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STUDENT CODE OF CONDUCT

Purpose:

Bucknell University is strongly committed to fostering a sense of social responsibility and nurturing an atmosphere of respect and integrity in all areas. Every student who accepts the invitation to join the Bucknell University community commits to the following Statement of Community Responsibility:

We are a community of learners who value personal and intellectual honesty.

Our actions reflect maturity, social responsibility and respect toward others.

We value individual differences and will not tolerate harassment or discrimination.

Our actions show respect for our own health and well-being.

We honor Bucknell by upholding the policies that support our community standards.

The Student Code of Conduct (the "Code") provides notice of the University's expectations for the conduct of Students, Student Organizations and Student Groups, and the procedures for holding Students, Student Organizations and Student Groups accountable for misconduct through an educational process that balances the interest of individual students with the interest of the University community.

All Bucknell Students:

- Are expected to read and understand the Code. Lack of familiarity with conduct expectations will not excuse misconduct; and,
- Are expected to fully cooperate in investigations and to provide complete, accurate and truthful information and any potentially relevant documentation; and,

- Are expected to participate in the Conduct Process when called upon and to provide truthful and complete information upon request.

Scope:

- A. Applicability to Students** - Students are responsible for their conduct from the time of application for admission to the University through the official award of their degree or the date of official withdraw from the University. The Code applies so long as a student has a continuing relationship with the University even if the Student is not taking courses on campus (periods of Leave of Absence or during semester breaks).
1. A conduct process will be completed even if a Student withdraws from the University during the conduct process. Students may not voluntarily withdraw in order to avoid the conduct process.
 2. Students are responsible and may be held accountable for the actions of their invited non-student guests.
 3. Students who assist others in violating the Code may be reviewed for possible violation of the Code to the same extent as the person committing the violation.
 4. Students who attempt conduct in violation of the Code, even if unsuccessful, may be reviewed for possible violation of the Code to the same extent as if they had completed the violation.
- B. Applicability to Student Organizations and Student Groups** – Recognized Student Organizations (including for example fraternities and sororities and athletic teams) and Student Groups (including for example dance teams) are responsible for the actions and conduct of their members when one or more of the members knew or should have known that another member, acting in or perceived to be acting in their capacity as a member of the Student Organization or Student Group engaged in conduct in violation of the Code, regardless of whether the conduct was officially approved by the entire membership. Unless specifically stated otherwise, references to Student(s) in the Code will also apply to Student Organizations.
1. Notices related to the Conduct Process will be sent to the primary officer of the Student Organization or Group at the officer's University email address with a copy to the Organization or Group's adviser. Failure of a Student Organization or Group to respond to a Notice, or to participate in the Conduct Process may result in resolution of the matter in the absence of any representative.
 2. Individual Student members of a Student Organization or Group may be held individually accountable for the same misconduct that is reviewed for the Student Organization or Group.
- C. Location of Conduct** - The Code applies to conduct that occurs on-campus and off- campus if the Dean of Students determines that the alleged conduct may adversely affect Bucknell's interests as a campus community.

1. The Dean of Students may require a Student to provide relevant information regarding any off-campus conduct, including citations or law enforcement reports, in order to evaluate the impact of off-campus conduct on the campus community.
2. Students are responsible for the activities that occur in their assigned residence hall rooms and their shared living/common spaces in residence halls.
3. All assigned occupants of a room, suite, apartment or modular may be subject to the same outcome as a student resident who directly engages in misconduct.
4. All residents of an off-campus residence may be subject to the same outcome as the individual off-campus student resident(s) who directly engages in misconduct.

D. Online Conduct - The Code applies to misconduct engaged online, in email or through other electronic mediums or platforms.

E. Violations of the Law and the Code - Bucknell has an interest in Student conduct that is distinct from civil and criminal authorities and may proceed under the Code regardless of whether related civil or criminal proceedings are pending. Bucknell may report conduct to criminal and civil authorities when appropriate with specific consideration given to legal requirements related to confidentiality and circumstances of the conduct.

F. Misconduct Subject to Other Policies -

1. Classroom disruption and interference or obstruction of academic programs are typically managed by University faculty under the leadership of the University Provost. Faculty may refer conduct in violation of the Code to the Dean of Students.
2. Academic misconduct and associated failure to comply are subject to the Academic Responsibility Policy.
3. Misconduct prohibited under the University's Sex Discrimination, Sexual Misconduct, Relationship Violence & Stalking Policy are resolved in accordance with the processes set forth in that policy and should be reported directly to the University Title IX Coordinator.

G. Disability Accommodations in the Conduct Process – Students with disabilities who require an accommodation in order to fully participate in the Conduct Process should seek reasonable accommodations to participate in the Conduct Process from the Office of Accessibility Resources.

H. Disciplinary Records and other Records of the Conduct Process - Documents created and maintained as part of the Conduct Process are subject to the protections of the Family Education Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. Disciplinary records are generally not disclosed without student consent; however, FERPA does provide specific exceptions for disclosure of disciplinary records in certain circumstances.

1. Individual Student disciplinary files, including a Student's Conduct History are maintained in the Office of the Dean of Students for seven (7) years following a Student's last date of attendance, except that the University will maintain a permanent disciplinary record for any Student who is expelled.

2. Student Organization and Student Group disciplinary files are maintained permanently in the Office of the Dean of Students.
 3. Audio recordings of Community Conduct Board and Administrative Reviews are maintained through the end of the Conduct Process and then immediately destroyed.
- I. **No Degree Conferred While Discipline Pending** – A Student will not be awarded a degree or permitted to participate in commencement while an investigation of misconduct or Conduct Process is on-going without the express written consent of the Dean of Students. The decision of the Dean of Students is final and cannot be reviewed by any other University official.
- J. **Communication with Students** – The Office of the Dean of Students will communicate with Students through their official University email address. Students are expected to monitor their University email on a regular basis. Contact with Student Organizations and Student Groups will be delivered to the email address for the Student leaders of the organization or group.

Definitions:

"**Adviser**" means a current member of the Bucknell faculty, administration, staff or student body who is selected by a Respondent and has agreed to help a Student at any phase of the investigation and/or Conduct Process.

- a. An Adviser may not be involved in the incident being considered in the investigation and/or Conduct Process, may not be directly related to the Respondent or Complainant, and not be a licensed attorney.
- b. An Adviser may not speak on behalf of the student being assisted or otherwise address witnesses or other hearing participants, including the Student Conduct Administrator, an Administrative Reviewer or Community Conduct Board members.
- c. An Adviser may be dismissed from the Conduct Process at any time at the sole discretion of the Dean of Students for actions not consistent with their role, or otherwise disruptive actions.
- d. An Adviser must be identified by a student no less than twenty-four (24) hours prior to the phase of the investigation or Conduct Process for which the Adviser will be present. The Conduct Process will not be scheduled to accommodate the availability of an Adviser.

"**Community Conduct Board (CCB)**" means a panel of trained students and employees who are convened for the purpose of reviewing alleged violations of the Code and if applicable, to determine appropriate outcomes. CCB panels are composed of three (3) members, normally including one (1) student and two (2) University employees. The composition of a CCB may be adjusted at the discretion of the Dean of Students to provide a timely hearing.

"**Complainant**" means any individual who claims to have been aggrieved by student misconduct.

"**Conduct History**" means the record of violations of Community Conduct Expectations for which a Student has been found responsible, maintained in the Office of the Dean of Students.

"**Conduct Process**" means the procedures outlined in the Code to consider whether a Student or Student Organization or Student Group has violated the Code, and whether outcomes should be assigned.

"**Day**" means Monday through Friday during regular University business hours (8:30a.m. to 4:30 p.m.).

"**Finding**" means the outcome of a conduct case and the conclusion of whether a Student will be found responsible or not responsible for a violation of the Code.

"**Preponderance of the Evidence**" means the standard of review in the Conduct Process that evaluates whether misconduct is more likely than not to have occurred.

"**Misconduct**" means conduct that violates the Community Conduct Expectations set forth in the Code.

"**No Contact Order**" means an administrative directive issued by the Dean of Students or a designee prohibiting contact between individuals.

"**Outcome**" means educational tools or statuses meant to promote learning, growth, and accountability, issued when a Respondent is found responsible for misconduct.

"**Respondent**" means a Student, Student Organization or Student Group identified as possibly having engaged in misconduct.

"**Student**" means an applicant who has been offered admission to the University through the official award of their degree or the date of official withdraw from the University.

"**Student Conduct Administrator (SCA)**" means the individual assigned by the Dean of Students to oversee the Conduct Process. The SCA investigates alleged misconduct and follows the Conduct Process to consider alleged misconduct.

"**Student Code of Conduct (Code)**" means this University policy which sets forth standards of conduct and processes for addressing reported violations of those standards.

"**Student Organizations and Groups**" means Student groups that have achieved the status of a recognized student organization, or are organizing to apply for recognition, through Bucknell Student Government and Campus Activities, and student groups sponsored by University departments.

Policy:

I. The Authority of the Dean of Students

The Code is enforced and administered under the authority of the Dean of Students who delegates certain responsibilities related to the Conduct Process to other employees in Student Affairs.

- A. Nothing in the Code affects the inherent authority of the University to take actions as are appropriate to further the educational mission of the University, to protect the safety and security of the University community, to preserve University property, or to address a situation that poses an on-going threat of disruption, or interference with, the normal operations of the University.
- B. The Dean of Students retains authority to vary procedures and timeframes in the Code as necessary

to ensure the prompt, fair, and/or equitable resolutions of complaints of misconduct.

- C. The Dean of Students has specific authority to designate employees in Student Affairs, or individuals in other capacities as may be required, to investigate complaints or to otherwise administer the Conduct Process. The authority of the Dean of Students may be exercised without formal designation.

II. Community Conduct Expectations and Prohibited Conduct ("Misconduct")

Students, Student Organizations and Student Groups may receive action for engaging or attempting to engage in conduct prohibited by the Code as described below and referred to throughout this Code as "Misconduct." The list is not all inclusive but is illustrative of conduct that may fall below University expectations and may expose a Student, Student Organization or Student Group to disciplinary action and possible outcomes.

- A. Failure to act in a manner that reflects personal and intellectual honesty.
1. Providing, possessing or using false information, including furnishing false information to any University official, law enforcement officer or emergency response/medical personnel, faculty member, department or office; forging, altering or misusing any University document, record or instrument of identification; or assuming the name of a University official, faculty member or another student.
 2. Knowingly being in the presence of violations of the Student Code of Conduct, University policies or law.
- B. Failure to act in a manner that reflects maturity, social responsibility and respect toward the person and property of others.
1. Engaging in conduct that threatens the health or well-being of another.
 2. Intentionally or recklessly causing physical harm or abuse, injury, constraint on another's physical movement or threat of harm toward another person.
 3. Harassment, which includes engaging in conduct that, in the view of a reasonable person, has the purpose or effect of creating an intimidating or hostile educational, work or living environment.
 4. Bullying and cyberbullying, which generally involves an imbalance of power, with an intent to intimidate, threaten and/or cause emotional and/or physical harm. Cyberbullying may encompass any form of technology.
 5. Hazing, as defined by the University's Antihazing policy.
 6. Violation of local, state, or federal law, or campus policies, related to fires and fire hazards including, but not limited to:

- a. Intentionally or recklessly causing a fire which causes injury or damages any University, personal or public property.
- b. Failure to evacuate a University-controlled building during a fire alarm.
- c. Tampering with, covering, disabling, or otherwise damaging fire safety equipment, including fire alarms, door stoppers, smoke detectors, and fire extinguishers, and hanging items from sprinkler heads.
- d. Improper use of, or blocking of, emergency exits, fire escapes, rooftops, windows, hallways and other means of ingress/egress. Using windows as entrances to or exits from buildings. Throwing or pouring items or objects from windows. Displaying or hanging any items, including banners, from roofs, windows or the exterior of buildings without prior university approval.
- e. Disorderly conduct, including any behavior that obstructs or disrupts the regular or normal functions of the University or surrounding community, breaches the peace or violates the rights of others. Specific misconduct includes but is not limited to:
 - i. Excessive noise.
 - ii. Lewd or indecent conduct.
 - iii. Throwing, dropping, or projecting any object or substance that has potential to cause damage to property, injury or disruption.
 - iv. Intentionally and inappropriately interfering with others' freedom of expression or movement.
 - v. Interfering with a University activity.
- f. Possession or storage, even if legally owned, of weapons, explosives, fireworks, ammunition, hand-held torches, or other materials. Specific violations of this policy include but are not limited to, the possession of, use of or threat with any of the following items:
 - i. Any deadly weapon, defined as an instrument, item or material readily capable of causing death or serious physical injury;
 - ii. Any firearm (including any weapon or instrument from which a shot, projectile or other object may be discharged by force, whether operable or inoperable, loaded or unloaded) or ammunition;
 - iii. Any BB gun, pellet gun, air rifle, paint gun or toy gun which, based on color, design or appearance, would be considered by a reasonable person to be an actual firearm;
 - iv. Any sword (whether decorative or not) or other martial arts weapon;

- v. Any knife (other than an ordinary pocket knife carried in a closed position, with a blade of three inches or less or cutlery of a reasonable size, when used in a kitchen or other food preparation area); or
- vi. Any explosive chemical or device including a substance or a combination of substances possessed or prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, including fireworks, combustible engines and illegal or potentially dangerous chemicals

(NOTE: Possession of a license to possess or use any of the above items shall not constitute a defense of any violation of this section.)

- 7. Theft, misuse or damage to the property or belongings of another individual, group or entity, including unauthorized use of the University's corporate name, logo, marks or symbols, as well as other copyright violations.
 - h. Unauthorized possession, duplication or use of keys or BU ID cards for any University premises, or unauthorized entry to or use of University premises.
 - 8. Any violation motivated by the race, gender identity or expression, sexual orientation, religion, national origin, disability or other protected characteristic of another individual or group constitutes a violation in addition to the original underlying violation.
 - 9. Trespassing, which includes an unauthorized entry on or in University owned or controlled property.
 - 10. Public nudity, public urination or defecating in a place other than a restroom.
 - 11. Illegal gambling.
 - 12. Recording another person without consent.
 - 13. Planning, encouraging, assisting, facilitating or being accessory to any misconduct.
- C. Failure to act in a manner that reflects respect for one's own health and well-being, or, with regard to drugs and alcohol, that of others.
- 1. Engaging in conduct that threatens the health and safety of oneself and/or others.
 - 2. Engaging in irresponsible, unsafe or otherwise improper conduct involving drugs or controlled substances on or off campus, including by the:
 - a. Use, possession or distribution of illegal drugs or controlled substances or drug paraphernalia.
 - b. Unauthorized possession, misuse, manufacturing, adulteration or redistribution of prescription or other legal drugs, synthetic drugs or household products.
 - 3. Engaging in irresponsible, unsafe or otherwise improper conduct involving alcohol on or

off campus (except as specifically indicated below), including by:

- a. Purchasing, possessing, consuming or being under the influence of alcoholic beverages under 21 years of age.
- b. Serving, distributing, furnishing or otherwise providing alcohol to individuals under 21 years of age.
- c. Hosting, facilitating or otherwise participating in drinking games.
- d. Using devices or engaging in physical activities/actions designed for the rapid consumption of alcohol (e.g. funnels, beer bongs, etc.).
- e. Effecting excessive and/or other harmful consumption of alcohol through peer pressure or subterfuge.
- f. Serving or consuming alcohol from common-source containers (e.g. kegs, barrels, pails, punch bowls, etc.), except when expressly authorized by the University.
- g. Possessing alcoholic beverages in areas on campus other than where expressly permitted by University policy, including in the room of an underage student, in the public or similar common areas of residence halls and other university buildings, outdoors on campus, etc.
- h. Hosting, facilitating or otherwise participating in on-campus events or parties involving alcohol that have not received required University authorization.
- i. Level of intoxication representing a danger to personal health or safety.
- j. Public drunkenness.
- k. Open alcohol containers in public areas.
- l. Operating a vehicle or machinery while under the influence of alcohol and/or drugs.

D. Failure to act in a manner that reflects respect toward the policies, procedures and laws that are in place to maintain and support community standards at the University and beyond.

1. Failure to comply with University policy, agreements and/or the directions of University officials, law enforcement officers or emergency response/medical personnel acting in performance of their duties or to identify oneself to these persons when requested to do so.
2. Contempt of the Conduct Process, including by:
 - a. Failing to attend a meeting during the Conduct Process.
 - b. Falsifying or misrepresenting information before a Student Conduct

- Administrator or Community Conduct Board panel or instituting a student conduct report in bad faith.
- c. Discouraging an individual's proper participation in, or use of, the Conduct Process, or retaliating against an individual bringing a complaint, or participating in an investigation or hearing, in good faith.
 - d. Failing to comply with sanctions imposed under the Code.
3. Engaging in any activity as an unrecognized student organization including recruitment activity, contribution of funds for any purpose or any activity intended to perpetuate or otherwise engage in activities as an actual or prospective member of a Student Organization or Group that was previously recognized by the University but is no longer recognized or that has a membership and purpose that is substantially identical to a Student Organization or Group that was previously, but is no longer recognized as a Student Group or Organization, even if operating under a different name.
 4. Violating any University policy, rule or regulation published in hard copy or available electronically on the University website.
 5. Violating any federal, state or local law.

III. Authority to Initiate Emergency Measures

The Dean of Students may exercise authority in emergency situations or extraordinary circumstances to address concerns regarding the health and safety of a Student or members of the University community or to protect University property. Emergency Measures include:

- A. **Temporary Rules and Regulations** – The Dean of Students may issue temporary rules and regulations as necessary and appropriate to supplement the Community Conduct Expectations set forth in the Code. Temporary rules and regulations will be published and made available to Students as soon as possible and shall remain in effect until officially withdrawn. (Examples of temporary rules include health and safety guidelines established to mitigate the spread of virus.)
- B. **Interim Suspension of a Student** – A Student may be immediately removed from all or part of the campus and suspended pending the outcome of the Conduct Process when the Dean of Students reasonably believes that the Student's continued presence endangers the safety and well-being of the Bucknell community, to protect the Student's own physical health or emotional well-being and safety, to protect University property or if a Student poses an on-going threat of disruption or interference with the normal operations of the University. The resolution of underlying misconduct will occur at the earliest feasible time in accordance with the Conduct Process.
- C. **Interim Suspension of Student Organizations or Student Groups** – The Dean of Students may direct a Student Organization or Student Group to cease all activities, meetings, programs and representation as a Student Organization or Student Group, during an investigation or while the Conduct Process is pending when the Dean of Students reasonably believes that the Student Organization or Student Group's continued operation endangers the safety and well-being of the

Bucknell community, or to protect any Student's own physical health or safety. The resolution of the underlying misconduct will occur at the earliest feasible time in accordance with the Conduct Process.

- D. **Emergency Removal from Housing** – The Dean of Students may require the immediate removal of a Student(s) from University housing until underlying misconduct is resolved.
- E. **No Contact Orders** – The University may issue a directive to cease all communication and contact with one or more individuals for a specified period when the University reasonably believes the directive is necessary to protect the health, safety, or welfare of any member of the University community, including to prevent retaliation or harassment. The directive prohibits the Student from communicating or contacting the identified individual(s) through in-person, written, electronic, social media, third-party, or other means, except as set out in the No Contact Order.
- F. **Loss of Privileges (housing, parking, participation in University ceremonies, including but not limited to commencement)** – Residing in University housing, parking on campus, and participation in University ceremonies, including commencement and other senior ceremonies, are privileges granted to Students that can be withdrawn at the discretion of the Dean of Students without formal process. The Dean of Students may revoke Student privileges while an investigation of misconduct is ongoing or pending the outcome of the Conduct Process without any requirement for formal process of review.

IV. Reporting and Investigating Allegations of Misconduct

- A. **Reporting Misconduct** – Reports of misconduct should be referred to the Office of the Dean of Students who shall have authority to investigate reported misconduct and to refer Students to the appropriate process for review of alleged misconduct.
 - 1. Reports may be filed by any member of the University community, or by individuals outside the University community, including by law enforcement or other institutions of higher education. Individuals who report alleged Misconduct will be considered Complainants for purposes of the Conduct Process.
 - 2. To the greatest extent possible, reports alleging misconduct should include the identity of the Student alleged to have engaged in misconduct, the date of the violation, and the nature of the violation.
 - 3. Misconduct constituting a potential violation of state or federal law may also be referred to Bucknell Public Safety to consider criminal charges based on campus conduct or to local law enforcement in a relevant jurisdiction based on off- campus conduct.
 - 4. The Student Conduct Administrator (SCA) will review all reports of alleged misconduct without regard to any related arrests, pending criminal charges or civil proceedings to consider possible violations of the Code.
- B. **Investigating Misconduct** – The SCA will conduct a full and fair investigation of alleged misconduct including interviews with any relevant witnesses and review of any relevant documents to determine

whether there is reasonable cause to believe that a particular Student, Student Organization or Student Group may have engaged in misconduct.

1. Any Student called to provide information as part of a misconduct investigation is expected to cooperate. Students may be assisted by an Adviser during the investigation.
2. The SCA may dismiss a complaint for lack of sufficient information or if the alleged conduct does not fall within conduct prohibited by the Code.
3. If a Complainant declines to participate in an investigation, the SCA may still proceed if sufficient information is available independent of the Complainant.
4. If the SCA determines that Interim Measures should be implemented at any time during the investigation, notice of such Interim Measures must be provided to the Respondent in a timely fashion.

V. Medical Amnesty

- A. The University encourages students to seek and/or call for assistance for themselves or others when the student caller or another student appears to need medical assistance due to alcohol and/or drug use. The Student placing the call and the Student for whom the call was made will not be subject to the Conduct Process for alcohol or drug violations. A call for assistance should be made promptly to:
1. Bucknell Public Safety,
 2. Local law enforcement including the Buffalo Valley Regional Police,
 3. 911 Emergency,
 4. The Student Affairs staff on call,
 5. The Residential Adviser (RA) for incidents in residence halls.
- B. Medical Amnesty may be available for Student Organizations and Groups that seek immediate medical assistance for their members or guests when any potential health risk is observed, including medical emergencies related to the consumption or use of alcohol or drugs. Student Organizations and Groups can and will be held accountable for any other violations of the Code related to the incident (e.g., hazing, endangering the safety of others). A Student Organization or Group that fails to seek assistance for a member or guest in need may be reviewed for possible violation of the Code for endangering the safety of another Student.
- C. Students, Student Organizations or Student Groups who are granted Medical Amnesty may still be subject to any of the following consequences which will not be included in any Conduct History.
1. Referral to the Alcohol and Other Drugs Counselor through the Counseling & Student Development Center for an alcohol or other drug assessment.
 2. Referral to the University Medical Director for an assessment.

3. Emergency notice to parents or guardians.
 4. Educational opportunities to assist in avoiding future high-risk situations.
 5. A summary report of the incident to be included in the Student, Student Organization or Student Group's file in the Office of the Dean of Students.
 6. Failure to complete appointments or to follow up as prescribed could result in revocation of Medical Amnesty and referral for formal resolution.
- D. Medical Amnesty does not apply if individuals experiencing an alcohol or drug-related medical emergency are found by University employees, with the exception of student staff (e.g., RAs, Peer Advisors (PAs), Junior Fellows (JFs)).
- E. Medical Amnesty does not protect Students, Student Organizations or Groups that repeatedly violate the Code. In cases where repeated violations occur, the University may take action on a case-by-case basis regardless of the potential availability of Medical Amnesty and may impose additional consequences including additional counseling sessions, educational follow-up with University administrators and/or a full behavioral assessment which may result in a mandated Leave of Absence. The University may also take action in cases of egregious violations.
- F. Medical Amnesty does not prevent the filing of criminal charges.
- G. Medical Amnesty may not be available if a Student refuses to cooperate with emergency assistance, law enforcement or University personnel at the time of initial contact.

VI. The Student Conduct Process

Bucknell University expects Students to uphold the Standards of Community Conduct which promote and support the University's mission. When the actions of a Student, Student Organization or Student Group violate the University's community conduct expectations, those actions may be subject to one of three processes of review and resolution. The SCA has authority and discretion to refer any case

- A. **Notice of Reported Violations** – If the SCA has a reasonable basis to believe that a Student, Student Organization or Student Group may have engaged in misconduct, the SCA will provide a Notice of Reported Violations to the Student, Student Organization or Student Group including:
1. A summary of the alleged misconduct and related section(s) of the Code that may have been violated with sufficient detail to enable a Respondent to prepare a response to the allegation.
 2. A summary of any Interim Measures that may be implemented, if appropriate or necessary.
 3. Notice of the date, time, and location for the Resolution Process determined to be most appropriate based on the discretion of the SCA including a conflict resolution process when appropriate.
- B. **Resolution Processes** – At the discretion of the SCA and subject to the requirements described for

each Resolution Process, alleged misconduct may be reviewed and addressed through any of the following Resolution Processes considering factors such as the severity or community impact of the reported violation, frequency, or existence of a pattern of behavior or violation, or issues related to fairness and equity.

1. **Conflict Resolution** – The SCA has the discretion to refer a matter for mediation, a restorative justice process, or another form of conflict resolution on which community members have been trained. All parties involved in an incident of misconduct must agree to the proposed conflict resolution option and must agree to be bound by the outcome with no review or appeal. The outcome of any conflict resolution option will be maintained in the files of the Office of the Dean of Students for reference only and may be considered in any future Conduct Process. If Conflict Resolution is unsuccessful, the case will be returned to the SCA to be considered under an alternative Conduct Process. Conflict Resolution processes include:
 - a. **Mediation:** Mediation is a meeting with a third-party facilitator who helps involved parties to reach an agreement for moving forward that best meets their needs. Participation is by mutual consent of the involved parties and does not require admission of a policy violation by any involved party. When parties are unable or unwilling to meet in person but wish to participate in Mediation, a facilitator can provide “shuttle” dialogue by communicating between parties to help them reach agreement. If the involved parties are not willing or able to complete Mediation, the matter will instead be resolved formally.
 - b. **Restorative Justice (RJ):** RJ is a collaborative process that centers the voices of those involved in conflict and the input of those most harmed. A trained facilitator guides conversation between those involved, and the parties (rather than an administrator or board) decide what steps must be taken to repair the harm (articulated in an RJ agreement, which may or may not include outcomes). Participation is by mutual consent of the involved parties and does not require admission of a policy violation, though the Respondent must acknowledge that they caused harm and demonstrate willingness to repair the harm. If the harmed parties or Respondent are not willing or able to complete RJ, the matter will instead be resolved formally. Failure by the Respondent to fulfill the RJ agreement will result in referral to formal resolution.
2. **Community Standards Meeting** – A Community Standards Meeting may be convened between the SCA and Respondent in minor cases of misconduct where the outcomes of suspension, disciplinary withholding of a degree or expulsion are not under consideration. A Community Standards Meeting is not a Formal Review but has as its goal to resolve conflict, restore a Student’s relationship with the community, and to promote community trust and civility through outcomes that hold students accountable, and provide opportunities for learning and development.
 - a. The SCA will provide an overview of the incident to be discussed at the Community Standards Meeting to the Respondent in advance of the Community

Standards Meeting in sufficient time to allow the Respondent to prepare a response or to gather additional information.

- b. During the Community Standards Meeting the Respondent will have an opportunity to discuss the alleged misconduct and offer any relevant witnesses or documents in response.
 - c. A Respondent may be accompanied by an Adviser at a Community Standards Meeting but the Adviser may not speak directly to the SCA or offer information regarding an incident.
 - d. The SCA will deliver written findings of responsibility related to each violation of the Code based on a preponderance of evidence (more likely than not) standard, and an outcome based on the information discussed at the Community Standards Meeting. Findings of responsibility and outcomes imposed as a result of a Community Standards Meeting are not subject to appeal.
 - e. The SCA has discretion to end the Community Standards Meeting process at any time and to refer the alleged misconduct for review by the Community Conduct Board or an Administrative Review. Reasons for such referral may include, but are not limited to, a determination that suspension or expulsion may be an appropriate status for the alleged misconduct, or the Respondent has failed to appropriately engage in the Community Standards Meeting.
 - f. The Respondent may request the opportunity to refer the alleged misconduct for consideration by the Community Conduct Board or Administrative Review at any time prior to a final determination of responsibility by the SCA in the Community Standards Meeting Process.
 - g. The results of a Community Standards Meeting are not reported as part of a Student's Conduct History but are maintained in the Office of the Dean of Students and may be considered in the event of future misconduct. The result will become part of the reportable disciplinary record when outcomes are incomplete.
3. **Formal Review Options** – In cases not resolved through a process of Conflict Resolution, or not suitable for resolution by a Community Standards Meeting, the Dean of Students will convene a Formal Review before either an Administrative Reviewer or a Community Conduct Board. The Formal Review will operate under the standard of fundamental fairness and the process may be adjusted at the discretion of the Dean of Students in the interest of fundamental fairness. The Formal Review proceeds in the same manner before both the Administrative Review and the Community Conduct Board
- a. **Administrative Review** – An Administrative Review will be conducted by a single Student Conduct Administrator to consider:
 - i. Individual Student misconduct that may result in a status of suspension, disciplinary withholding of a degree or expulsion.

- ii. An Administrative Review may be convened at the discretion of the Dean of Students if a Community Conduct Board cannot be convened in a timely fashion, or if a Community Conduct Board may not be able to provide a fair and equitable hearing process.
 - b. **Community Conduct Board (CCB) Review** – A CCB will be convened to consider individual Student misconduct that may result in a status of suspension, disciplinary withholding of a degree or expulsion, especially when the misconduct may have significant community impact.
 - i. On an annual basis, the Dean of Students will appoint a pool of trained faculty, staff, administrators, and students to serve upon appointment as members of a CCB. The Dean of Students may remove a member of the CCB for any reason. Members of the CCB will be trained annually.
 - ii. Student members of the CCB will be selected based on an application and interview process. Student CCB members, insofar as possible, will reflect the student population at Bucknell. Faculty and staff members of the CCB will be solicited by nomination.
 - iii. When a CCB Review will be convened to consider alleged misconduct, the Dean of Students will appoint one (1) student and two (2) University employees to serve on a CCB panel. The Student Conduct Administrator will provide CCB members the names of the Respondent(s). CCB members who present actual bias regarding Students involved in a CCB Review or the related incident are expected to recuse themselves from serving prior to the CCB Review. The makeup of a CCB panel may be adjusted at the discretion of the Dean of Students to ensure a timely review and/or in the interest of fairness.
 - iv. If the timing of a CCB Review presents challenges to convene members of the CCB, the Dean of Students may appoint other members of the University community who are reasonably available to serve on a CCB Review panel. The Dean of Students may also defer a Conduct Process until such time as an adequate number of CCB members are available to proceed.
 - v. Prior to the start of any CCB Review, the SCA will appoint a CCB panel Chair from one of the University employees appointed to the panel.
- C. **Formal Review Process** – The Administrative Review and the CCB Review are convened to determine, based on a preponderance of evidence, whether a Respondent's actions constitute a violation of the Code and, if so, the appropriate outcome. Formal Reviews are closed processes, and only those participating in the Formal Review are permitted to be present at appropriate times during the Formal Review.

- 1. **Consideration of Bias** – Prior to a Formal Review, a Respondent may request the

substitution of an individual appointed to a CCB based on a concern of actual bias. "Actual bias" may exist if an appointed CCB member cannot fairly and impartially render a decision. The evaluation of actual bias is reserved to the challenged CCB member. CCB members must recuse themselves from service as an appointed member if they have a specific and actual bias related to any student involved in a CCB Review or an incident in question.

2. **Order** – Formal Reviews will typically proceed in the following order, subject to the discretion of the Student Conduct Administrator or the CCB panel Chair who may alter the order or manner in which information is heard or presented and may impose time limits on any stage of the process. The Student Conduct Administrator or CCB panel Chair may adjourn the Formal Review when deemed appropriate to reach a full and fair understanding of the facts.
 - a. Introductions
 - b. Presentation of alleged violations by the SCA/CCB
 - c. Opening statement by the Respondent
 - d. Presentation of information and questions by the SCA/CCB
 - e. Respondent's presentation and questions
 - f. Respondent's closing statement
 - g. Reviewer deliberations (SCA/CCB only)
3. **Recording** – The Formal Review will be recorded through the end of the Respondent's closing statement. The deliberations of the Administrative Reviewer and the CCB are private and are not recorded. All recordings will be destroyed at the conclusion of the Review and Appeal Process (if applicable).
4. **Witnesses** – The Administrative Reviewer or CCB panel Chair may request the presence of any witnesses with relevant information about an incident. The Respondent may also present relevant material witnesses to offer information related to an incident on their behalf.
 - a. The Respondent should provide the SCA with the names of all witnesses who they wish to present evidence on their behalf and a summary of the information to be offered no fewer than three (3) days prior to a Formal Review. The names of witnesses will be provided to the Administrative Reviewer or the CCB prior to the Formal Review.
 - b. The Student Conduct Administrator and the CCB panel Chair may determine whether, and to what extent live witnesses will be permitted to participate, including considering whether information will be relevant or cumulative.
 - c. The Complainant and other live witnesses may only be present in the Formal

Review while they are providing information as part of the Student Conduct Administrator or CCB Review.

5. **Presentation of Information** – The Formal Review provides an opportunity for Students to be heard in response to allegations of misconduct but Formal Reviews are not trials and do not follow formal rules of procedure or evidence.
 - a. Respondent will not be permitted to cross-examine witnesses. Questions may be submitted to the Student Conduct Administrator or CCB panel Chair for inquiry to witnesses. The Student Conduct Administrator and CCB panel Chair retain discretion to determine which questions will be asked, altered or omitted.
 - b. The Administrative Reviewer and CCB panel Chair will determine the relevancy of evidence and will assign the appropriate weight to evidence in their decision making.
6. **Determination of Outcomes** – After a Formal Review is completed the Administrative Reviewer or CCB will deliberate in private to consider whether a Student is responsible for the alleged misconduct and, if the Student is responsible, the appropriate outcome.
 - g. **Notice of Outcome** – No more than five (5) days after the conclusion of a Formal Review, the Student Conduct Administrator or CCB will provide the Respondent a written Notice of the Outcome of the Formal Review including findings of responsible or not responsible for each alleged violation of the Code and any outcomes.

D. Appeal to the Dean of Students –

1. Any Respondent found responsible for a violation by Administrative Review or Community Conduct Board may appeal the outcome by submitting a written Notice of Appeal to the Dean of Students no later than 4:30 p.m., five (5) days following written Notice of Outcome.
2. Appeals will only be reviewed based on one or more of the following grounds and the Respondent must identify the grounds for the appeal and any supporting argument in the Notice of Appeal submitted to the Dean of Students:
 - a. There is new relevant information that would have significantly affected the finding of a review and was not available at the time of the original decision;
 - b. There was a procedural error that likely would have significantly affected the finding of a review; or
 - c. The outcomes imposed were substantially disproportionate to the findings.
3. An appeal is not an opportunity to reconsider all information as part of the Review, but is an opportunity for the Respondent to specifically state grounds for appeal and present information to support the grounds for appeal.
4. The Dean of Students may request additional information from the Student Conduct Administrator or the CCB in considering an appeal.

5. The Dean of Students will typically provide a written decision on the Respondent's appeal within ten (10) days.
 - a. If the Dean of Students finds that previously unavailable relevant information likely would have significantly impacted the finding of the Formal Review, the Dean of Students will return the case to the Administrative Reviewer or the CCB with direction to reconvene to consider the information and to render a determination considering the new information.
 - b. If the Dean of Students finds that a procedural error likely would have significantly impacted the finding of a review, the Dean of Students will request the convening of a new Administrative Review or CCB.
 - c. If the Dean of Students finds the outcomes imposed to be substantially disproportionate to the findings, the Dean of Students may revise the outcome or order a new Formal Review solely for the purpose of determining an outcome.
6. The Vice President for Student Enrollment, Engagement & Success will fill the Dean of Students' role in any appeal where the Dean of Students is not available or has served as the Student Conduct Administrator.
7. The decision of the Dean of Students is final except in the case of expulsion which may be appealed to the University President.

E. Appeals to the University President – A decision of the Dean of Students upholding an expulsion may be appealed by written notice to the University President.

1. A written notice of appeal setting for the grounds for the appeal must be delivered to the University President within three (3) days of the Dean of Students' decision.
2. The University President will notify the Respondent and Dean of Students of the decision on appeal within ten (10) days.

VII. Outcomes

Students found responsible for misconduct through the Conduct Process may be subject to Educational Outcomes that are imposed as an educational opportunity for Students, Student Organizations and Student Groups to make them aware of the effects of their behavior and to invoke change in future decision making and/or Disciplinary Statuses that are more accountability-based in nature. The outcome imposed is dependent upon the finding of misconduct and past Conduct History. If an outcome becomes unavailable (e.g. between the time of assignment and the Respondent's completion of the outcome), the Student Conduct Administrator may substitute a comparable outcome. Misconduct found to have been motivated by bias may result in more severe outcomes. A student or organization that fails to fulfill an outcome may be subject to additional action and the escalation of outcomes, including up through suspension, and delay of housing selection, registration, or graduation, because of that failure.

A. Educational Outcomes – Educational outcomes are typically not included on a Student's Conduct History, but a record of an Educational Outcome is maintained in the Office of the Dean of Students

and may be considered in cases of subsequent misconduct. Options for Educational Outcomes include:

1. **Types of Educational Outcomes** – The Student Conduct Administrator may assign Educational Outcomes to a Student that may include but are not limited to the following:
 - a. Notice to parents or guardians.
 - b. Assigned research or reflection essays to educate the Student on a particular topic relevant to the misconduct, or to reflect on the violation and its consequences.
 - c. Fees or restitution for loss, damage or expenses incurred as a result of the Student's behavior.
 - d. Service in the University or local community.
 - e. Letter of apology to the individual, entity or organization impacted by the misconduct.
 - f. Participation in educational programming, including alcohol and other drug workshops, evaluations, assessments, online assessments, or reflection activities.
 - g. Meeting with a University administrator.
 - h. Referral to the Medical Director of Bucknell Student Health and/or Director of the Counseling & Student Development Center.
 - i. Restricted access to specific on-campus locations.
 - j. Change in housing assignment or academic schedule.
 - k. Loss of privileges, including housing, parking, participation in student organizations or groups or attendance at University events.
 - l. Restricted contact with specified members of the campus community.
2. **Student Organization or Group Educational Outcomes** – The Student Conduct Administrator may assign Educational Outcomes to a Student Organization or Group that may include but are not limited to the following:
 - a. National/International office and/or Adviser notification.
 - b. Fees or restitution for loss, damage, or actual expenses incurred as a result of the organization's behavior.
 - c. Meeting with a University administrator.
 - d. Fees or restitution for loss, damage or actual expenses incurred as a result of the Student's behavior.

- e. Participation in educational programming, including alcohol and other drugs workshops, evaluations, assessments, online assessments, or reflection activities.
- f. Service within the University or local communities.
- g. Letter of apology to the individual, entity or organization impacted by the prohibited conduct.
- h. Social event restrictions which prohibit the organization from sponsoring any activity for a specified period, and/or specifying which activities may and may not be held.
- i. Alcohol-free housing, including all individual student rooms and common rooms.
- j. Removal of specific members from the organization.
- k. Mandatory educational programs for members.
- l. Loss of privileges for a specific period, including housing, university space reservations, new member recruitment, activity participation and event attendance.

B. Disciplinary Statuses – Disciplinary Statuses are noted on a Student’s conduct record in the Office of the Dean of Students. Students may also be subject to educational outcomes in addition to the Disciplinary Status.

1. **Disciplinary Warning** – A written statement of a Student’s responsibility for misconduct with the caution that future misconduct may result in more serious outcomes. Disciplinary Warnings are reflected in a Student’s Conduct History.
2. **Disciplinary Probation** – A timeframe during which any further misconduct may result in more serious Disciplinary Outcomes than would be typical due to probationary status.
3. **Suspension** – Separation from the University for a period no less than the remainder of the current semester and no more than seven (7) semesters. Suspensions may be effective immediately or at a later date. During the period of suspension, the suspended Student may not be present on campus without written permission from the Dean of Students. Requests to be present on campus must be submitted at least seven (7) days in advance to the Dean of Students and the decision of the Dean of Students is final. During the period of suspension, the Student will not be permitted to participate in any official University activities or events, including commencement. No academic credit may be earned during a period of suspension and academic credits earned during the period of suspension at another institution will not transfer to Bucknell. Students who are separated through Suspension or Expulsion have no more than 24 hours from the date of their disenrollment to vacate the campus.
 - a. A student may apply for reinstatement to the University for the semester after their suspension period by contacting the Dean of Students in writing. In their

written request for reinstatement, students should discuss how they spent their time away from the University, how they have addressed the behavioral concern that resulted in their suspension, and how they will be successful upon return. Any supporting documentation that is required as a condition of their reinstatement must also be included. Requests for reinstatement must be received before June 1 for a fall semester reinstatement, before November 1 for a spring semester reinstatement, and before March 1 for a summer session reinstatement. Additionally, the Dean of Students may refer students applying for reinstatement for a Behavioral Assessment if a more comprehensive assessment of the student's eligibility for return is required. A student seeking reinstatement may not apply for housing or register for classes until after the last semester of their suspension has concluded.

- b. Record of a Student's Suspension is maintained in the Office of the Dean of Students for a period of seven years after the student's last enrollment. Disciplinary Suspension is not indicated on a Student's academic transcript.
 - c. Students found responsible for two (2) incidents of misconduct related to alcohol or drugs may be suspended for a minimum of one semester regardless of prior Conduct History. Exercise of discretion to suspend based on repeated findings of responsibility for misconduct related to drugs or alcohol depends on the magnitude and seriousness of the violations.
4. **Expulsion** – Permanent separation from the University. An expulsion is effective immediately and no academic credit may be earned for the semester in which an expulsion is imposed. Students who are separated through Suspension or Expulsion have no more than 24 hours from the date of their disenrollment to vacate the campus. Record of a Student's expulsion is maintained in both the Office of the Dean of Students and the Office of the University Registrar.
5. **Disciplinary Withholding of Degree** – The conferring of an academic degree may be postponed as a disciplinary outcome if the following criteria are met:
- a. The Respondent is a senior who would otherwise meet the criteria to graduate.
 - b. The outcome of probation, deferred suspension or suspension might otherwise be imposed.

A Student may be permitted to remain on campus to complete the academic requirements for their degree but conferral of the degree will be postponed until no earlier than the next regularly scheduled commencement exercise after the one in which the student would have participated and may be withheld permanently in extraordinary cases.

6. **Revocation of Degree** – The University President may recommend the revocation of an awarded degree to the Board of Trustees if the following criteria are met:

- a. The Respondent has already been awarded a Bucknell degree; and,
- b. The status of expulsion or suspension might otherwise be imposed for alleged misconduct; and,
- c. The information leading to the allegation did not come to light until after the conferring of the degree, but the misconduct occurred before the degree was conferred.

Only the Board of Trustees may revoke a degree in accordance with a process established by action of the Board of Trustees. If the Board of Trustees does not uphold the outcome of revocation, the case against the Student will be considered dismissed.

C. Disciplinary Statuses for Student Organizations or Groups – Student Organizations or Groups found responsible for misconduct by virtue of the conduct of any number of their members will be subject to at least one of the following disciplinary statuses.

1. Assigned outcomes will take into consideration the nature and impact of the misconduct. Individual members may also be found responsible and subject to separate Disciplinary Statuses or Outcomes for Students based on the same Conduct Process or an individual Conduct Process as determined by the Dean of Students considering issues of fairness, equity and timeliness.
 - a. **Disciplinary Warning** – A written statement of a Student Organization or Group’s responsibility for a violation of the Code with the caution that future misconduct may result in more serious outcomes.
 - b. **Disciplinary Probation** – A timeframe during which a Student Organization or Group’s behavior is under University review. This status implies that any further misconduct may result in more severe disciplinary action than would typically be the case given probationary status.
 - c. **Suspension** – The loss of official University recognition for a period, including the loss of the privilege to use the University name, to operate at the University, or to represent the University in any capacity during the period of suspension. Suspensions may be effective immediately or at a later date. Student Organizations or Groups seeking reinstatement following a period of suspension must schedule a meeting with the Dean of Students to discuss the formal process for re-recognition. Additional requirements may be imposed at the time of suspension as a condition for reinstatement in good standing. Suspension for Student Organizations or Groups will be imposed for full academic years and not semesters.
 - d. **Termination** – The permanent loss of University recognition, including the permanent loss of the privilege to use the University name or to represent it in any capacity, or to use University equipment, facilities or resources.

VIII. Amendment of the Code

The Code is reviewed annually under the direction of the Dean of Students but may be amended at any time as needed. Changes to the Code will be posted to the Dean of Students website and all students will be subject to the Amendments immediately upon posting on the University website. Lack of familiarity with posted changes to the Code will not excuse misconduct.

Related Documents:

[AntiHazing Policy](#)



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