, federal or local laws and may have, or has had, an adverse impact upon the University community. All formal complaints alleging a violation of this code shall be subject to the student disciplinary procedures. Any student who is found to have committed an act of misconduct may be disciplined in accordance with the rules of the code. If the student is suspected of violating a state or federal law, the incident may be reported to the Mansfield University Police and appropriate law enforcement agency. Civil or criminal charges may occur concurrently with code of conduct charges.

Mansfield University reserves the right to initiate conduct proceedings without a formal allegation by the victim or witnesses of misconduct.

University Organizations
If a University organization is charged with a violation of University policy, such charges shall be brought against the appropriate officer of that organization who shall be named as a representative of that organization. If the situation warrants, other members of that organization shall be charged as additional representatives of that organization. Following the identification of the representatives of the organization in question, the procedures contained in the campus Conduct Code shall be employed.

Sanctions vs. University Organizations.
If an organization is found to be in violation of University policy, sanctions may be levied against the organization as a group, in addition to individual members of the organization. Sanctions against an organization could include loss of University recognition, establishment of a probationary period, or loss of the privilege to use University facilities.
Student Code of Conduct Prohibited Behaviors

1. Disruption of, or interference with, any University activity, including teaching, administration, or other public service functions on or off campus, or other authorized non-University activities, when the act occurs on University premises;

2. Violation of any University policy, prohibited behavior, a city, county ordinance or a federal or state misdemeanor offense involving no bodily injury or threat of bodily injury to any person;

3. Public intoxication or the use, possession, sale, attempted sale, barter, exchange, gift or distribution of alcoholic beverages except as expressly permitted by law and University regulations;

4. 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 on campus.

5. Gambling, including unlawful games of chance for money or anything of value and the sale, barter, or other disposition of a ticket, order, or any interest in a scheme of chance by any name;

6. Violation of traffic rules while on University property

7. Failure to comply with the directions of University officials or law enforcement officers acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so;

8. Participation in a campus demonstration or unauthorized assembly that disrupts the normal operations of the University and infringes on the rights of other members of the University community; leading or inciting others to disrupt scheduled activities in any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus;

9. Permitting another to use his or her University identification card, impersonating another, or misrepresenting authorization to act on behalf of another;

10. Knowingly instituting a false charge against another person;

11. Unauthorized use, alteration or in any way tampering with fire equipment, safety devices or safety equipment;

12. Physical abuse, verbal abuse, threats, intimidation, stalking, coercion and/or conduct that threatens or endangers the health and safety of any person;

13. Use, possession, sale, attempted sale, barter, exchange, gift or distribution of narcotic or other controlled substances, or drug paraphernalia, except as expressly permitted by law;

14. Acts of dishonesty, including, but not limited to, the following:
   a. Cheating, plagiarism, or other forms of academic dishonesty,
   b. Furnishing false information to a University official or faculty member,
c. Forgery, alteration, or misuse of any University document, record, or instrument of identification,

d. Tampering with the election of any University recognized student organization.

15. Hazing of any individual or organization as defined by the laws of the Commonwealth of Pennsylvania. "Hazing" is any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by an institution of higher education.  
(http://www.legis.state.pa.us/WU01/LI/LI/US/HTM/1986/0/0175..HTM )

16. Theft or abuse of computer time, including, but not limited to:

a. Unauthorized entrance into a file to intentionally damage, disable, or impair computing or telecommunications equipment or software,
b. Acquisition or use of software that does not adhere to applicable software licenses and copyright laws or is not consistent with University computer use policies, including a major instance (multiple files, subsequent offense, receipt of multiple infringement notice or legal subpoena) of unauthorized acquisition, use, or distribution of copyrighted works, including but not limited to, music, video, software, images, files, trademarks, and logos, through Mansfield University information technology resources and services;
c. Introduction of viruses or other destructive software in University computer facilities,
d. Use of computing facilities to interfere with the work of another student, faculty member, or University official,
e. Use of computing facilities to send or view obscene or threatening messages,
f. Use of computing facilities to interfere with the normal operation of the University computing systems.
g. Any violation of the Mansfield University Acceptable Use Policy or related Campus Technologies policies. For more information, visit http://ct.mansfield.edu/

h. Library: For more information see course catalog and Web site

http://mansfield.libguides.com/home

17. Unauthorized or fraudulent use of the University name, seal, emblem, nickname, or motto;

18. Unauthorized entry and/or occupancy of University facilities, including unauthorized possession, duplication, or use of keys to any University facility;

19. Harassment. Violations of this policy include, but are not limited to:
a. Any act, display, or communication that would cause a reasonable person to fear for his or her personal safety. This includes, but is not limited to, physical coercion and/or restraint.
b. Any act, display, or communication that causes substantial injury and/or distress on the part of the person or persons to whom it is specifically directed that results in the individual being deprived of educational activities or opportunities. This includes, but is not limited to, unwanted sexual advances and/or request for sexual favors.
c. Any attempt to repeatedly make contact with a person over his or her stated objections, when such contact serves no legitimate purpose. This includes, but is not limited to, intentionally following another person in or about a public place or places.
d. Any act, display or communication that reflects sexual misconduct, sexual and intimate partner violence and stalking.
e. Any act deemed unlawful according to the Pennsylvania Consolidated Statutes, § 2709 (Harassment)

20. Trespass on University grounds;
21. Use, possession, or carrying of firearms (including, but not limited to, pistols, rifles, shotguns, or ammunition), incendiary devices, smoke devices, dangerous knives, explosives or other dangerous weapons while on University owned or controlled property, or at University sponsored or supervised activities, except by University and other police officers and other persons specifically authorized by the University;
22. Any action that causes or attempts to cause a fire, explosion, including bomb threats, or any intentionally false reporting of a fire, or any tampering with the safety devices or the failure to leave University buildings during a fire alarm;
23. The denial of services or access to activities to an individual because of his or her race, religion, age, national origin, gender, sexual orientation, marital status, or disability;
24. Physical abuse of any person;
25. Violation of a federal or state felony offense law;
26. Sexual misconduct of any person (See sexual misconduct policy under University policies);
27. Behavior conducted online such as harassment delivered by e-mail can subject students to Mansfield University conduct action. Blogs, web pages, social networking sites, and other modes of electronic communication are in the public sphere, are not private, and can subject a student to allegations of misconduct.
**Potential Sanctions for Violations of Prohibited Behaviors**

A. **Restitution:** Restitution necessitates compensation for loss, damage, or injury and can take the form of service and or monetary/material replacement.

B. **Educational Sanctions:** Educational Sanctions are the broadest category of sanctions used by Mansfield University. Educational Sanctions typically include one or more of the following: work assignments, essays, community service, behavioral contract, administrative referral, and other related educational assignments. *Examples include: Papers, written apologies, meetings*

C. **Formal Warning:** Formal Warnings emphasize to the student that further violations would result in progressive sanctioning. A student receiving a Formal Warning shall continue to exercise the rights and privileges of a student in good standing.

D. **Conduct Probation:** Conduct Probation serves as a warning to students that they are not in good standing with Mansfield University. Further violations of the Code of Conduct could result in suspension or dismissal.

E. **Facility Suspension:** The student no longer has the privilege of entering or using a particular facility or building for a specified period of time or until a specific condition is met.

F. **Facility Expulsion:** Facility Expulsion entailed the permanent loss of privileges to use a building or facility for an unlimited period of time.

G. **Loss of Privileges:** Loss of Privileges entails denial of specified privileges for a designated period of time.

H. **Removal from Class:** The student is barred from attending a particular class or may be reassigned to a different section of the same class. Details will be coordinated between the Community Conduct Officer or designee and the appropriate academic dean and faculty member.

I. **Revocation of Admission:** The student loses their admitted status to Mansfield University. The sanction and all appropriate information will be added to the students file.

J. **Suspension:** Suspension entails the termination of a student’s enrollment for a particular period of time, or until specific conditions are met. Suspended students may not be present on University property, or at University sponsored events.

K. **Dismissal:** Dismissal entails the termination of a student’s enrollment with Mansfield University. Dismissed students are prohibited from being present on University property, or at University sponsored events.
Student Conduct Complaint and Hearing Procedures

Every formal complaint of a violation of the Student Code of Conduct will be handled in accordance with the procedures described herein:

Complaint
1. Any student, faculty member, staff member or University administrator may file a formal complaint against a student alleging a violation of the Student Code of Conduct.
2. All formal complaints will be referred to the Community Conduct Officer for investigation, mediation, and/or possible resolution. The Community Conduct Officer will conduct an investigation and endeavor to complete the investigation within twenty (20) calendar days of receiving the complaint.
3. After reviewing document and other information related to the complaint, the Community Conduct Officer may:
   a. Determine that no grounds or insufficient grounds exist to believe that a violation occurred and dismiss the complaint; or
   b. Determine that grounds exist to believe that a violation occurred and notify the student that a Student Conduct Conference with the Community Conduct Officer will be held or that a hearing before a Student Conduct Hearing Panel will be held.
4. If the complaint relates to conduct involving alleged sexual harassment or sexual violence, the matter will be referred to a Student Conduct Hearing Panel.
5. If the determination is to hold a Student Conduct Conference, the student has the right to request a hearing before the Student Conduct Hearing Panel instead.
6. If the determination is that grounds exist to believe that a violation occurred, the Community Conduct Officer will prepare a written summary of the complaint and the violations, and a list of potential witnesses and supporting documentation.
7. The student may have one other support person or an attorney present at the Student Conduct Conference or Student Conduct Hearing, but this person will be an observer only and cannot participate. The student must inform the Community Conduct Officer at least two days prior to the Student Conduct Conference or Student Conduct Hearing if a support person or an attorney will be present.

Student Conduct Conference Process
1. The student will be sent, via regular U.S. mail and campus e-mail a notice which includes the following:
   a. The date, time and location of the Student Conduct Conference;
   b. Summary of the complaint and violations;
   c. Tentative list of potential witnesses;
   d. Web site link to the Student Judicial Affairs Code of Conduct.
2. At the Student Conduct Conference, the student will be asked to respond to the complaint.
3. If the student does not appear for the Student Conduct Conference, the Community Conduct Officer may proceed to make a decision based on the information gathered during the investigation.
4. Following the Student Conduct Conference, the Community Conduct Officer or designee will decide whether the student violated the Student Code of Conduct. The decision will be based on a preponderance of the evidence standard.
5. If the Community Conduct Officer determines that the student violated the Student Code of Conduct, he or she will also determine a sanction, up to and including dismissal.
Student Conduct Hearing Panel Hearing Process

1. The University has established a Student Conduct Hearing Panel. The Hearing Panel consists of 4-6 faculty and/or staff members, and 3 students. The members are selected by the Community Conduct Officer. Two members of the Hearing Panel will be designated to serve as the chairperson(s).

2. The Community Conduct Officer will schedule a date and time for the hearing, taking into consideration the class schedule of the accused student and the availability of potential witnesses and Hearing Panel members. If possible, the hearing should take place within twenty (25) calendar days following the referral of the complaint to the Community Conduct Officer.

3. The student will be sent, via regular U.S. mail and campus e-mail a notice which includes the following:
   a. The date, time and location of hearing;
   b. Summary of the complaint and violations;
   c. Tentative list of potential witnesses;
   d. Web site link to the Student Code of Conduct.

4. For a hearing to take place, a minimum of one (1) student, two (2) staff members and the Chairperson of the Student Conduct Hearing Panel must be present (4 in total).

5. The Community Conduct Officer will make arrangements for the presentation of witnesses and information at the hearing. Both the Community Conduct Officer and the student may identify witnesses or present witness statements. The Hearing Panel members and the student will be permitted to question each witness and to inspect all documentary and other information. Both the Community Conduct Officer and the student may make a closing statement. The Community Conduct Officer will provide information to the Hearing Panel about any prior determinations of violation of the student code of conduct by the student, only to be reviewed if the student is found in violation. Prior violations cannot be used to establish violations, only sanctions.

6. The hearing will be recorded, and the recording will remain the property of the University.

7. If the student does not appear for the hearing, the Student Conduct Hearing Panel may receive written documents and a verbal summary by the Community Conduct Officer of the complaint and violations.

8. At the conclusion of the hearing the Student Conduct Hearing Panel will decide, by majority vote, outside the presence of the student and any non-members, whether the student violated the Student Code of Conduct. The decision will be based on a preponderance of the evidence standard.

9. If the Student Conduct Hearing Panel determines that the student violated the Student Code of Conduct, it will also determine a sanction, up to and including dismissal. The decision of the Student Conduct Hearing Panel will be placed in writing, and the Community Conduct Officer will review the decision. The hearing board’s determination of violation is a final decision; the Community Conduct Officer reserves the right to determine final sanction(s). The Community Conduct Officer will deliver a copy to the student and to the Vice President for Student Affairs. The decision will be considered to be delivered when it is personally delivered to the student or one day after it is placed in the regular U.S. mail to the student’s last known address on file with the University.

Conduct of Hearing

1. The Community Conduct Officer or a designee shall present complaints brought in the name of the University.

2. In all cases before the hearing boards, a vote of the majority of the members present shall be required to find for violation/non-violation of the complaint charged. The hearing boards must convene and act with a quorum of four (4) members present.

3. In the presence of all parties, the hearing boards shall read the complaint, and request the party complained of to state whether he/she violated or did not violate the proscription cited.
a. Upon an affirmative plea, proceed to Part 2 of Decision.

b. Upon a negative plea, the Community Conduct Officer or designee must present their evidence. The party complained of shall then have an opportunity to question the evidence presented and to present his/her own evidence.

4. After hearing all the evidence, the board shall make a proposed finding of whether a violation occurred, solely upon the evidence presented.

5. A member of the hearing board must, at any time, withdraw from any procedure if he/she deems themselves disqualified for personal bias. After showing just cause, either party to the dispute may request that a member of the hearing board be withdrawn. If the board member refuses to withdraw, the board will decide by a secret ballot majority vote whether or not the member may remain. The board member in question shall not vote.

6. The hearing board shall be allowed to request for testimony such persons or papers essential to the finding of a fair and just decision. The board may decide by majority vote to recess the hearing in order to locate such persons or papers.

7. The chairperson of the hearing board shall be responsible for maintaining order and room decorum.

8. Any person who commits an action in the presence of the hearing board, which interrupts the proceedings of the board, and any person who refuses to comply with a reasonable order of the board, can, at the request of the chairperson, be removed from the hearing room and may themselves face discipline charges.

9. Meetings of the hearing boards shall be closed.

Additional Procedures if Complaint Relates to Conduct Involving Alleged Sexual Harassment or Sexual Violence

If the complaint relates to conduct involving alleged sexual harassment or sexual violence the following additional procedures apply:

1. The complainant will be informed in writing if the Community Conduct Officer determines that no grounds or insufficient grounds exist to believe that a violation occurred and dismisses the complaint.

2. The complainant will be informed in writing if a hearing is scheduled for the student against whom the complaint has been made and that he or she may attend the hearing. Upon request, the complainant will be provided with a copy of the written notice of the complaint sent to the student.

3. The complainant will be informed that he or she may have one other support person or an attorney present at the hearing, but this person will be an observer only and cannot participate. The student must inform the Community Conduct Officer at least two business days prior to the hearing if a support person or an attorney will be present.

4. If the complainant believes that there are witnesses in addition to those listed in the tentative list of potential witnesses provided to the student who should testify at the hearing, he or she must notify the Community Conduct Officer in writing of the identity of those witnesses and the expected nature of their testimony. The complainant may request to review copies of all written evidence that the Community Conduct Officer has which may be presented at the hearing. If the complainant has additional written evidence that he or she desires to be presented at the hearing, he or she must provide copies to the Community Conduct Officer. Any notice regarding witnesses or copies of written evidence must be provided to the Community Conduct Officer at least five business days prior to the scheduled date of the hearing. The Community Conduct Officer will decide prior to the hearing whether to present the additional witnesses or written evidence suggested by the complainant and inform the complainant of the decision as soon as possible prior to the start of the hearing.

5. If the complainant is a witness at the hearing, the student against whom the complaint has been made will not be permitted to directly question or cross-examine the complainant. If the student wants to present questions to the complainant, he or she must write the questions down and ask the
Chair of the Student Conduct Hearing Panel to ask them. If the student against whom the complaint has been made is a witness at the hearing, the complainant will not be permitted to directly question or cross-examine the student against whom the complaint has been made. If the complainant wants to present questions to the student against whom the complaint has been made, he or she must write the questions down and ask the Chair of the Student Conduct Hearing Panel to ask them. The decision of whether to ask these questions shall be made by the Chair.

6. The complainant will be sent a copy of the written decision of the Student Conduct Hearing Panel.

7. The access of the student and the complainant to information about the other may be limited by the Family Educational Rights and Privacy Act (FERPA), 20 USC 1232g or other laws relating to confidentiality or privacy, and in some cases, these procedures may be adjusted to comply with such laws.

Appeal Process
If the student wants to appeal the decision of the Student Conduct Conference or the Student Conduct Hearing Panel, the following process applies:

1. The student must deliver a written letter of appeal to the Vice President for Student Affairs. The letter of appeal must set forth why the student believes the decision or sanction should be over turned or modified, based on one or more of the grounds set forth below. The letter of appeal must be postmarked or hand delivered within ten (10) days after the decision of the Student Conduct Hearing Panel or the Student Conduct Conference was delivered to the student.

2. Appeals are limited to the following grounds:
   a. Whether the decision is in accordance with the facts presented.
   b. Whether the decision was reached through a procedure in accordance with the Student Code of Conduct.
   c. Whether the sanction is appropriate for the conduct violation.
   d. Whether new information not available at the time of the Student Conduct Conference or Student Conduct Hearing should be considered, and if so, what impact does the new information have on the decision.

3. The Vice President for Student Affairs will review all of the materials submitted by the student, will review the University file on the matter, may review the recording of the Hearing Panel, and may interview the student and/or other relevant persons. If the student has submitted new information allegedly not available at the time of the Student Conduct Conference or Student Conduct Hearing, the Community Conduct Officer will receive a copy of the new information and may present a response or other additional information related the student’s new information. The student will receive a copy of or be present for the presentation of any such information from the Community Conduct Officer.

4. The Vice President for Student Affairs will determine whether the decision of the Student Conduct Conference or Student Conduct Hearing Panel will be upheld, whether there should be a reduced sanction, or whether the case should be remanded to the Hearing Panel for an additional hearing. The decision of the Vice President for Student Affairs will be put in writing and a copy will be sent to the student via regular U.S. mail. The Vice President for Student Affairs will issue the decision within ten (10) calendar days of the date of receipt of the student’s appeal letter if possible.

5. If the complaint relates to conduct involving alleged sexual harassment or sexual violence, the complainant will be informed in writing:
   a. if the student appeals and have the opportunity to provide a written statement setting forth why the student believes the decision and sanction should be upheld;
   b. that he or she may appeal the decision, in accordance with the same time periods, procedures, and grounds for appeal set forth above.
6. At the conclusion of the appeal process, all records of the proceedings will be returned to the Community Conduct Officer for storage and retention in accordance with University policy and applicable law.

Interim Suspension or Interim Removals
Any of the following three interim processes may be implemented as appropriate and according to the listed criteria:

A. An interim suspension is an action that requires a student to immediately leave University property prior to a formal hearing being held. The student shall not return to campus nor participate in any university programs or activities during the interim period without the expressed permission of the Vice President for Student Affairs.

B. An interim removal from University housing is an action that requires a student to immediately move from an on-campus facility to an off-campus location prior to a formal hearing being held. This action also prohibits the individual from entering any campus residence hall or apartment during the interim period, but it does allow the student to attend classes.

C. An interim removal from a University course is an action that removes a student from a particular course prior to a formal hearing being held. This action only applies to the course in question during the interim period and it allows the student to attend his or her other classes.

In all three of the aforementioned situations, an interim process is imposed when there is reason to believe that a student represents an immediate and significant threat to other persons or property, to ensure the student's safety and well-being, or if the student poses a significant threat of disruption to normal operations. This action is warranted when the serious nature or immediacy of the situation makes it impractical to follow normal disciplinary procedures. A decision to impose an interim suspension, interim removal from university housing, or an interim removal from a course is made by the Vice President for Student Affairs with the approval of the University President.

All interim suspension or removal decisions require review by the University Conduct Board. The University Conduct Board will meet for fact-finding within five business days following the issuance of the interim suspension or removal, unless extenuating circumstances warrant an extension. If an extension occurs, the fact finding meeting shall be held at the earliest possible date. The purpose of the fact-finding shall be to review the reliability of the information and decision-making rationale that resulted in the interim suspension or removal. The fact-finding will also determine if the student's continued presence represents a significant threat to other persons, property, or normal operations. The fact-finding meeting shall not be considered a formal disciplinary hearing. If in the Board's opinion the interim suspension or removal was not warranted, the student shall be reinstated immediately. The reversal of an interim decision shall not be construed as finding a student "not in violation" of the alleged violations of the conduct code.

A formal hearing before the University Conduct Board shall occur regardless of the determination of the fact finding. The hearing shall be scheduled with different members of the University Board to adjudicate the case and to determine if a respondent is "in violation" or "not in violation" of the charges. If it is established that a respondent is "in violation" the Conduct Board shall select a sanction consistent with the violation(s). Due to the fact the Vice President for Student Affairs made the decision to interim suspend or remove the student, he or she will not be considered as an option to be a member of the judicial board or hearing.

Re-Admittance Process
Following a suspension, students may request, in writing, re-admittance to Mansfield University. The written request should be submitted to the Community Conduct Officer. All sanction requirements must be documented and completed. The Re-Admit Status Review Committee will review the case and meet with the
student. A re-admit plan will be made and the student will be notified by mail. Students may be temporarily trespassed from campus and/or issued a Cease and Desist Order pending Due Process for a Conduct Conference or a Student Conduct Hearing Panel.

**Failure to Appear**
If a student fails to appear for a scheduled Conduct Conference or an appearance before the Student Conduct Hearing Panel, the case may be adjudicated and a sanction imposed. The Community Conduct Officer or Student Conduct Hearing Panel will consider the facts presented when making their decision. The student’s absence will not be a factor in the determination. The Community Conduct Officer will then notify the student of the decision in writing. If the student is found in violation of the Student Code of Conduct and a sanction is applied, the sanction must be completed by the student in the allotted time or a HOLD will be placed on the student’s academic record.

**Failure to Complete a Mandatory Sanction**
Failure to complete a required sanction is a serious offense at Mansfield University. It is considered an additional violation of the Student Code of Conduct, and will usually result in more serious sanctions being imposed. Students failing to complete sanctions by the required deadlines may be suspended or dismissed from the University. No student who has been dismissed from Mansfield University may enroll again as a student.

**Disciplinary HOLD on Student Record**
Within two weeks of a student’s failure to complete a sanction, a HOLD will be placed on the student’s records, and any pre-registration that the student might have already conducted. Thus, it is very important for the student to complete sanctions on time and avoid a HOLD being placed on his or her academic records or registration. A HOLD on a student’s admission, registration, transcript access or financial aid is not an independent penalty, but may be utilized by the University as a means to either direct a student’s attention to subsequent participation in a pending disciplinary (or grievance) proceeding or obtain the student’s compliance with a sanction which has been imposed, or other action which has been taken, under the Student Code of Conduct.

**Confidentiality**
Disciplinary matters are kept confidential to the extent required by law.

**Family Educational Rights & Privacy Act of 1974 (FERPA)**
FERPA affords students certain rights with respect to educational records. Copies of educational records or personally identifiable information concerning students will not be released to anyone outside the University, except as required or allowed by law, without their written consent. However, directory information may be released without their written consent. Students also have the right to file complaints with the U.S. Department of Education FERPA office. Both these acts have strict rules to protect personal confidential information. Questions regarding privacy and confidentiality issues should be addressed to the Registrar’s office.

**Sexual Assault and Misconduct Policy**
Mansfield University does not tolerate sexual assault, coercion, exploitation, or other forms of sexual misconduct. Sexual assault, whether occurring on campus or at University sponsored activities, is a violation
of the standards of the University. Individuals who believe they have been the victims of a sexual assault should report the assault to the Mansfield University Police. Resolution on campus and/or criminal or civil action against an alleged perpetrator will be determined.

Retaliation & Discipline
The University will not retaliate against any student for reporting or assisting in the investigation of a complaint of harassment. Any student who has been determined to have engaged in harassment in violation of this policy will be subject to appropriate disciplinary action, up to and including suspension or dismissal in accordance with the Mansfield University Student Code of Conduct.
Definitions

**Alcoholism and drug/substance dependence** — This condition is defined as a disease in which an individual’s consumption of alcohol or any other mood-altering drug definitely and repeatedly interferes with a student’s academic performance.

**Appeal** — The process that provides a student with the opportunity to challenge the fairness of a decision made by a conduct officer or a Student Conduct Hearing Panel. All appeals of decisions made by judicial conduct officer or the Student Conduct Hearing Panel will be made to the Judicial Affairs Officer.

**University member** — Any person associated with Mansfield University through enrollment in classes or employment.

**Complaint** — An allegation of a violation of a prohibited behavior.

**Conduct Conference** — A process in which the facts of an alleged violation of the code are presented to a conduct officer to determine if a violation(s) took place and what sanction(s) are appropriate.

**Community Conduct Officer** — Professional staff trained to adjudicate violations of the Code of Student Conduct. The student conduct officer participates in training that involves diversity, student development theory, and due process.

**Confidentiality** — The University will make every effort to maintain confidentiality in addressing complaints of harassment. There may be times, however, when the identity of parties involved in an incident must be revealed to appropriate parties during an investigation. All persons involved with a complaint of harassment should treat the matter with discretion, respect and confidentiality.

**Consensual** — Any act or pattern of behavior between two parties that is conducted with mutual agreement.

**Disciplinary Probation** — A limitation is placed upon selected privileges for a specified period of time. During the probationary period, a student may be excluded from utilizing campus facilities, denied program funding, have a HOLD placed on their records, excluded from participation in co-curricular activities, and may not participate in any University sponsored events. Additional stipulations that are consistent with the nature of the offense shall also be imposed. A violation of disciplinary probation may lead to suspension or dismissal.

**Dismissal** — The immediate termination of student status. A dismissed student may never return to the University.

**Discipline/Termination** — When it has been determined that an individual has engaged in unlawful harassment, the University will take prompt, remedial action to stop the harassment.

**Educational Assignment** — A sanction designed to promote self-awareness of behavior, awareness of appropriate/inappropriate behavior, awareness of institutional expectations, and to educate the student in the specific area of their violation.
False Accusations — It is a violation of this policy for anyone knowingly to make false accusations of harassment and will result in disciplinary action. Failure to prove a claim of harassment is not equivalent to a false accusation.

Harassment — The University prohibits discrimination and/or harassment on the basis of race, color, creed, religion, age, sex, marital status, veteran status, national origin, ancestry, citizenship, or disability, or any other protected status. This policy covers harassment on any of these bases.

Illegal or illicit substances — Any mood-altering chemical for which the use is prohibited by any federal or state laws or local ordinances.

Impairment of functioning — Refers to observable behavior related to a mood-altering drug where an individual’s use interrupts one’s ability to think and act appropriately and results in behavior which is quite atypical from one’s normal level of functioning.

Judicial Body — Any person or panel member authorized by the University to determine whether a student has violated the Code of Student Conduct and to assign appropriate sanctions.

Legal drug — Prescribed drugs, over-the-counter medications or other consumer-sold drugs, which are legally obtained and are being used for their intended purpose.

Mediation — A facilitated meeting with victims, offenders, and/or community members

Mood-altering drug/substance/chemical — Includes a legal or illegal drug (including alcohol) that alters the emotional or mental state of an individual. For the purpose of this policy statement, commonly used legal substances such as caffeine and nicotine are not classified as “drugs.”

Minor — In regard to the Corruption of a Minor, under the Pennsylvania Statutes, a minor is a child under eighteen years of age or a mentally or physically handicapped child under twenty-one years of age.

On-campus event — A University sponsored event that is held on campus or at a site location.

Parties — Both the person lodging a complaint of harassment, and the person about whom the complaint is made.

Personal violence — Refers to physical, mental or emotional abuse directed at any individual.

Preponderance of Evidence — A standard of proof in which it is established that something is more likely than not to have taken place.

Prohibited conduct — Any behavior that is inconsistent with the standards of the University community as outlined in the Student Code of Conduct.

Restitution — A written directive to replace, repair or make specific compensation for property of the University or member of the University community which was destroyed, damaged, misused or lost.

Restorative Justice — May involve mediation. Is a facilitated meeting of victims, offenders, and the community focused on victim needs and offender responsibility for repairing harm.
Retaliation — The University will not retaliate against any individual for protesting, reporting and/or participating in a complaint and/or investigation of harassment. Retaliation is a serious violation that can subject the offending person to corrective measures, independent of the merits of the case of harassment.

Sanction — An outcome imposed for the violation of the Code of Student Conduct. Generally, sanctions are educational in nature and intended to modify the student’s behavior and build an awareness of personal responsibility and community standards.

Student — Anyone enrolled in a credit or non-credit course at Mansfield University.

Suspension — The termination of the right to register or attend classes for a period of one (1) to three (3) semesters, after which the student may return following completed sanctions, documentation, and review by Re-Admit Status Review Committee. A violation of suspension may lead to dismissal.

Under the influence — When a person is affected by alcohol or other drugs in a noticeable and detectable manner.

Warning — An admonition that the student’s behavior has violated the Code of Student Conduct and notice to the student that continuation or the repetition of specified conduct may be cause for other disciplinary action.