



Transforming Lives Changing the World at John F. Kennedy University

Student Conduct Code and Procedures

Article I: Standards for Student Conduct

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community must choose behaviors that contribute toward this end. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

Article II: Student Responsibilities

Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

Unacceptable Student Behaviors

The following behavior is subject to disciplinary sanctions:

1. Dishonesty, including:
 - a. Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
 - b. Furnishing false information to a University official, faculty member, or campus official.
 - c. Forgery, alteration, or misuse of a University document, key, or identification instrument.
 - d. Misrepresenting oneself to be an authorized agent of the University or one of its auxiliaries.
2. Unauthorized entry into, presence in, use of, or misuse of University property.
3. Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.
4. Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.
5. Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.
6. Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
7. Conduct that threatens or endangers the health or safety of any person within or related to the University including physical abuse, threats, intimidation, harassment, or sexual misconduct.



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8. Hazing or conspiracy to haze. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student. In addition, any act likely to cause physical harm, personal degradation, or disgrace resulting in physical or mental harm. Neither the express or implied consent of a victim of hazing, nor the lack of active apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
9. Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
10. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
11. Theft of property or services from the University community, or misappropriation of University resources.
12. Unauthorized destruction, or damage to University property or other property in the University community.
13. Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.
14. Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
15. Misuse of computer facilities or resources, including:
 - a. Unauthorized entry into a file, for any purpose.
 - b. Unauthorized transfer of a file.
 - c. Use of another's identification or password.
 - d. Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University Community
 - e. Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - f. Use of computing facilities and resources to interfere with normal University operations.
 - g. Use of computing facilities and resources in violation of copyright laws.
16. Violation of any published University policy rule, regulation or presidential order.
17. Failure to comply with directions of, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
18. Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well-being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.



19. Violation of the Student Conduct Procedures, including:
 - a. Falsification, distortion, or misrepresentation of information related to a student discipline matter.
 - b. Disruption or interference with the orderly progress of a student discipline proceeding.
 - c. Initiation of a student discipline proceeding in bad faith.
 - d. Attempting to discourage another from participating in the student discipline matter.
 - e. Attempting to influence the impartiality of any participant in student discipline matter.
 - f. Verbal or physical harassment or intimidation of any participant in a student discipline matter.
 - g. Failure to comply with the sanction(s) imposed under a student discipline proceeding.
20. Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

Article III: Application of this Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus.

Article IV: Disposition of Fees; Campus Emergency; Interim Suspension

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated above. No fees or tuition paid by or for such students for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the term in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President, the President may place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency safeguard persons and property, and maintain educational activities.

The President or designee may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of John F. Kennedy University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

Article V: Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Student Code:
 - a. **Probation:** A period of time during which the privilege of continuing in student status is conditional. The conditions may include, but are not limited to, loss of specified privileges which a current student would



otherwise be entitled to and an acknowledgement by the student that any additional violations of the Student Code will result in a more serious sanction.

b. **Suspension:** Separation of the student from student status from the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

c. **Expulsion:** Permanent separation of the student from student status from the University.

2. **Multiple Sanctions.** More than one of the sanctions listed above may be imposed for any single violation.

3. **Denial of Access.** After a hearing, any suspension or expulsion based on conduct which disrupted the orderly operation of a campus or other facility and which also violates a provision of a California statute may include denial of access to the campus or facility as a condition of such suspension or expulsion for the period of the suspension or in the case of expulsion for a period not to exceed one year. A student who willfully and knowingly enters the campus or facility during the period for which access has been denied is guilty of a misdemeanor pursuant to Penal Code Section 626.2. In the case of a suspension, such entry may be grounds for further disciplinary action.

4. **Denial of Admission or Readmission.** Admission or readmission may be qualified or denied to any student found to have violated the Student Code.

5. **Record of Discipline.** Probation and suspension shall be made part of the student's academic record during the term of the probation or suspension. Expulsion shall be made part of the student's permanent academic record.

Article VI: Interim Suspension

1. **Grounds.** The President may immediately impose an interim suspension where there is reasonable cause to believe that it is required to protect personal safety or property and to ensure the maintenance of order.

2. **Notification.** A student placed on interim suspension shall be given prompt notice of the charges and the opportunity for a hearing within ten (10) working days of the imposition of the suspension. The hearing shall be held pursuant to the provisions of Article VIII of these procedures.

3. **Denial of Presence on Campus.** During the period of the interim suspension, the student shall not, without prior written permission of the President, enter any campus of John F. Kennedy University.

Article VII: Conduct By Applicants for Admission

Admission or readmission may be qualified or denied to any person who, while not enrolled as a student, commits acts which, were he or she enrolled as a student, would be the basis for disciplinary proceedings pursuant to Article IV or Article V of these procedures. Qualified admission or denial of admission in such case shall be determined by a hearing held pursuant to Article VIII of these procedures.



Article VIII: Proceedings

1. Investigation

- a. A complaint alleging that a student has violated the Student Code shall be directed to the Judicial Affairs Officer. Any complaint should be submitted as soon as possible after the event takes place.
- b. A complaint is not necessary for the Judicial Affairs Officer to determine that charges should be initiated.
- c. The Judicial Affairs Officer shall investigate each complaint filed and determine whether or not charges should be brought.

2. Conference

Except when the student refuses to cooperate, the Judicial Affairs Officer shall hold a conference with the student to obtain his or her response to the alleged misconduct and to determine whether the allegations of misconduct have merit, and if they may be disposed of informally by mutual consent of the student charged and the Judicial Affairs Officer. The student may have another person present to observe and consult with. In addition to the sanctions listed in Article V, an agreement reached during this conference may include voluntary actions by the student charged including but not limited to work assignments, service to a campus department, obtaining psychological counseling or compensations for loss, damage or injury.

3. Notice of Hearing

- a. If the allegations of misconduct have not been resolved by conference as provided in Section 2 of this Article and the Judicial Affairs Officer determines that formal disciplinary action should be taken, the Judicial Affairs Officer shall initiate the disciplinary action process by a written Notice of Hearing served in person or served by certified mail return receipt requested to the student charged at the last known address on campus records.
- b. The Notice of Hearing shall include the following:
 - i. A statement of the specific subdivisions of the Student Code which the student is being charged with violating.
 - ii. A factual description of the conduct upon which the charges are based.
 - iii. A recommended sanction and notification that the hearing officer is not bound by the recommended sanction and may impose a more severe sanction than recommended by the University.
 - iv. The date, time and place of the hearing.
 - v. The office at the campus where additional information regarding the evidence may be obtained.
 - vi. Notification that the student may be accompanied at the hearing by an advisor of his or her choice, who may act on his or her behalf. Such notification must state whether the advisor may be an attorney. If the student's advisor may be an attorney, notification that the student must inform the Judicial Affairs Officer of the name and address of the student's attorney at least five (5) days prior to the hearing.



- vii. Notification that the student charged may elect to waive his or her right to a hearing by accepting the recommended sanction.
 - viii. Such information as notice of an immediate suspension and/or withdrawal of consent to remain on campus where such action is appropriate.
 - ix. A copy of these procedures or notification of where the student may obtain a copy without charge. If consent to remain on campus has been withdrawn from the student at the time of the Notice of Hearing is sent, a copy of these procedures shall be enclosed with the notice.
- c. The Notice of Hearing shall be served on the student at least ten (10) working days prior to the hearing. If all parties agree, the ten day period may be waived.
- d. The charges stated in the Notice of Hearing may be amended at any time. If the amendment would require the student to prepare a defense which is different from that required by the prior Notice of Hearing, any hearing which has been scheduled shall upon request be postponed for a reasonable time. If the charges are amended after a hearing has commenced, the Hearing Officer may postpone the hearing for a reasonable period of time.

4. Hearing

- a. All hearings held under these procedures shall be conducted according to the following:
- i. Hearings shall be closed to all persons other than the person conducting the hearing, the student charged, The Judicial Affairs Officer, a single advisor for the student charged, a single advisor for the Judicial Affairs Officer, the person designated to record the hearing and witnesses while they are testifying.
 - ii. The student may be accompanied by one advisor of his or her choice, who may act on his or her behalf. If the campus has elected to exclude attorneys from this part of the proceedings, the advisor may not be an attorney.
 - iii. The Judicial Affairs Officer representing the campus may be accompanied by one advisor of his or her choice. If the campus has elected to exclude attorneys from this part of the proceedings, the Judicial Affairs Officer's advisor may not be an attorney.
 - iv. The campus and the student charged shall have the opportunity of presenting witnesses subject to the right of cross examination as well as questioning by the Hearing Officer. If the student charged elects to testify, he or she shall be subject to cross examination and questioning by the Hearing Officer.
 - v. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs. No evidence other than that received at the hearing shall be considered by the Hearing Officer.
 - vi. The Hearing Officer shall make all rulings on matters relating to the conduct of the hearing, including matters regarding admission of evidence. Any evidence deemed relevant by the Hearing Officer shall be admitted.



vii. A tape recording shall be kept of the hearing. The student charged may, at his or her own expense, request a copy of such recording. No tape recording by the student charged or other persons at the hearing shall be permitted. However, the student charged may, at his or her own expense, furnish a certified court reporter provided that the campus shall be permitted to make copies of the transcript at its own expense.

viii. The student charged shall not be found to have violated the Student Code solely because he or she fails to appear at the hearing. If the student charged does not appear, the hearing shall proceed without him or her and a decision shall be rendered on the evidence presented.

ix. Arguments by the student charged or his or her advisor concerning the legal (as distinguished from factual) applicability, or legal validity of any provision with which the student is charged, or of these procedures shall not be addressed to the Hearing Officer, but to the President in writing within three (3) working days following the conclusion of the hearing. The President shall seek advice on the matter. Such advice shall be considered by the President before a final decision is rendered.

x. Where the person testifying is an alleged victim of sexual or physical assault which is the basis for the disciplinary action, that person may be accompanied at the hearing by another person. The other person is not permitted to speak or to participate directly in the hearing. Cross examination of the alleged victim shall be limited to the alleged incident leading to the charge and the events surrounding the charge.

xi. The Hearing Officer is responsible for maintaining order, and may establish such rules as are necessary or appropriate to conducting a fair hearing. The Hearing Officer shall not permit any person to be subjected to abusive treatment. The Hearing Officer may eject or exclude anyone who refuses to be orderly.

b. Where more than one student is charged with conduct arising out of a single occurrence or out of connected multiple occurrences, if the Judicial Affairs Officer and the students charged consent, a single hearing may be held for all of the students so charged. Students may request that their case be consolidated with others, or separated from others. The Judicial Affairs Officer shall make determinations regarding consolidation. All such determinations shall be subject to revision by the Hearing Officer. In the event of such revision, all cases affected shall be rescheduled for hearing. The separation of one or more cases from a group of cases previously set for a consolidated hearing shall not be considered to affect the remaining cases in the group.

c. At any time during the hearing process, the student charged may elect to waive the hearing and accept a sanction recommended by the Judicial Affairs Officer. The waiver and acceptance of the recommended sanction shall be in writing.

5. Recommendation of the Hearing Officer

a. After the hearing, the Hearing Officer shall make findings of fact and conclusions about whether the facts demonstrate a violation of the Student Code with which the student is charged. The Hearing Officer's determination shall be made on the basis of whether it is more likely than not that the student charged violated the Student Code (i.e., by a preponderance of evidence).



b. After having made its determination, the Hearing Officer shall submit a written report to the Vice President of Student Services which includes a determination as to whether the student charged violated the Student Code and the Hearing Officer's recommended sanction, if any. The Hearing Officer's report shall be submitted to the Vice President within ten (10) working days of the conclusion of the hearing.

6. Vice Presidential Action

a. After reviewing the Hearing Officer's report, the Vice President of Student Services shall make the final decision regarding disciplinary action. The Vice President may impose the sanction recommended, adopt a lesser sanction, refer the matter back to the Hearing Officer for further findings on specified issues or after reviewing the entire record may adopt a more severe sanction. If the Vice President decides to adopt a more severe sanction, the Vice President shall articulate the reasons for the more severe sanction in his or her decision. The Vice President normally shall render a decision within five (5) working days of receipt of the Hearing Officer's report.

b. The Vice President shall cause notification of his or her decision to be delivered to the student charged. The notification shall be delivered in person or sent by certified mail return receipt requested to the student charged. Notices addressed to the student at the last known address on campus records and deposited in the United States mail, postage prepaid, shall be presumed to have been received by the student. The report of the Hearing Officer shall be made available to the student charged upon request.

7. Appellate Procedures

Students who believe they have been wrongfully or excessively penalized may appeal the Vice President of Student Services decision. Such an appeal must be submitted in writing within 10 working days of the notification of the action and must be directed to the President. The student must clearly establish sufficient cause for the appeal to be considered. It is the responsibility of the student to submit a clear, coherent, written statement providing the basis for the appeal, including any supporting documentation.

For an appeal to be granted, the student must present:

- A reasonable possibility that the unfavorable decision was clearly wrong, given the Hearing Officer's interpretation of the evidence or the disciplinary action imposed.
- New evidence (although related to the original evidence) that was not available for presentation at the original hearing and which, if true, creates a reasonable probability of a different decision. A satisfactory explanation must be provided for the failure at present such evidence at the hearing.

At the discretion of the President any disciplinary action previously imposed may be suspended pending disposition of the appeal. The President will make his or her decision within 15 working days and send written notification of the decision to the student. The decision is final.

