

Jurisdiction and Venue

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 (federal question) and the Civil Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988.

2. Venue is proper in this district pursuant to U.S.C. § 1391(b) in that Defendants reside in this district and all of the acts described in this Complaint occurred in this district.

The Parties

3. Plaintiff John Doe is a junior at the University and is a member of at least one expressive student organization at the University.

4. Plaintiff Jane Doe is a senior at the University and is a member of at least one expressive student organization at the University.

5. Defendant Shippensburg University is a public university organized and existing under the laws of the State of Pennsylvania.

6. Defendant Anthony F. Ceddia is the President of the University.

Factual Background

A. The University's Speech Codes

7. Student life for undergraduate students at the University is governed in part by two primary documents, the University's Catalog and the University's Student Handbook, also called the "*Swataney*." Together, these documents contain

comprehensive student conduct guidelines that regulate the bounds of permissible speech and expression on campus and regulate the conduct of expressive student organizations. These guidelines will be referred to throughout this Complaint as the University's "speech codes."

8. The University's Catalog purports to prohibit "racism/ethnic intimidation and harassment." The Catalog contains the following statement:

It shall be the unequivocal position of Shippensburg University to prohibit racism/ethnic intimidation and harassment. Shippensburg University is committed to cultural diversity, social justice, and equality. Racism shall be defined as the subordination of any person or group based on race, color, creed, or national origin, communicated through words, attitudes, actions, and/or gestures. Harassment shall be defined as unsolicited, unwanted conduct which annoys, threatens, or alarms a person or group.

It shall be a violation of this policy for any person or group to maliciously intend to engage in any activity (covert or overt) that attempts to injure, harm, malign, or harass, and has for its purpose the subordination, intimidation, and/or harassment of a person or group based on race, color, creed, national origin, sexual preference, handicap or age.

Shippensburg University is committed without qualification to all aspects - moral, legal, and administrative - of racial and cultural diversity. As an institution of higher learning, we are dedicated to the widest possible diversity among our students, faculty and staff. Shippensburg University's commitment to racial tolerance, cultural diversity, and social justice will require every member of this community to ensure the principles of these ideals be mirrored in their attitudes and behaviors.

9. The University's Racism and Cultural Diversity policy set forth in the Catalog is supplemented by admonitions regarding the "continuing presence of unconscious attitudes toward individuals which surface through the use of discriminatory semantics." The University's Catalog warns students against the use of "presumptive statements" and states that a "university pledged to enlightenment" shall be "free of the semantics which imply the second class citizenship of some of its members." A copy of the University's Racism and Cultural Diversity policy and guidelines regarding nondiscriminatory language are attached as Exhibit A to this Complaint.

10. The University's Code of Conduct set forth in the *Swataney* expands on the University's Racism and Cultural Diversity Policy through several explicit rules that impact students' freedom of speech and expression. A copy of the University's Code of Conduct and Judicial Process for the Academic Year 2002-2003 is attached as Exhibit B to this Complaint.

11. In the Preamble to the Code of Conduct, the University expressly limits the academic freedom and free speech rights of its students by protecting the exercise of "freedoms necessary for the pursuit of truth and knowledge" only so long as those freedoms are not "inflammatory, demeaning, or harmful toward others."

12. The Preamble then prohibits "acts of intolerance directed toward other community members." This prohibition is "especially true, but not limited to, acts of intolerance directed at others for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or political characteristics."

13. The Code of Conduct's "Community Regulations" grant each student the "primary" right to be "free from harassment, intimidation, physical harm, and emotional abuse." These regulations further grant students a "secondary" right to "express a personal belief system" but then state that "the expressions of one's beliefs should be communicated in a manner that does not provoke, harass, demean, intimidate or harm another."

14. The Code of Conduct's statement regarding "Harassment, Intimidation and Disruptive Conduct" bars students from participating in "acts of intolerance that demonstrate malicious or demeaning intentions toward others."

15. Finally, the Code of Conduct specifically states that its provisions— as well as other University regulations (including, presumably, the University Racism and Cultural diversity policy) – apply not only to individual students but also to student organizations:

No group, or its members, shall violate any of the rules and regulations published by the University, including those comprising the student code of conduct.

16. Every undergraduate student at the University is required, in addition to paying tuition, to pay a Student Activity Fee. This fee must be paid "in advance" and varies in amount depending on the student's course load at the University.

17. For students taking more than 11 credits, the fee is \$100.00. For students taking between 7 and 11 credits, the fee is \$71.00. For students taking less than less than 7 credits, the fee is \$41.00.

18. According to the 2002-2003 edition of the *Swataney*, the Student Activity Fee is "used to fund the numerous extracurricular student activities on campus, including men's and women's intercollegiate athletics, intramural athletics, sport clubs, classes and councils, performing art groups, publications groups (newspaper [Slate], campus radio station [WSYC]), and the Activities Program Board." Additionally, upon information and belief, Student Activity Fees are used to fund recognized (or "chartered") student clubs and organizations.

19. According to the *Swataney*, chartered organizations and clubs "may be given space on the University Activities Calendar, may request funds to be allocated from the Student Association Treasury, and may request the use of the University facilities."

20. By letter dated March 25, 2003, Defendant Anthony Ceddia supplemented the above-described speech codes with a policy that limits "organized

demonstrations and rallies" and "collective expressions of opinion outside the classroom" to "certain spaces on campus."

21. These "certain spaces" are defined by President Ceddia's letter as "the area by the gazebo between the Library and Franklin Science Center and the triangular lawn defined by the sidewalks leading to the Cumberland Union Building facing Franklin Science Center." In the event of inclement weather, "demonstrators must reserve rooms through normal University procedures. A sign stating the purpose for which the room is being used must be clearly posted on the outside door."

22. Upon information and belief, any "organized demonstrations and rallies" or "collective expressions of opinion outside the classroom that do not take place in the designated areas are prohibited and violate the speech zone policy. A copy of the University's speech zone policy is Exhibit C to this Complaint.

B. The Effect of the University's Speech Codes on Plaintiffs

23. Because of the University's onerous speech codes and intolerance of any students who dissent from its orthodoxy on matters relating to – among other things – race, gender, sexual orientation, religion, creed, and political affiliations, Plaintiffs wish to protect their privacy and protect themselves from any retaliatory reactions on campus by remaining anonymous.

24. Plaintiff John Doe is an earth-science major and finds himself consistently engaged in conversations and class discussions regarding issues implicated by the speech codes and Plaintiff fears that the discussion of his social, cultural, political and/or religious views regarding these issues may be sanctionable under applicable University speech codes.

25. Additionally, Plaintiff John Doe is a member of politically-interested expressive student organization which holds (and seeks to advance) opinions and beliefs regarding issues of race, gender, religion and sexual orientation that may be objectionable or offensive to other students and sanctionable under applicable University speech codes.

26. Plaintiff Jane Doe is a political science major and finds that in her study of political science she has been and is reluctant to advance certain controversial theories or ideas regarding any number of political or social issues because those theories or ideas might be perceived as “racist,” “sexist” or “homophobic” by some students and professors, and she fears that discussion of such theories might be sanctionable under applicable University speech codes.

27. Additionally, Plaintiff Jane Doe is a member of politically-interested expressive student organization which holds (and seeks to advance) opinions and beliefs regarding issues of race, gender, religion and sexual orientation that may be

objectionable or offensive to other students and sanctionable under applicable University speech codes.

28. The University's speech codes contained in the Catalog and *Swataney* have a chilling effect on Plaintiffs' rights to freely and openly engage in appropriate discussions of their theories, ideas and political and/or religious beliefs. By adopting these speech codes, the University and Defendant Anthony F. Ceddia have violated rights guaranteed to the Plaintiffs – and to all University students – by the First and Fourteenth Amendments to the Constitution of the United States of America. These rights are clearly established by governing legal authority, and Defendants' violations are knowing, intentional and without justification.

29. The speech codes outlined above are vague, overbroad, discriminate on the basis of religious and/or political viewpoint, interfere with the right of free association, impose unconstitutional conditions on the receipt of state benefits, and constitute an illegal prior restraint on the Plaintiffs' rights of free speech and assembly. These speech codes are therefore facially invalid under both the Free Speech and Free Exercise of Religion clauses of the First Amendment. So long as these speech codes survive, the University is causing ongoing and irreparable harm to the Plaintiffs and to every student and student organization at the University.

**Count I, Violation of the Plaintiffs' Rights to Freedom of Expression
and Due Process of Law (42 U.S.C. § 1983)**

30. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 29 of this Complaint.

31. By prohibiting, among other things, “acts of intolerance” or conduct that “annoys” or “alarms” another person or group and by barring “discriminatory semantics” and “presumptive statements,” Defendants have conditioned compliance with University speech codes on the subjective emotional experience of the listener and have enacted regulations that limit and prohibit speech without providing any objective guidelines by which Plaintiffs can guide their behavior.

32. Defendants, acting under color of state law, have enacted regulations that are both vague and overbroad and have therefore deprived the Plaintiffs of their clearly established due process rights guaranteed by the Fourteenth Amendment to the United States Constitution and their clearly established rights to freedom of speech and expression secured by the First Amendment to the Constitution of the United States.

33. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury which cannot be fully compensated by an award of money damages.

34. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies. Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**Count II, Violation of the Plaintiffs' First Amendment
Right to Freedom of Expression (42 U.S.C. § 1983)**

35. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 30 of this Complaint.

36. By, among other things, "especially" prohibiting "acts of intolerance" directed at others for "ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or political characteristics," by prohibiting conduct that "has for its purpose the subordination, intimidation, and/or harassment of a person or group based upon race, color, creed, national origin, sex, sexual orientation, disability or age," and by requiring that "every member of this [University] community ensure that [University] ideals be mirrored in their attitudes and behaviors," Defendants, acting under color of state law, have explicitly and implicitly discriminated on the basis of viewpoint and deprived Plaintiffs of their clearly established rights to freedom of

speech and expression secured by the First Amendment to the Constitution of the United States.

37. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury which cannot be fully compensated by an award of money damages.

38. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies. Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**Count III, Violation of the Plaintiffs' First Amendment Right
to Free Exercise of Religion (42 U.S.C. § 1983)**

39. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 38 of this Complaint.

40. By, among other things, "especially" prohibiting "acts of intolerance" directed at others for "ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or political characteristics," by prohibiting conduct that "has for its purpose the subordination, intimidation, and/or harassment of a person or group based

upon race, color, creed, national origin, sex, sexual orientation, disability or age," and by requiring that "every member of this [University] community ensure that [University] ideals be mirrored in their attitudes and behaviors," Defendants, acting under color of state law, have suppressed Plaintiffs' religious expression and deprived Plaintiffs of their clearly established rights to free exercise of religion secured by the First Amendment to the Constitution of the United States.

41. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury which cannot be fully compensated by an award of money damages.

42. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies. Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**Count IV, Violation of the Plaintiffs' Rights to Freedom of Expression
and Due Process of Law (42 U.S.C. § 1983)**

43. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 42 of this Complaint.

44. As outlined above, University policies dictate that student organizations may be "chartered" and therefore be guaranteed access to University facilities and funds (specifically, funding from the mandatory Student Activity Fee) unless those organizations comply with the University's unconstitutionally vague, overbroad, viewpoint discriminatory regulations.

45. By failing to provide the applicable University authorities with objective standards from which it can guide its behavior, University student organization chartering and funding guidelines are unconstitutionally vague on their face and constitute an impermissible prior restraint on the Plaintiffs' speech. The University's chartering and funding guidelines deprive the Plaintiffs of their clearly established rights of free speech and expression secured by the First Amendment to the Constitution of the United States and their clearly established due process rights secured by the Fourteenth Amendment to the Constitution of the United States.

46. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury which cannot be fully compensated by an award of money damages.

47. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies.

Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

**Count V, Violation of the Plaintiffs' Right to Freedom
of Association (42 U.S.C. § 1983)**

48. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 47 of this Complaint.

49. By enacting student organization chartering and funding guidelines that are vague, overbroad and explicitly and implicitly discriminate on the basis of viewpoint, Defendants, acting under color of state law, have deprived the Plaintiffs of their clearly established right to freedom of association secured by the First Amendment to the Constitution of the United States.

50. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury, which cannot be fully compensated by an award of money damages.

51. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies. Additionally, Plaintiffs are entitled to damages in an amount to be determined by the

Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

Count VI, Unconstitutional Conditions (42 U.S.C. § 1983)

52. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 51 of this Complaint.

53. By enacting the speech-restrictive regulations outlined above and by requiring that every member of the Shippensburg community to mirror the University's policy on racism and cultural diversity in their "attitudes and behaviors," Defendants, acting under color of state, law have placed unconstitutional conditions on the receipt of state benefits -- specifically, the benefit of a higher education at a state-supported University -- and have therefore deprived the Plaintiffs of their clearly established rights to freedom of speech, expression and association secured by the First Amendment to the Constitution of the United States.

54. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury, which cannot be fully compensated by an award of money damages.

55. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies.

Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

Count VII, Unreasonable Time, Place and Manner Restrictions
(42 U.S.C. § 1983)

56. The Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 55 of this Complaint.

57. By enacting the speech-restrictive speech zone policy outlined in Defendant Anthony Ceddia's March 25, 2003, letter to the Shippensburg Campus Community, Defendants have enacted unreasonable time, place and manner restrictions on Plaintiffs' speech by, among other things, essentially destroying multiple traditional public forums for speech, restricting the size of currently available public forums and failing to leave open ample alternative means of communication. Defendants, acting under color of state law, have placed unreasonable restrictions on the Plaintiffs rights to freedom of speech, expression, association and assembly and have therefore deprived the Plaintiffs of rights clearly established and secured by the First Amendment to the Constitution of the United States.

58. Because of Defendants' actions, the Plaintiffs have suffered, and continue to suffer, irreparable injury, which cannot be fully compensated by an award of money damages.

59. Pursuant to 42 U.S.C. §§ 1983 and 1988, the Plaintiffs are entitled to a preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies. Additionally, Plaintiffs are entitled to damages in an amount to be determined by the Court and the reasonable costs of this lawsuit, including their reasonable attorneys' fees.

WHEREFORE, Plaintiffs John Doe and Jane Doe respectfully request that the Court enter judgment against Defendant Shippensburg University and provide Plaintiffs with the following relief:

- (1) A preliminary and permanent injunction invalidating and restraining enforcement of the University's speech restrictive Code of Conduct and other speech-restrictive policies;
- (2) Monetary damages in an amount to be determined by the Court;
- (3) The Plaintiffs' reasonable attorney's fees, costs, and other costs and disbursements in this action pursuant to 42 U.S.C. § 1988; and
- (4) All other further relief to which Plaintiffs may be entitled.

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

or her educational records and academic status.

Parents may have access to information pertaining to their son's or daughter's educational records and academic status without prior written consent of the student if the student is a dependent as defined under Section 152 of the IRS Code of 1954. If the student is not a dependent, as defined by the IRS code, then the university must receive prior written consent from the student in order to release such information to his or her parents.

Drug-Free Campus

Shippensburg University complies with the Drug-Free Schools and Communities Act Amendment of 1989 and has adopted a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by both its students and employees.

Campus Safety

In accordance with Pennsylvania's College and University Security Information Act of 1988, Shippensburg University provides information relating to crime statistics and security measures to prospective students, matriculated students, and employees. The university will also comply with all campus safety provisions of the Student Right-To-Know and Campus Security Act of 1990.

Right-To-Know

Shippensburg University will compile graduation and completion rates for all undergraduate students as well as for undergraduate students receiving athletically-related student aid. These rates will be reported to the U.S. Secretary of Education and will be disclosed to prospective students as required by the Student Right-To-Know Act.

Consumerism

Shippensburg University complies with consumer information requirements set forth in Section 493A of Title IV of the Higher Education Act of 1965 and its amendments.

Veteran's Benefits

Shippensburg University complies with the requirements of Title 38, U. S. Code, Veteran's Benefits.

Nonimmigrant Alien Students

Shippensburg University is authorized under federal law to enroll nonimmigrant alien students.

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Racism and Cultural Diversity

It shall be the unequivocal position of Shippensburg University to prohibit racism/ethnic intimidation and harassment. Shippensburg University is committed to cultural diversity, social justice, and equality.

Racism shall be defined as the subordination of any person or group based upon race, color, creed, or national origin, communicated through words, attitudes, actions, and/or gestures. Harassment shall be defined as unsolicited, unwanted conduct which annoys, threatens, or alarms a person or group.

It shall be a violation of this policy for any person or group to maliciously intend to engage in any activity (covert or overt) that attempts to injure, harm, malign, or harass, and has for its purpose the subordination, intimidation, and/or harassment of a person or group based upon race, color, creed, national origin, sexual preference, handicap, or age.

Shippensburg University is committed without qualification to all aspects—moral, legal, and administrative—of racial and cultural diversity. As an institution of higher learning we are dedicated to the widest possible diversity among our students, faculty, and staff. Shippensburg University's commitment to racial tolerance, cultural diversity, and social justice will require every member of this community to ensure the principles of these ideals be mirrored in their attitudes and behaviors.

Nondiscriminatory Language

Occasionally all of us need to be reminded of the continuing presence of unconscious attitudes toward individuals which surface through the use of discriminatory semantics. These attitudes often belie long-standing presumptions which contribute to historically preferred views of people. These attitudes are the roots of racism, sexism, ageism, and classism, and when perpetuated through presumptive statements, lend unwarranted support to social inequities in the treatment of an individual.

Unwittingly, many stock references appear in verbal and written communications in the absence of careful evaluation of the implications of word choices. Often these are unintentional or stereotypical judgments which have been in existence for many years and have directly contributed to controlling the direction, attitudes, actions, and decisions affecting individuals from minority groups.

To the end that the language employed in a university pledged to enlightenment shall be free of "semantics which imply the second class citizenship of some of its members," the American Psychological Association Guidelines for Nondiscriminatory Language are hereby recommended as a model reference for verbal and written language to be used by all employees.

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Catalog Provisions

This catalog is intended to be a description of the policies, academic programs, degree requirements, and course offerings in effect for the 2001/2002 and 2002/2003 academic years. It should not be construed as an irrevocable contract between the student and the university. Shippensburg University reserves the right to change any of the policies, procedures, or fees described in this catalog and to apply these changes to any or all of its students as it sees fit. The university may also choose to add or delete course offerings or degree programs at any time.

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EXHIBIT B

SHIPPENSBURG UNIVERSITY
CODE OF CONDUCT and
JUDICIAL PROCESS
ACADEMIC YEAR 2002-2003

Preamble

Shippensburg University is an academic community whose membership includes faculty, staff, students and administrators. The community exists for the pursuit of learning, the transmission of knowledge, the development of students as scholars and citizens, and ultimately, for the general well-being of society. Freedom of inquiry, speech, action, and expression is indispensable in the attainment of these goals. Academic freedom is at the cornerstone of the enterprise.

Students, as members of the academic community, are encouraged to engage in a sustained, critical, and independent search for knowledge. The University community supports this endeavor by developing policies and procedures that safeguard the freedoms necessary for the pursuit of truth and knowledge. The University will strive to protect these freedoms if they are not inflammatory, demeaning, or harmful toward others. It is therefore expected that students will exercise these freedoms in a manner that does not infringe upon the rights of others in the community. Behavior that interferes with the living conditions, co-curricular activities, working environments, teaching mission, research activities, study conditions, and/or administrative functions of the University is unacceptable. Acts of intolerance directed toward other community members will not be condoned. This is especially true, but not limited to, acts of intolerance directed at others for ethnic, racial, gender, sexual orientation, physical, lifestyle, religious, age, and/or political characteristics.

With freedom come duties and responsibilities. A student who exercises his or her freedoms as a private citizen and member of the academic community -- whether individually or as a member of a group --- must assume full responsibility for his or her actions. All Shippensburg University students must abide by local, state, and federal laws and with all published University policies, procedures, rules and regulations. Violations of laws and regulations will subject the person to disciplinary action by the University and/or the appropriate civil or criminal court.

The University judicial process attempts to teach civic principles within the context of the academic mission. The process views students as adults, and as such, expects them to be aware of applicable local, state, and federal laws. Students are also expected to understand their rights and responsibilities as outlined in the student code of conduct and judicial process of the University. The judicial system strives to provide a fundamentally fair process, and should be viewed as separate from the civil and criminal court systems.

Authority and Responsibility

This code is promulgated according to Act 188, the enabling legislation for the Pennsylvania State System of Higher Education. Specifically, the legislation grants the University President the power and duty to "establish policies and procedures for the admission, discipline, and expulsion of students . . ." The Vice President for Student Affairs serves as the President's designee for the general oversight of student conduct and discipline matters. Specific responsibility for the administration of discipline and conduct matters is delegated to the Dean of Students. The Dean of Students may further delegate responsibility to various judicial bodies and administrative staff. The President of the University has final authority in all matters related to student conduct and discipline.

Jurisdiction

Shippensburg University students are subject to the provisions of the student code of conduct while on University premises, and when involved with off-campus programs, activities, and events related to or sponsored by the University. Students are also expected to follow the tenants of the student code of conduct when privately off-campus. Alleged off-campus student code violations having, or potentially having, a direct, detrimental impact on the University's educational functions, its community members, or the local municipalities are subject to adjudication within the campus judicial system. University judicial boards and officers may hear alleged violations of the student code of conduct as follows:

- A. For full and part-time undergraduate and graduate students if the alleged violation occurred when the person was enrolled at the University or confirmed for the next semester/session.
- B. For persons enrolled in University sponsored programs that do not require traditional course registration.
- C. For persons currently suspended from the University for disciplinary or academic reasons.
- D. For registered student organizations, fraternities, and sororities. In these instances, both the group and responsible individuals may be adjudicated within the judicial system.

Code of Conduct - Rules and Regulations

The following is a listing of the rules and regulations at Shippensburg University. They are not defined in exhaustive terms, but are generally clear descriptions of prohibited conduct. Examples are frequently cited for specific code violations; however, they are not all inclusive and only serve to facilitate understanding. Students and/or student organizations involved in misconduct, or as accessories to misconduct, shall be subject to adjudication by the University judicial system.

The University has established three categories of rules and regulations. The first category is PROPRIETARY in nature and applies primarily to violations occurring in University residence halls and apartments. These regulations were developed in accordance with the "Student Housing Agreement" and are related to health, sanitation, safety, and property maintenance issues. The second category governs the conduct of individuals both on and off campus, with the focus on living and visiting in University residence halls and apartments. These regulations are designed to promote positive

COMMUNITY, harmonious living, and a safe/secure environment. The final category defines GENERAL rules and regulations expected of all students. This category focuses on academic integrity and University administrative issues. All students, whatever their place of residence, are responsible for following all the rules and regulations listed within the three categories.

Proprietary Regulations

The following items and/or actions are prohibited in and around University residence halls, suites and apartments. Violations are subject to immediate administrative and/or judicial action and may result in removal, confiscation, repair, replacement, and cleanup at the student's expense. All residents living within a particular room, suite or apartment share mutual responsibility for violations of proprietary regulations that occur within the space.

- 1.0 Rooms, suites and apartments shall be kept clean and sanitary at all times, including the proper disposal of empty beverage and food containers.
- 2.0 No nails, tacks, double-sided tape, cellophane tape, adhesive-backed wall coverings, paint, and stain shall be used on any room, door, lobby, stairwell, or hallway surface. Tacks may be used to hang items on University installed bulletin boards. Posters may be hung on room walls only, using masking tape or poster putty.
- 3.0 Furniture shall not be moved from its designated location to another location. This includes, but is not limited to, removal of furniture from public areas to private rooms. Room furniture is the responsibility of the occupants and shall not be moved, lost, or damaged. Occupants will be financially responsible for loss and/or damage.
- 4.0 With the exception of Stone Ridge Commons, the possession and/or use of cooking appliances in residence hall rooms, suites and campus apartments is prohibited. Examples of such include, but are not limited to, hot plates, immersion coils, electric frying pans, toaster ovens, electric griddles, hot pots, toasters, grills, popcorn poppers that use oil, and hot shots. Hot-air popcorn poppers and drip coffee makers under 12-cup capacity are permitted in all rooms and apartments. One microwave with a maximum wattage of 750, is permitted per room or suite.
- 5.0 One compact refrigerator drawing less than three amps and no larger than 4.3 cubic feet is permitted in each residence hall room. In Seavers Apartments no more than three 4.3 cubic feet refrigerators drawing less than three amps each shall be approved. Refrigerators must carry UL approval, be positioned to allow adequate ventilation, and be connected directly into a wall socket or power strip with a circuit breaker. Stone Ridge Commons residents are limited to the refrigerator provided with the apartment.
- 6.0 All electrical appliances must be in good working order and carry the UL approval. Electrical appliances must be plugged directly into the wall socket or into a UL approved power source with an internal circuit breaker. Power sources must be free of defects such as cracked, split, or nicked insulation; exposed wires; knots, burn marks; and loose connections. Power sources shall not be connected in a series to one another and they must not be covered, e.g., with carpet. Extension cords are not allowed.
- 7.0 Light cords and appliance cords shall be free of kinks and knots, must be UL approved, and must not have breaks, worn insulation, or broken plugs.

- 8.0 External antennas for TV or radio and tampering with the cable TV system are prohibited. Misuse or redirection of cable TV for personal use is a criminal offense.
- 9.0 Open flames, smoldering embers, and spark/flame producing items are prohibited in residence halls, suites and apartments. This includes, but is not limited to, the burning and/or possession of incense, candles, oil lamps, lanterns, and potpourri burners.
- 10.0 Smoking is prohibited in the public areas of all residential facilities. Smoking is allowed in individual student rooms, suites and apartments with the door closed, if: a) the room is designated for smoking; and b) all roommates agree to allow smoking within the confines of the room, suite or apartment.
- 11.0 No animals or pets of any kind are permitted in residence halls, suites or apartments, except seeing-eye dogs and fish. Aquariums up to a 10-gallon capacity are allowed. No more than one aquarium per bedroom is acceptable. The aquarium shall only contain fish.
- 12.0 Road signs (e.g., parking, street, stop) and parking cones are not permitted in residence halls, suites or apartments.
- 13.0 No athletic games shall be played or athletic equipment used within a residence hall, suite or apartment, except in designated areas. This includes, but is not limited to, the use of free weights, roller blades, rackets, dart boards, hockey equipment, skates, balls, and frisbees.
- 14.0 Only university provided beds are allowed in student's rooms. Waterbeds, lofts, and hanging or suspended bed frames are not allowed.
- 15.0 Storing or using flammable/combustible liquids, flammable/explosive gases and dangerous chemical mixtures is prohibited. Kerosene heaters and charcoal stoves are also prohibited.
- 16.0 No alteration or modification of the room accommodations shall be made. Closet doors and venetian blinds/curtain rods must remain in place. Smoke detectors and sprinkler systems must not be tampered with.
- 17.0 Bicycles may be parked in the racks by the residence halls, suites and apartments or placed in the designated hall storage area. They may be kept in residence hall rooms, suites or apartments if all roommates agree. Bicycles shall not be kept in any other area of the residential facility because of the possibility of interfering with exit routes and housekeeping services. All bicycles must be registered with the University Police.
- 18.0 Motorcycles, mopeds, and any other type of gasoline motor shall not be stored/parked in apartments, suites or rooms. Such items shall only be parked in accordance with University parking regulations and procedures.
- 19.0 Decorations used for seasonal or special events must be made of fire retardant materials. One 100-bulb strand of electrical indoor miniature lights with UL approval is permitted. Natural Christmas trees and natural decorations are not allowed.
- 20.0 Outside window sills must be kept clear of all objects. Window screens shall not be removed.
- 21.0 Only the following additional furniture items are permitted in rooms, suites or apartments: rugs/carpets, self-supporting bookcases, futons, computer stands and chairs are allowed if positioned to allow proper exit from or entrance into the room or apartment.
- 22.0 No items, e.g., posters, flags, tapestries, shall be hung on/from room, suite or apartment ceilings, out windows, or in front of exit doors.

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- 23.0 Space heaters and air conditioners are prohibited in residence hall rooms, suites and apartments.
- 24.0 Room/suite/apartment keys, mailbox keys, and access cards are for the exclusive use of the resident to whom they are assigned. They remain the responsibility of the resident and they must never be given to other parties for use.
- 25.0 Students shall not use their assigned space as a sales room or storage location for commercial activity. Solicitation and fund raising activities must conform to the limited enterprises regulations outlined in the Swataney.
- 26.0 Residence hall bathrooms are designated for use by a specific gender. They are not to be used by residents, visitors, or guests of the opposite gender.
- 27.0 All apartments, suites or residence hall rooms are subject to regular maintenance and safety inspections. Residents must allow University personnel into rooms, suites or apartments for health, fire, safety, and maintenance inspections. Physical plant personnel and employed contractors will be allowed to enter private rooms, suites and apartments to perform their duties. When possible, advance notice of such events will be given.
- 28.0 Students are responsible for any damage that occurs within the confines of their rooms, suites, or apartments. Students are also responsible for any damage they create, or help create, on the campus.
- 29.0 Trash and personal items shall not be left or deposited in any public areas of the residence halls or apartments.
- 30.0 Students shall not tamper with, overload, damage or vandalize elevators.
- 31.0 Students are prohibited from engaging in activities that violate any health, safety, maintenance, or fire codes as defined by University policy, rules, and regulations; as well as those defined by local, state and federal laws.
- 32.0 Students are expected to abide by all the terms and conditions outlined in the "Student Housing Agreement" (Refer to the copy printed in the Swataney).
- 33.0 Students shall not operate any computer network servers from any residence hall, suite or apartment location. This includes, but is not limited to, chat, file, print, web, ftp, and unix shell servers.
- 34.0 Students shall only connect one computer into each ResNet outlet. This connection shall only occur within their assigned rooms, suites or apartments.

Community Regulations

Students have certain rights related to their achievement of academic success and personal satisfaction. With these rights comes a reciprocal responsibility to insure that others have similar rights. Therefore, the University strives to strike a balance between maximum freedom and necessary order. Primary rights, especially for University owned campus housing residents, include:

- A. The right to pursue academic activities without unreasonable disruption.
- B. The right to be free from harassment, intimidation, physical harm, and emotional abuse.
- C. The right to a reasonable level of quiet, and correspondingly, the right to sleep and study without unreasonable disruption.
- D. The right to a reasonably clean, well maintained, and safe environment.

Secondary rights, especially for University housing residents are those that, while protected, shall not infringe upon the reasonable exercise of others' primary rights. These include:

- A. The right to host visitors, Visitors shall not interfere with a roommate's exercise of his/her rights, nor violate the rights of other residents. Visitors must follow all rules and regulations.
- B. The right to express a personal belief system. The expression of one's beliefs should be communicated in a manner that does not provoke, harass, demean, intimidate, or harm another.
- C. The right to follow the tenets of one's lifestyle provided it does not unreasonably interfere with the rights of others.
- D. The right to a reasonable level of personal privacy.

The following regulations comprise those related to community living. They apply equally to all students and visitors, regardless of their place of residence.

1.0 Individual Responsibilities and Community Rights

- 1.1 No person shall cause or contribute to unreasonable noise. Courtesy and reasonableness are always expected as the rights of those being disturbed are preeminent. Intensive efforts at being quiet are expected in residence halls/apartments during designated quiet hours.
- 1.2 No person shall interfere with the freedom of movement for others. No person shall interfere with others' access and use of public facilities, campus facilities, or private living space.
- 1.3 No person shall fail to report a violation of the student code of which he/she has knowledge.
- 1.4 No person shall file a false police report or judicial documentation.
- 1.5 No person shall knowingly make false statements as part of a University judicial hearing or to a University official.
- 1.6 No person shall fail to fully comply with the reasonable directives of University staff acting according to their duties or with the directives/sanctions of a disciplinary hearing board or officer. This includes, but is not limited to, a summons for adjudication and the fulfillment of required sanctions/stipulations.
- 1.7 No person shall interfere with others' freedom of speech.
- 1.8 No person shall engage in lewd, obscene, or indecent conduct.

2.0 Safety of the Individual and Community

- 2.1 No person shall create, or help create, a safety hazard. No person shall knowingly violate safety/security regulations or interfere with the safe and clean environment of others.
- 2.2 No person shall be on the roof of a University owned building. No person shall throw, drop, or propel anything out of a window, over an apartment balcony, or off the roof of a campus building.
- 2.3 No person shall possess or use firecrackers, fireworks, or other explosives.
- 2.4 No person shall possess or use dangerous weapons. This includes, but is not limited to, guns, knives, martial arts' devices, percussion weapons, bow and arrows, ammunition, clubs, or any other devices used aggressively.
- 2.5 No person shall set a fire or attempt to start a fire. No person shall engage in behavior that potentially could start a fire, e.g., burning candles, lighting aerosol propellants. No person shall falsely report a fire, bomb, or similar emergency.

- 2.6 No person shall demonstrate behavior or engage in activities that endanger the safety or well-being of oneself or others.
- 2.7 No person shall trespass, conspire, or engage in unauthorized entry. This includes the unauthorized use or possession of keys, including those of the University.
- 2.8 No person shall interfere with emergency services or procedures. No person shall fail to evacuate a building or cooperate with University staff members during a fire alarm.
- 2.9 No person shall tamper with fire equipment, nor use such equipment in a manner other than for the control or prevention of a fire.

3.0 Harassment, Intimidation and Disruptive Conduct

- 3.1* No person shall harass or help create conditions that support the harassment of another person. This includes, but is not limited to, sexual harassment and stalking.
**Sexual harassment is defined by the "Shippensburg University Sexual Harassment Policy Statement." This statement also outlines grievance procedures that are separate and distinct from the processes outlined herein.*
- 3.2 No person shall exhibit behavior that harms or threatens to harm another person or another person's property. This includes, but is not limited to, harassment, intimidation, threats, physical harm, and property damage.
- 3.3 No person shall threaten, intimidate, harass, or physically harm a University employee related to the performance of his or her job.
- 3.4 No person shall threaten, intimidate, harass, or physically harm any party or witness involved in a judicial case, or cause damage to his or her property, with the intent of influencing outcomes or for retaliation.
- 3.5 No person shall participate in acts of intolerance that demonstrate malicious or demeaning intentions toward others.
- 3.6 No person shall engage in hazing activities or intimidating practices toward other persons.
- 3.7 No person shall engage in conduct that is disorderly, unnecessarily disturbs others, and/or is disruptive to the normal practices, processes, and functions of the University or the local municipalities.
- 3.8** No person shall engage in, or attempt to engage in, a sexual assault. Sexual assault is the imposition of non-consensual sexual conduct (excluding rape). It includes, but is not limited to caressing, fondling, or touching a person's genitalia, buttocks, or breasts. It shall also be considered sexual assault when the victim is compelled to caress, fondle, or touch the assailant's genitalia, buttocks, or breasts.
- 3.9** No person shall commit, or attempt to commit, a rape. Rape (date, acquaintance, and stranger) includes all acts of non-consensual sexual intercourse involving any penetration of a bodily cavity with a foreign object, tongue, digit, or genitalia. A rape occurs when imposed under any of the following circumstances:
 - a) When the complainant is incapable of giving legal consent for mental, developmental, or physical reasons and this fact is known or reasonably should have been known by the person committing the act;
 - b) When the act is committed without the person's explicit consent or is against the person's wishes. Rape incorporates any or all of the

following: the use of force, threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm;

- c) When the complainant is prevented from consenting or resisting because of intoxication or unconsciousness at the time of the act.

** *Use of intoxicating substances shall not be viewed as justification for the commission of rape or sexual assault.*

** *Consent means explicit cooperation, both verbally and behaviorally. It must be voluntary and with full knowledge concerning the nature of the interaction/encounter. Previous sexual interactions shall not be considered implied consent. Silence or passivity shall not constitute consent.*

** *Alleged incidents of rape or sexual assault shall only be adjudicated by the University Board.*

** *Refer to the "Policy on Sexual Assault" published in the Swataney.*

4.0 Personal and Community Property

- 4.1 No person shall tamper with, misuse, or borrow property from others or the University, without permission.
- 4.2 No person shall without permission remove others' property, including that of the University, from its assigned place.
- 4.3 No person shall damage, deface, or destroy the property of others or that of the University.
- 4.4 No person shall steal property from the University or from others.
- 4.5 No person shall be in possession of stolen property.

5.0 Alcohol , Illegal Drugs, and Gambling*

- 5.1 No person shall be in possession of an open container of alcohol, use and/or possess alcohol as a minor, host a disruptive social gathering where alcohol is present, host a social gathering where minors are allowed to consume alcohol, drive under the influence of alcohol and/or other drugs, provide alcohol to minors, host a social gathering where alcohol is being sold, sell alcohol, attempt to or actually purchase alcohol using false identification, and/or purchase alcohol for minors. No person shall consume, possess, or be in the presence of alcohol beverages on the campus, or in campus housing, despite his or her age.
- 5.2 No person shall manufacture, distribute, sell, exchange, use, offer to sell, be in the presence of, or possess illegal drugs, narcotics, or drug paraphernalia. Illegal drugs are defined by state and federal statutes.
- 5.3 No person shall engage in any gambling activities except as authorized by state and federal law.
- * *All alcoholic beverages will be confiscated and disposed of by University staff. Items such as kegs, taps, and beer bongs will be given to the University Police. Any funds gained from the return of these items (e.g., deposit) will be donated to the Shippensburg University Foundation, designated for the University Library.*
- * *All drugs and drug paraphernalia will be confiscated and given to the University Police. The police may further investigate the situation, resulting potentially in legal charges being filed.*

6.0 Identification of Individuals

- 6.1 No person shall allow others to use his or her University identification card or residence hall access card.

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- 6.2 No person shall use another's University identification card or residence hall access card.
- 6.3 No person shall refuse, upon request, to provide his or her correct name and appropriate identification to a University staff member or authorized police officer performing his or her legitimate duties. Students are expected to carry their University identification card when on campus.

7.0 Food Service

- 7.1 No person shall throw food, utensils, or other objects within a dining facility.
- 7.2 No person shall, without proper authorization, remove any food or utensil from a dining facility.
- 7.3 No person shall enter a dining facility without proper authorization.

8.0 Visitors

- 8.1 No person shall fail to inform their visitors of the need to conform to the rules and regulations of the University. Hosts shall take full responsibility for the behavior of their visitors and shall be held accountable for their visitor's behavior.
- 8.2 No person shall violate the "Residence Hall Visitation Policy" as defined in the Swatanev.

General Regulations

Regulations falling under this category primarily deal with academic integrity issues. They also address administrative matters germane to the effective operation of the University.

1.0 University Functions and Services

- 1.1 No person shall knowingly provide false information in any manner to the University. This includes all matters of record and transactions with the University.
- 1.2 No person shall interfere with the effective operation of any function and service of the University.
- 1.3 No person shall alter, forge, transfer, or otherwise misuse any University document or record.
- 1.4 No person shall allow any University document or record issued to himself or herself to be used falsely by another person.
- 1.5 No person shall falsely use University documents issued to another.
- 1.6 No person shall act as an agent of the University unless officially authorized to do so.
- 1.7 No person shall fail to fulfill all financial obligations to the University.

2.0 Scholarship*

- 2.1 No person shall claim or submit any portion of another's academic work as his or her own.
- 2.2 No person shall obtain, provide, or use any materials containing questions or answers to any examination or assignment unless officially authorized.
- 2.3 No person shall complete the academic work of another. No person shall have another complete his or her academic work.
- 2.4 No person shall alter, tamper with, appropriate, destroy, or otherwise interfere with the academic research, resources, or work of another person, including that of the University.

- 2.5 No person shall fabricate or falsify data.
- 2.6 No person shall cheat during an examination. This includes, but is not limited to, copying, collusion, and unauthorized use of materials or devices.
- 2.7 No person shall bribe, or attempt to bribe, a University faculty or staff member in order to attain an unfair academic advantage.
- 2.8 No person shall violate any academic conduct rules/standards published by the University or communicated by the professor as part of the class requirements.
- * *Academic misconduct/dishonesty may result in the imposition of academic sanctions not defined within this code. Refer to the Policy on Academic Dishonesty printed in the Swataney, the Undergraduate Programs Catalog or the Graduate Programs Catalog for additional information.*

3.0 Computing and Telecommunications

- 3.1 No person shall violate any licensing or contractual agreements, University policies, or any laws related to information technology.
- 3.2 No person shall use University computing or telecommunications equipment, facilities, and/or services for commercial purposes or non-University related activities without official authorization.
- 3.3 No person shall access, use, alter, destroy, or transfer any information resources without authorization from the data owner.
- 3.4 No person shall use, without authorization, another person's password or authorization code to access phone services, computing services, or data.
- 3.5 No person shall use computing services or facilities to harass another, send obscene materials/messages, or to interfere with the work of others, including the University.
- 3.6 No person shall make or assist the making of unauthorized telephone calls.
- 3.7 No person shall use communications equipment to leave annoying or harassing telephone messages.
- 3.8 No person shall engage in any activity that infringes on the operation of any University computing network.

4.0 Student Organizations

- 4.1* No person or persons shall haze another. This includes, without limitation, any activity that recklessly or intentionally endangers one's physical and mental health, negatively impacts another's academic performance, compromises a person's safety, or that is demeaning, abusive, harassing, or otherwise in violation of the Pennsylvania Antihazing Law.
 - * *Refer to the "Policy on Hazing" printed in the Swataney.*
- 4.2 No person or persons shall misappropriate or misuse student organization funds or property.
- 4.3 No person or persons shall, without authorization, use the name or insignia of the University or its affiliated student groups.
- 4.4 No person or persons shall interfere with the activities or functions of student organizations.
- 4.5 No person shall fail to fulfill financial obligations to a student organization.
- 4.6 No group, or its members, shall violate any of the rules and regulations published by the University, including those comprising the student code of conduct.

5.0 Policy Regulations

- 5.1 No person shall violate any published University policies, rules, and regulations, including those published in the Swataney.
- 5.2 No person shall violate federal, state, or local laws.

Philosophy of the Judicial System

Teaching civic principles and encouraging personal development are the core philosophical tenets of the judicial system at Shippensburg University. The focus is not on being punitive, but on teaching people how to live harmoniously and productively within a diverse, dynamic academic community. Students are challenged within the system to develop better decision-making skills, acquire increased self-discipline, cultivate greater understanding of their community responsibilities, and to develop increased personal insight. The goal is ultimately to redirect the behavior of students to more acceptable, productive patterns of conduct. Within this context, however, administrators of the system have a responsibility to protect the rights of other community members and to support the integrity of the academic mission.

Judicial Process

The following sections constitute the structure and process of the judicial system at Shippensburg University. The Dean of Students and designees bear the responsibility for administering the process and ensuring that all participants are accorded fundamental fairness. It should be noted that the strict rules of evidence and procedures used in criminal and civil courts do not apply. A "preponderance of the evidence" standard is used to make all judicial decisions. For an individual to be found "in violation" according to a preponderance of the evidence standard, the decision must be based upon evidence sufficient to make a reasonable person believe that a fact sought to be proved is more likely true than not.

Shippensburg University believes strongly in providing a fundamentally fair judicial process. To that end, the process stipulates that an accused person will receive written notification of all alleged conduct code violations in enough detail and with adequate advance notice to properly prepare a response. Furthermore, the process strives to provide the accused with an impartial hearing. The accused will receive written notification concerning any judicial decisions. Additionally, as part of the hearing process, the University allows the accused the right to question his or her accuser, the right to question witnesses against him or her, the right to present evidence, the right to call his or her own witnesses, the right to have an advisor present for support, the right against self-incrimination, and the right to appeal a judicial decision. A student may waive, in writing, any of the rights contained in this code other than written notification of the charges against him or her.

Definitions

- Complainant:** The person or group alleging that another person or group violated provisions of the student code of conduct and then initiates a judicial complaint against the alleged violator.
- Hearing Officer:** A member of the Dean of Students' staff designated to hear the facts of a judicial case from all involved parties. Based on the facts, the officer renders a judgment of "in violation" or "not in violation" and levies appropriate sanctions and stipulations when required. This party may also be called a judicial officer. A hearing officer may be a Graduate Assistant, Residence Director, an Associate/Assistant Dean of Students, or the Dean of Students.

- Judicial Board:** A group of individuals representing the University community that hear the facts of a judicial case from all involved parties. Based on the facts, the board renders a judgment of "in violation" or "not in violation" and levies appropriate sanctions and stipulations when required. This group may also be called a judiciary. Judicial boards include Student Boards, Community Boards, and University Boards.
- Respondent:** The person or group alleged to have violated provisions of the student code of conduct. This person or group is the accused party in the proceedings.
- Sanction:** The penalty levied against persons or groups found "in violation" of the provisions of the student code of conduct.
- Stipulation:** A condition, beyond the sanction, required of persons or groups found "in violation" of the provisions of the student code of conduct.

Two different administrative procedures exist to adjudicate alleged violations of the student code of conduct. The procedures, defined below, vary according to their formality. The Dean of Students or designee shall make all decisions, after a review of written documentation, concerning which method shall be used to adjudicate alleged violations of regulations.

Formal Procedures for Alleged Violations of Student Code of Conduct Regulations

- A. **Initiation of a Complaint:** Any member of the University community may initiate a written complaint against any student or student organization as defined in the "Jurisdiction" section of this document. It shall be the responsibility of the Dean of Students or designee to determine if sufficient information is present to warrant further action. If it is the opinion of the Dean or designee that insufficient information is present, the complaint will be dismissed. There will be no appeal of this dismissal decision.
- B. **Notification of Charges:** If sufficient information is present to proceed with the complaint, the respondent will receive a notification letter from the Dean of Students Office providing a brief summary of the circumstances surrounding the complaint. The summary will include the date, time, and place of the alleged violation(s). The letter will also provide specific notification of what alleged conduct code violation(s) occurred.
- C. **Scheduling the Hearing:** The notification letter will also inform the respondent that the case has been preliminarily assigned to one of two hearing options. The options available are to have the case heard by: a) a judicial officer; or b) a judicial hearing board. The letter will also inform the respondent that he or she has the option of switching the hearing venue within three business days following notification.

Additionally, in cases involving multiple respondents, all respondents must agree to select the same hearing option. Some cases, however, may involve extenuating circumstances. If it is determined that extenuating circumstances exist, the Dean of Students or designee reserves the right to assign the case to the appropriate hearing entity of his or her choice. Examples of extenuating circumstances include, but are

not limited to, scheduling difficulties, timely adjudication, and issues of partiality. The Dean of Students or designee also has the authority, when hearings involve more than one respondent, to have the respondents heard separately rather than together.

While every effort will be made to schedule hearings at times convenient for all parties, final scheduling authority rests with the Dean of Students or designee. The only parameter shall be that hearings will not be scheduled during a time that any party to the hearing has a scheduled class. At least three business days must elapse between the time that a hearing is scheduled and when it actually convenes. It will be assumed, unless the respondent contacts the Dean of Students Office, that he or she is aware of the hearing procedures and is familiar with the judicial process.

Respondents will also be given the option of scheduling an appointment with a judicial officer for a pre-hearing conference during the three business day period following written notification. The purpose of the pre-hearing conference will be explained in the notification letter. Failure to schedule a pre-hearing conference will not exempt the respondent from his or her responsibility to be aware of the hearing procedures and judicial system. This conference is designed:

- a) To help the person understand the overall judicial system, the code of conduct, and the hearing process/procedures;
 - b) To allow the respondent an opportunity to review any germane written materials (copies are available upon request);
 - c) To learn the names of the witness against him or her;
 - d) To advise the respondent that he or she may have an advisor present. The role of the advisor will be explained as follows:
 - To advise the respondent and complainant about case preparation. The advisor may attend the prehearing conference if already identified;
 - To accompany the respondent and complainant to the hearing for support and consultation. The advisor shall not directly participate in the hearing, e.g., by asking questions or responding to questions, but he or she may interact privately with his or her advisee.
 - e) To advise the respondent that he or she has the right against self-incrimination. Refusal to speak or answer questions at the hearing shall not be interpreted as evidence of being "in violation."
- D. Hearing Procedures: The hearing procedures for judicial officers and judicial boards are similar. All hearings will be conducted in a less formal manner without using the strict rules of evidence and procedure of civil and criminal proceedings. Hearings will be closed to the public unless both the complainant and respondent agree, at least twenty-four hours in advance, to allow members of the University community to attend.

Participants in the hearing include the judicial officer or hearing board members, complainants, respondents, advisors, and the witnesses. Witnesses are only allowed into the room during their period of testimony or when called to answer questions. Witness statements in written form shall not be accepted unless the author is present to answer relevant questions. The board or officer reserves the option of limiting the number of character witnesses providing statements at a hearing.

Only evidence introduced during the hearing shall be considered in judging the case. The complainant is expected to appear at the hearing. Failure to do so may

result in dismissal of the case at the discretion of the Dean of Students or designee. The respondent may choose to not attend the hearing. If this occurs, the hearing will be conducted in his or her absence. Both the complainant and respondent have the right to challenge the presence of a judicial officer or judicial board member for cause. Cause is defined as personal bias or prior involvement with parties or circumstances surrounding the case.

All hearings are tape recorded by the Dean of Students Office. Other video, audio, stenographic, or photographic recording of a hearing is prohibited. Both the respondent and complainant may request a duplicate recording of the hearing at his or her expense.

Hearings generally use a consistent format according to the following order:

- a) The case is introduced by either the judicial officer or chairperson of the judicial board (depending upon the hearing option selected). This includes an introduction of all the parties participating in the hearing. An overview of the hearing procedures will be presented. A statement of rights and responsibilities, which include an expectation of truthfulness, will be made. The judicial officer or chairperson of the judicial board is delegated the authority to exercise control of the hearing and to rule on questions of procedure.
- b) The complainant will summarize the circumstances and information that prompted him or her to pursue a complaint. It is during this portion of the hearing that the complainant calls his or her witnesses to present a statement.
- c) The respondent presents information favorable to his or her position. The respondent shall call his or her witnesses at this time to present a statement.
- d) At this point the hearing officer or judicial board members shall begin questioning both the respondent and complainant. Witnesses may be recalled for questioning during this period. The respondent and complainant shall also have the right to question each other and all witnesses.
- e) After the aforementioned is completed, both the respondent and complainant shall make a final statement. The complainant proceeds first in making the summary statement.
- f) The hearing is ended. At this point the judicial board or hearing officer goes into a private session to determine whether the respondent is "in violation" or "not in violation." A simple majority of the judicial board members hearing the case shall be needed to establish "in violation." If a decision of "in violation" is established according to a preponderance of the evidence, appropriate sanctions and stipulations shall be determined. Sanctions are determined according to the severity of the conduct code violators. Past violations of the student code of conduct shall be factored into the determination of the sanctions and stipulations, but shall not be considered in establishing whether a respondent is "in violation" or "not in violation" of the current charges.
- g) The respondent and complainant shall be notified of the findings in writing, barring extenuating circumstances, within ten business days after the hearing. This decision letter will set forth with reasonable specificity the factual findings and rationale for the decision, and present a complete description of the sanctions and stipulations if any. Appeal criteria and procedures will be outlined as well.

Informal Procedures for Alleged Violations of Student Code of Conduct Regulations

- A. Alleged violators of regulations shall receive a settlement letter from the Dean of Students Office. This letter outlines the alleged violation(s) and explains the seriousness of the infraction(s). The letter offers the student an opportunity to accept a particular sanction and/or stipulation without the requirement of a hearing. The letter explains the sanction and/or stipulation and informs the student that all sanctions are part of an official disciplinary record. The student is given three business days to accept the settlement offer by signing and returning the settlement form. Once a settlement offer is accepted by the student, no further appeals shall be considered. Failure to return the settlement form or refusal to accept the settlement offer shall result in the case being sent to a formal hearing. This method shall typically be used for offenders involved in clear violations of regulations (e.g., possession of a candle, hotpot, noise) who do not have extensive prior disciplinary violations in their judicial records. This option shall not generally be used in situations of alleged serious behavior. Sanctions and stipulations levied shall consider the magnitude of the violation, as well as any previous code violations.

Sanctions and Stipulations

Sanctions are utilized to help students develop more productive patterns of behavior, to support the integrity of the academic mission, and to protect the members of the academic community. While the sanctions are listed progressively, they are selected to correspond with the severity or frequency of violations.

Sanctions

- A. **Warning:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations may result in more serious disciplinary action. It serves as an official disapproval of acts committed.
- B. **Reprimand:** Official notice that specific behavior or activity was in violation of the conduct code and that further violations most likely will result in more serious disciplinary action. This action serves to formally communicate that certain behavior and activity are unacceptable and need to be corrected.
- C. **Censure:** Official notification of a specified period of review and monitoring during which behavior and activity must demonstrate compliance with University rules, regulations, and policies. Further violations will result in more severe disciplinary action, especially if they occur during the specified period of censure.
- D. **Probation:** Official notification of a specified period of review and monitoring in response to behavior or acts, although not serious enough to warrant suspension, deemed highly inappropriate and strongly against University standards. Further violations of the conduct code will result in more severe disciplinary action, including an examination of continued status as a student or student organization.
- E. **Term Suspension:** Official notification involving a disciplinary separation from the University for a specified period generally not less than one semester (excluding summer). Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. Any stipulated conditions shall be met before readmission.
- F. **Indefinite Suspension:** Official notification involving a disciplinary separation from the University for an indefinite period. Suspension involves denial of all affiliated privileges and rights, including the privilege of using University facilities. A person

shall not return to the University from an indefinite suspension without the approval of the Dean of Students or designee. All stipulated conditions, if any, shall be met before readmission.

- G. **Expulsion:** Official notification of permanent disciplinary separation from the University with denial of all affiliated privileges and rights. Use of campus facilities is prohibited.

Stipulations

Stipulations may be attached to all sanctions as deemed appropriate. The Dean of Students or designee has final authority in determining appropriateness of stipulations. The following is a list, while not exhaustive, of stipulations available for use by hearing officers and judicial boards:

- A. **Restitution:** Reimbursement for actual damage to or destruction of property, including that of the University or of other persons.
- B. **Housing Transfer:** Movement from a current residential assignment to another location in campus housing. A student shall not be transferred from one assignment to another unless minimally at the level of censure.
- C. **Housing Suspension:** Removal from campus housing for a specified period of time. The room deposit shall be forfeited in all cases. A student shall not be suspended from campus housing unless minimally at the level of probation.
- D. **Counseling:** Required to meet with a University counselor or private therapist (at the students' expense).
- E. **Alcohol/Drug Referral:** Participation in the Connection Program which provides alcohol and drug education. This requires an interview with a staff member and possible participation in an educational series or information sessions. It may also require a substance abuse assessment by a professional therapist. Referral to the Connection Program may include a fee for service component.
- F. **Community Service:** Donating a predetermined number of hours on either the campus or in the local community.
- G. **Termination of Privileges:** Prohibition of participation in campus co-curricular activities or use of campus services, e.g., intramural participation, room reservation privileges, use of bulletin boards.
- H. **Termination of Student Organization Registration or Fraternity/Sorority Recognition:** This means that the organization may no longer function on the Shippensburg University campus.
- I. **Mediation:** A dispute resolution process that utilizes neutral facilitators to help individuals resolve conflict.
- J. **Community Seminar:** A workshop designed to help students develop better citizenship skills.

Student Organizations, Fraternities, Sororities

Registered student organizations, fraternities, and sororities are subject to the provisions of the student code of conduct. Alleged violations will be adjudicated according to the judicial process previously outlined. When guilt is established, the aforementioned sanctions and stipulations may be levied. Disciplinary action may proceed against both the organization and the responsible parties.

Judicial Boards

The following judicial boards are available to judge cases. It shall be the authority of the Dean of Students or designee to determine which judicial board hears what cases.

- A. **Student Board:** This board shall typically hear alleged violations of proprietary and community regulations where respondents lack substantial disciplinary records. Members are appointed by the President of the Residence Hall Association. Advised by a Residence Director or Graduate Assistant, this board is composed of three to five student members who judge the facts of a case. In cases where respondents are found "in violation," sanctions levied shall range from a warning to censure. Stipulations may be attached to any sanction. Appeal of Student Board decisions shall be directed to the Associate/Assistant Dean of Students for Judicial Affairs who shall serve as the sole and final appeal agent.
- B. **Community Board:** This board shall typically hear alleged violations of community and general regulations, and also cases involving respondents with substantial judicial records. It is composed of one Associate/Assistant Dean of Students, a Graduate Assistant/Residence Director, and one to two students. Student members are appointed by the Student Association President. A student member shall serve as the voting chairperson of the Board. In cases where respondents are found "in violation," sanctions may range from a warning to probation. Stipulations may be attached to any sanction. Appeal of Community Board decisions shall be directed to the Dean of Students who shall serve as the sole and final appeal agent.
- C. **University Board:** This board shall typically hear alleged violations of community and general regulations, and also cases involving respondents with substantial judicial records. It is composed of one to two faculty members, one to two students, and one to two professional staff members from the Division of Student Affairs. Faculty members are appointed by APSCUF, students are appointed by the Student Association President, with the staff members selected by the Dean of Students. The Dean of Students or designee serves as the non-voting chairperson of the University Board (except in cases of a tie, when the chairperson may cast a vote). In cases where respondents are found "in violation," sanctions may range from warning to expulsion. Stipulations may be attached to any sanction.

Appeal of University Board decisions shall be directed to the Vice President for Student Affairs, who will review the appeal to decide if it has merit. If it is determined that the appeal has merit, the Vice President will convene an Appeals Board to review the case. The Appeals Board shall be composed of one representative each from the students, faculty, and staff as defined above. These representatives shall not have been involved in the original hearing. They shall review the case and make recommendations to the Vice President for Student Affairs, who shall communicate his or her decision in writing to the appealing party. An appeal of the Vice President's decision may be directed to the University President who shall serve as the final appeal agent. The President shall communicate his or her decision in writing to the appealing party.

Judicial Hearing Officers

It shall be the authority of the Dean of Students or designee to determine which hearing officers adjudicate what cases.

- A. Residence Directors/Graduate Assistants: These hearing officers shall typically hear alleged violations of proprietary and community regulations where respondents lack substantial disciplinary records. In cases where respondents are found "in violation," sanctions shall range from a warning to censure. Stipulations may be attached to any sanction. Appeal of these decisions shall be directed to the Associate Dean of Students for Judicial Affairs who shall serve as the sole and final appeal agent.
- B. Associate/Assistant Deans of Students: These hearing officers shall typically hear violations of community and general regulations, and also cases involving respondents with substantial judicial records. In cases where respondents are found "in violation," sanctions may range from a warning to probation. Stipulations may be attached to any sanction. Appeal of Associate/Assistant Deans' decisions shall be directed to the Dean of Students who shall serve as the sole and final appeal agent.
- C. Dean of Students: The Dean of Students or designee shall typically hear alleged violations of community and general regulations, and also cases involving respondents with substantial judicial records. In cases where respondents are found "in violation," sanctions may range from warning to expulsion. Stipulations may be attached to any sanction.

Appeal of a decision made by the Dean of Students shall be directed to the Vice President for Student Affairs, who will review the appeal to decide if it has merit. If it is determined that the appeal has merit, the Vice President will convene an Appeals Board to review the case. The Appeals Board shall be composed of one representative each from the students, faculty, and staff as defined above in "Judicial Boards," subsection C. These representatives shall not have been involved in the original hearing. They shall review the case and make recommendations to the Vice President for Student Affairs who shall communicate his or her decision in writing to the appealing party. An appeal of the Vice Presidents' decision may be directed to the University President who shall serve as the final appeal agent. The President shall communicate his or her decision in writing to the appealing party.

Complainant Rights

The University usually, when deemed appropriate, extends the rights offered respondents to the complainants as well. The most notable exception, however, is that complainants shall not have the right to appeal judicial decisions. Complainants are also entitled to the same support opportunities. Finally, complainants shall be reasonably informed about the status of the case, including relevant sanctions and stipulations placed on the respondent.

Appeals

Appeals must be presented in writing within three business days following written notice of a decision. Appeals shall be directed to the appropriate parties as identified in the aforementioned sections titled "Judicial Hearing Officers" and "Judicial Boards." An appeal may be sought on the following grounds:

- A. That an error occurred in the hearing procedures. Such claims must be specifically described in the appeal letter.
- B. That new evidence or information germane to the case and not available at the time of the hearing, has been uncovered. This evidence must be clearly presented in the appeal letter.

- C. That the sanction imposed was unjust, unreasonable, or inappropriate. The letter must clearly explain the reasoning for this appeal.
- D. That the decision was contrary to the evidence presented. A detailed explanation must be provided in the appeal letter.

An appeal is not a new hearing, but is a review of the records from the original hearing. An appeal may be dismissed if not sought on proper grounds. After review, the appeal agent may decide to: (a) uphold the original decision in full; (b) modify the stipulations attached to a sanction; or (c) remand the case back to the original hearing entity for reconsideration. No appeal agent, other than the Dean of Students, the Vice President for Student Affairs or the University President shall have the authority to modify an original sanction in any way. The original sanctions and stipulations remain in effect during the appeal process. However, the appeal agent has the authority, under extenuating circumstances, to defer the imposed sanctions and stipulations while an appeal is in process. All decisions regarding appeals shall be communicated in writing to the appealing party.

Interim Suspension from the University

Interim suspension is an action that requires a student to immediately leave University property prior to a formal hearing being held. It 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 definite threat of disruption to normal University operations. This action is warranted when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. The student shall not return to campus during the interim period without the expressed permission of the Dean of Students. A decision to impose an interim suspension is made by the Dean of Students with the approval of the Vice President for Student Affairs.

All interim suspension decisions require review by the University Board. The University Board will meet for fact-finding within five business days following the issuance of the interim suspension, 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. The fact-finding will also determine if the student's continued presence on campus represents a significant threat. The fact-finding meeting shall not be considered a formal disciplinary hearing. If, in the Board's opinion, the interim suspension was not warranted, the student shall be allowed to attend classes beginning immediately. The reversal of an interim suspension 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 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 Board shall select a sanction consistent with the violation(s). Because the Dean of Students made the decision to interim suspend, he or she will not be considered as an option for a judicial officer hearing.

Interim Removal from University Housing

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. It 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 definite threat of disruption to normal housing operations. This action is warranted when the serious nature or immediacy of the threat makes it impractical to follow normal disciplinary procedures. 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. A decision to impose an interim removal from housing is made by the Dean of Students with the approval of the Vice President for Student Affairs.

All interim removal decisions require review by the University Board. The University Board will meet for fact-finding within five business days following the issuance of the interim 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 removal. The fact-finding will also determine if the student's continued presence in campus housing represents a significant threat. The fact-finding meeting shall not be considered a formal disciplinary hearing. If in the Board's opinion the interim removal was not warranted, the student shall be allowed to move back into housing immediately. The reversal of an interim removal 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 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 Board shall select a sanction consistent with the violation(s). Because the Dean of Students made the decision to interim remove, he or she will not be considered as an option for a judicial officer hearing.

Judicial Records

Judicial records are retained by the office of the Dean of Students and are considered confidential. A judicial file will not be released to non-University parties without the written consent of the specific student or pursuant to a judicial order or lawfully issued subpoena. Disciplinary information may also be provided in certain limited circumstances in accordance with the Family Educational Rights and Privacy Act of 1974 (as amended). Judicial files are maintained separately from all other University files and are not considered part of the academic record. A student's judicial file, including tape recordings of hearings, shall be retained for the following lengths of time before being destroyed:

- A. Indefinitely maintained: Actions related to student organizations, fraternities, and sororities; Expulsion.
- B. Maintained for three academic years after graduation or seven years from date of the sanction letter (whichever is less): Suspension (Term, Indefinite).
- C. Maintained for two academic years after graduation or six years from the date of the sanction letter (whichever is less): Censure, Probation.
- D. Maintained until graduation or for five years from the date of the sanction letter (whichever is less): Warning, Reprimand.

Parent or Guardian Notification

Effective October 1, 1998, the Family Educational Rights and Privacy Act allows Shippensburg University personnel to notify the parents or legal guardians of a student if the student is found in violation of Community Regulation 5.1 and/or Community Regulation 5.2 as set forth in this Code. The student must be under the age of 21 at the time of notification to comply with the law. Parents or legal guardians shall typically receive notification via a letter from the Office of the Dean of Students. However, other means of communication such as E-mail and phone calls may be utilized to provide notification.

Parents or legal guardians, students, and the University are viewed as a partnership in promoting responsible decision-making, healthy lifestyles, positive community behavior, academic success, and personal development. Thus notifying parents or legal guardians of alcohol and/or other drug-related incidents is a fulfillment of the obligations associated with this partnership. Notification should not be viewed as punitive but rather as an attempt to engage in productive dialog.

Code of Conduct Revisions

Proposed code of conduct revisions shall be initially submitted by the Dean of Students to the Student Affairs Committee for approval. If approved, the document shall be submitted to the University Forum for consideration. If judged acceptable, the document proceeds to the University President for approval prior to submission to the Council of Trustees for their review.

Shippensburg University Judicial Sanctioning Guidelines for Violations of Drug and Alcohol Policies

The Office of the Dean of Students attempts to consistently apply judicial sanctions. As such, there are established sanctioning guidelines that guide the decisions of judicial officers and judicial boards in areas related to drugs and alcohol. These guidelines apply to individuals as well as to groups and group officers. These guidelines assume no prior judicial violations, thus the suggested sanctions are listed at the minimum level. Sanctions are subject to modification by the judicial board or judicial officer when multiple violations or other extenuating circumstances warrant it. Act 64 of the Pennsylvania Crimes Code will serve as a definitional guide in drug situations. Referral to the Connection Drug and Alcohol Education program is likely in all situations involving alcohol and other drugs. The guidelines are:

Use and/or Possession of Alcohol on Campus; Underage Use and/or Possession of Alcohol; Possession of an Open Container of Alcohol:

- 1st Time – Censure for minimally the equivalent of one academic year.
- 2nd Time – Probation for minimally the equivalent of one academic year and possible relocation to another residence hall if an on-campus housing resident.
- 3rd Time – Suspension for minimally the equivalent of one academic semester.

Hosting a Disruptive Social Gathering Where Alcohol is Being Consumed Only by People Who are 21:

- 1st Time – Probation for minimally the equivalent of one academic year.
- 2nd Time – Suspension for minimally the equivalent of one academic semester.
- 3rd Time – Suspension for minimally the equivalent of one academic year.

Hosting a Social Gathering Where Minors are Allowed to Consume Alcohol:

- 1st Time – Probation for minimally the equivalent of two academic years.
- 2nd Time – Suspension for minimally the equivalent of one academic semester.
- 3rd Time – Suspension for minimally the equivalent of one academic year.

Driving Under the Influence of Alcohol and/or Other Drugs:

- 1st Time – Probation for minimally the equivalent of two academic years. Possible loss of driving privileges on campus during the probationary period.
- 2nd Time – Suspension for minimally the equivalent of one academic semester.
- 3rd Time – Suspension for minimally the equivalent of one academic year.

Providing Alcohol to Minors:

- 1st Time – Probation for minimally the equivalent of two academic years.
- 2nd Time – Suspension for minimally the equivalent of one academic semester.
- 3rd Time – Suspension for minimally the equivalent of one academic year.

Hosting a Social Gathering Where Alcohol is Being Sold; Purchasing Alcohol for Minors:

- 1st Time – Suspension for minimally the equivalent of one academic semester.
- 2nd Time – Suspension for minimally the equivalent of one academic year.
- 3rd Time – Expulsion.

Use and/or Possession of Marijuana:

- 1st Time – Suspension for minimally the equivalent of one academic semester.
- 2nd Time – Suspension for minimally the equivalent of one academic year.
- 3rd Time – Expulsion.

Use and/or Possession of Illegal Drugs (excluding Marijuana):

- 1st Time – Suspension for minimally the equivalent of one academic year.
- 2nd Time – Expulsion.

Dealing Drugs (including Marijuana):

- 1st Time – Expulsion.

Student Housing Agreement - Shippensburg University

This contract constitutes a non-possessory license for use of a space in a residence hall by a full-time enrolled student at Shippensburg University, Shippensburg, Pennsylvania, and shall not be construed as a lease. If at any time during the semester a student drops below full-time (below the 12 credit minimum), he/she must contact the Dean of Students Office to secure permission to remain in on-campus housing. Students who reside in on-campus housing are required to enroll in a 15-meal or a 19-meal food service plan. The following are the terms and conditions of this contract.

C. Terms

The term of occupancy shall be for the entire academic year. Students graduating from the University at the end of the first semester should request housing for the fall semester only and shall be released from the second semester. Students provided they are not continuing their enrollment at the University. Individuals wishing to live off campus during the second semester will only be financially responsible for the semester. Entering first-year and transfer students having earned fewer than 12 (twelve) undergraduate college-level credits are required to reside in university housing. Exceptions to this policy include those students who reside full-time within the home of their parents or legal guardians; those who are 21 years of age or older; and/or those who are legally married. The accommodations will be available for occupancy according to the academic calendar. All rooms must be vacated by 10:00 p.m. the day the University closes for vacations. In the event a student withdraws during the academic semester, the accommodations must be vacated and properly checked out completed within twenty-four (24) hours and withdrawn. Extensions due to exceptional circumstances must have the approval of the Dean of Students. Any and all personal belongings remaining after the termination of the contract may be confiscated or dealt with as the University sees fit regarding disposal.

II. Payments

- A. The student shall pay a room deposit fee of \$100.00 to reserve a space in the residence halls. The deposit is due in full upon signing and delivering this agreement. This \$100.00 deposit shall become the property of the University and is refundable only as follows:
- Students not returning to the University because of academic dismissal will receive a \$100.00 refund.
 - Returning students canceling the Housing Agreement by June 1 prior to the academic year of this agreement will have a \$50.00 credit applied to their university account. If agreement is for Semester II only, written notice of cancellation must be received by December 1 to have a \$50.00 credit applied to the university account. Notice of cancellation MUST be received in writing by the Dean of Students Office by June 1 for full-year agreements and by December 1 for Semester II only agreements. Students canceling their housing agreements after June 1 or December 1 will forfeit the entire \$100.00 housing deposit.
 - Housing agreements will not be canceled for enrolled students after August 1 of the housing agreement academic year thus requiring full financial obligation for the entire academic year room costs. Housing agreements will not be canceled for enrolled students after December 10 for Semester II only agreements thus requiring full financial obligation for Semester II room costs.
- B. A room and board fee authorized by the Council of Trustees for each semester shall be paid according to a schedule set by the business office of the University.
- C. The \$100.00 room deposit fee shall be retained by the University until the housing obligation has been fulfilled.
- D. Each residence hall student must pay a common damage fee which shall not exceed \$10.00 per semester. The damage fee will be assessed to cover any damages that occur where a specific individual(s) cannot be identified in common areas. If no specific individual(s) is identified, residents of a given living area may be billed for damages which are identified to their living space. If this fee is not sufficient to cover the total hall damages, each student will be billed an additional percentage of the balance due. Any funds that are not used will be directed toward the cost of repairs, furnishings, supplies, and services for the residence halls.

- E. Room keys are not to be duplicated except by the University locksmith. A \$25.00 charge (\$40.00 for Seavers and Mowery) is made for replacing locks when keys are not returned. A \$5.00 charge is made for replacing a mailbox key. (Fees are subject to change.)

III. Withdrawals from Residence - Refunds

- A. The room (housing) fee is refundable according to a schedule listed in the current Undergraduate Programs Bulletin. The room fee is not refundable when a student terminates occupancy in a residence hall except in cases of complete withdrawal from the University. Students may make a request in writing to be released from their contract if moving to their permanent home address because of extraordinary financial circumstances or other emergency reasons. Student teaching and internships will not be viewed as justifiable reasons for release from the housing agreement. Any refund will be prorated according to the date the student completes the official procedures to withdraw from a residence hall and in accordance with the University refund policy.
- B. Residents dismissed from a residence hall and/or the University for disciplinary reasons may be considered for a refund of the room and board fee according to a schedule listed in the current Undergraduate Programs Bulletin.
- C. All students who withdraw or are dismissed from on-campus housing must officially check out of residence hall accommodations with a residence hall or Seavers Complex staff member. Proper residence hall or Seavers Complex check out includes completing appropriate forms, inspecting the room condition, and returning room and mailbox keys.

IV. Utilities, Heat, Furnishings

Included with the room accommodations to be supplied by the University is a reasonable amount of light, heat, and hot water. Student rooms shall be furnished by the University with bed, mattress, drawer space, desk, and closet space. Each room is equipped with a voice, data, and cable TV jack. Voice (basic local telephone service) will be provided by the University without charge. Phone services do not allow collect or third party calls to be charged to individual rooms. Basic television cable service is provided in each room. Each room has been equipped with a computer network jack (ResNet). There are no additional charges for these services. Long distance services are accessed by using a long distance calling card (non-subscriber card).

V. Use of Premises

The student shall not use their assigned space as a sales room or storage location for commercial activity. Additional occupants shall not stay within the premises other than as assigned or allowed by University policy.

VI. Excuplatory Clause

The University does not assume any legal obligations to pay for the loss of or damage to items of personal property of the student which occurs in its buildings, storage rooms, or on its grounds, prior to, during or subsequent to the period of the contract. The student or parents are encouraged to carry appropriate insurance to cover such losses.

VII. Rules and Regulations

The students shall comply with all sanitary laws, with rules and regulations of municipal, state, or federal authorities, and shall at all times comply with rules and regulations in force or adopted by the University relating to occupancy and use. The

University reserves the right to enter a room during regularly scheduled and announced inspections to insure proper standards of health and safety for the resident(s) of a residence hall. University officials (including the deans, residence directors, resident assistants, and custodians) may enter rooms in fulfilling their duties and responsibilities for supervising residence halls, enforcing University rules and regulations, and performing maintenance. The University reserves the right to cancel or deny the continued occupancy of residence hall space for noncompliance of rules and regulations or unacceptable behavior as stated in the Student Handbook.

VIII. Right of Assignment

The contract is for space and the University reserves the right to make room assignments, temporary assignments, triple assignments, consolidate vacancies by requiring residents to move, and reassignments when necessary. Assignment to housing space is made without regard to race, creed, color, religion, or sexual orientation. Housing of new residents is made on a random basis. Assigned rooms may not be sublet. Students may change rooms only after first receiving authorization from the Dean of Students Office.

IX. Guarantee

The guarantor(s) of the student hereby agree to be bound by the terms of this agreement and agree to indemnify the University for any and all sums which may be due hereunder by the students.

X. Joint and Several Liability

The student and guarantor(s) shall be individually liable, and jointly liable with other students for all damage done to rooming accommodations and furnishings therein. The student and guarantor(s) also agree to be jointly responsible with other residents for residence hall accommodations, furnishings, and equipment and to share in the payment of damages sustained. The University will assume no liability for personal injury of students who choose to utilize the bunk option of University beds. For those students who so desire, bed rails are available upon request.

Residence Hall Card Access System

All residence halls at Shippensburg University are equipped with a computerized card access system which is operational twenty-four hours per day. This means that exterior doors are electronically locked at all times. Students may enter only their assigned residence hall via the access system. Electronic access is limited to the main entrance of the hall. Entrance into a residence hall is gained according to the following instructions:

1. Slide the identification card through the card reader slot using a top to bottom motion. The magnetic strip must face the thick side of the card reader. When the green permit light illuminates, the door is unlocked and ready for entrance.
2. If the green permit light does not come on, the reader did not successfully read the information encoded on the card. Pass the card through the reader a second time. If after three tries the door still fails to unlock, contact your roommate, the desk assistant, or call University Police (Phone Extension #1444) to gain entrance. At your earliest convenience, go to either the University Police (Physical Plant Building) or the Dean of Students Office (210 Old Main, Phone Extension #1164) to have your identification card and access status verified. The Dean of Students Office is open from 8:00 a.m. to 4:30 p.m. Monday through Friday. The University Police station is always open.

Other additional information:

1. Do not lend your identification card to another person.
2. If your card is lost or stolen, call the University Police immediately at Phone Extension #1444.
3. Tampering with the electronic access system in any manner is prohibited. Tampering includes, but is not limited to, propping doors open, allowing others to gain unauthorized access to a residence hall, and/or using another person's identification card.
4. Visitors and delivery persons are expected to use the exterior phone to call and request that residents come to the front door to meet them. Visitors must be signed in according to the "Residence Hall and Apartment Visitation Policy" as explained elsewhere in the *Swataney*.
5. In an event of a fire, all exterior doors will be electronically unlocked to allow an emergency exit.

The electronic access system is designed to provide increased security for residence hall students. However, it is crucial to remember that maintaining a safe and secure environment requires the cooperation of all individuals living in residence halls. Please follow the aforementioned guidelines so as to minimize security risks.

Residence Hall and Apartment Visitation Policy

Students living in University owned residence hall rooms and apartments may have visitors twenty-four hours, seven days per week. It is assumed that all visitors are invited and/or welcome. The terms guest and visitor are used interchangeably, defined according to the following categories:

- (a) Those individuals not officially assigned by the University to a particular residence hall room or campus apartment.
- (b) Those individuals not officially assigned by the University to a specific residence hall.

General Parameters

Roommates are expected to discuss with each other the general parameters for hosting visitors within the confines of the room or apartment (e.g., advance notice, acceptable visitation hours, visitor behavior, etc.). It is the responsibility of the host to ensure that the presence of a guest does not infringe upon the rights of his or her roommates. Any resident planning to host an overnight visitor is expected to secure prior permission from all his or her roommates before inviting a guest to stay. Cohabitation is not allowed. No visitor will be allowed to stay within a room or apartment for more than two consecutive days.

Bathroom facilities located on residence hall floors are designated for usage according to gender. Use is thus restricted to persons of the same gender as those individuals assigned to the rooms on the floor. Visitors of the opposite gender are required to use bathroom facilities designated for them in other locations throughout the residence hall.

Visitors are expected to follow the rules and regulations of the University, with hosts required to assume full responsibility and accountability for the behavior of visitors. Visitors who are Shippensburg University students will also be held accountable for violations of the Student Code of Conduct. Any resident negatively affected by another student's guest is encouraged to contact the residence life staff for assistance.

Guests of residential students are required to register their motor vehicle with the University Police upon arrival. There is no charge for this service. The University Police

Station is open twenty-four hours per day, seven days per week. Failure to register a vehicle may result in the issuance of a parking citation.

Residents of campus residence halls may, by secret ballot and after at least two weeks of classes, choose to restrict the visitation on their particular floor. If residents desire to limit visitation hours on their floor only, a meeting must be called that allows open debate regarding the proposed restrictions. Within three class days following the meeting, a secret ballot will occur. Only floor members are eligible to vote. Residence life staff will administer the election and tally the results. Seventy-five percent of the total floor residents must vote in favor of the proposed visitation restrictions in order to implement them. If passed, restricted visitation hours go into effect immediately, subject to enforcement by both the residents and the residence life staff.

Residence Hall Sign-In Procedures (Out-of-Hall Visitors)

Nonresident visitors must be met in the main lobby by a host who resides within that particular residence hall. The host and guests are expected to proceed directly to the lobby desk and complete the registration process. Note: During periods when the hall desk is staffed by a desk assistant, he or she will assist in the registration process. During periods when the desk is closed, residents are expected to register guests by completing the card and placing it in the registration box which is available at each residence hall desk. It is a violation of this policy to host visitors without registering them at the hall desk. Violators are subject to University judicial action.

Residence Hall Escort Policy (Out-of-Hall Visitors)

Any visitor, regardless of gender, must be escorted by his or her host if not a resident of the hall he or she is visiting. Any situation involving an unescorted visitor will be considered a violation of this policy and will subject the host and visitor to judicial action by the University.

Residence Hall Room and Apartment Entry Policy

Shippensburg University is committed to the protection of students' right to privacy within the confines of their assigned residence hall rooms or campus apartments. This right to privacy is balanced by a responsibility to insure the health and safety of the University community. The University also has an obligation to protect its property, service functions, and educational mission from damage or disruption. It is within this context that the following guidelines were established:

University staff members shall generally enter a residence hall room or campus apartment within the following parameters:

- (a) Under conditions of serious threat to the safety or well-being of persons or property. Such conditions must be above and beyond the routine responsibilities of the staff members.
- (b) To eliminate disturbing noise emanating from an electronic device (e.g., alarm clocks, stereos) in a room or apartment with no occupants present. The staff members may enter the room, disable the device, and immediately leave.
- (c) To perform routine maintenance, complete repairs, or to conduct regular room and apartment inspections. Room or apartment inspections are generally for assessing compliance with fire safety regulations, damage, health conditions, maintenance needs, and cleanliness. Such inspections are generally announced at least twenty-four hours in advance. Residents need not be present during the room or apartment inspection.

- (d) When instructed to by an authorized police officer.
- (e) With the permission of an assigned resident.
- (f) Upon the issuance of an administrative search warrant.

Upon entering a room or apartment according to the aforementioned guidelines, staff members may confiscate and document items that constitute violations of law or University rules, regulations, and policies. These items must be in plain, unobstructed view of the staff member. Police personnel may also be called when appropriate. Confiscated items (e.g., cooking appliances) not in violation of local, state, and federal laws will be returned to the owner when appropriate. Additionally, University staff members will not routinely admit a third party to another person's assigned room or apartment without the consent of the occupant.

State and federal law governs the protocol for entry into and/or search of campus rooms and apartments when enforcing criminal statutes. Such entry is normally the responsibility of police personnel.

The issuance of an administrative search warrant is typically based on probable cause. Probable or reasonable cause is less than certainty and more than mere suspicion that the search of a particular dwelling will disclose specific evidence. Absent exigent circumstances, administrative searches must have the advance approval of the President, or the Vice President for Student Affairs, or the Dean of Students, or a designee. Once approval is received, persons entering a dwelling should announce themselves and their purpose. A lack of response from within the dwelling in a reasonable amount of time may justify the use of a master key to enter the premises. The search for evidence justifies intrusion only into the areas of the dwelling where such items may be found. Violations discovered during this administrative action will be subject to adjudication within the University judicial system.

Residence Hall and Apartment Fire Evacuation Procedures

All residents of on-campus housing are required by state law to evacuate a residence hall or apartment in the event of a fire alarm. Evacuation is to take place during monthly fire drills as well. Residents who chose not to evacuate their hall or apartment face both University disciplinary action and arrest.

Policy on Residence Hall Posting

1. All materials must be in good taste. Materials advocating the use or abuse of alcohol and/or drugs, those containing information which can be interpreted as having sexual connotations or promoting discrimination of others on the basis of race, color, religion, national origin, disability, gender, lifestyles, age, political characteristics, or sexual orientation is prohibited.
2. No flyers or advertisements will be placed in student mailboxes without the permission of the Dean of Students.
3. Materials posted in the residence halls must meet the guidelines of the individual residence hall and be approved by the Residence Director of that hall. Advertisements posted on campus must be removed within 48 hours of the advertised event.
4. No materials shall be posted on the outside of any residence hall room or apartment door. The only exceptions shall be one message board per door, holiday

decorations during selected timeframes, and materials posted by residential staff members.

Policy on Hazing

Shippensburg University prohibits hazing. Alleged violations of the hazing policy, defined below, will result in the University initiating disciplinary and/or legal action against the organization and/or all involved students. When it is determined that hazing occurred, sanctions and stipulations include those outlined within the Shippensburg University Student Code of Conduct. Each campus organization is responsible for informing members, pledges, associate members, affiliates, or guests of the hazing policy.

The Shippensburg University antihazing policy is as follows. It was written to comply with the Pennsylvania Antihazing Law, Act 175 (December 1986), taking effect January 1994 as revised.

- A. All individuals in the organization are responsible for the adherence and enforcement of the hazing policy and law.
- B. Hazing is defined as an action or situation, on or off the campus, with or without consent that:
 1. Recklessly or intentionally or unintentionally endangers the physical health, mental health, safety, or dignity of a person.
 2. Creates risk of injury, or causes discomfort, embarrassment, harassment or ridicule.
 3. Willfully destroys or removes public or private property for the purpose of initiation or admission into, affiliation with, or as a condition of continued membership in any organization that operates under the sanction of or that is recognized by Shippensburg University or is comprised predominantly of Shippensburg University students.
- C. The term hazing shall include, but is not limited to, any act of a physical nature such as:
 1. Whipping, beating, paddling or branding.
 2. Calisthenics or other exercises.
 3. Exposure to the elements.
 4. Forced consumption of food, alcohol, drugs, or other substances.
 5. Requiring individuals to stay together in a private or public facility during hours not allowed in associating time.
 6. Forced physical activity (not previously stated in C: 1-5) adversely affecting the physical health, mental health, dignity, or safety of the individual.
- D. The term hazing shall include any activity which would subject an individual to extreme mental stress, including but not limited to:
 1. Any form of fatigue, including sleep deprivation.
 2. Late night sessions interfering with scholastic activities or normal sleep patterns.
 3. Line-ups or verbal abuse in any manner.
 4. Forced exclusion from social contact.
 5. Forced conduct which could result in embarrassment, including but not limited to uniformity in attire or physical appearance.
 6. Personal servitude.

7. Forced activity (not previously stated in D: 1-6) which could adversely affect the mental health, physical health, safety, or dignity of a person.
- E. The term hazing shall include any activity of a non-educational or "silly" nature that is inconsistent with academic achievement or the purpose, ritual, or policy of the organization and would subject an individual to embarrassment, stress, or fear, including but not limited to:
1. Scavenger hunts, treasure hunts, or quests.
 2. Pranks or ordeals.
 3. Requiring or expecting the completion of "busy work" tasks/projects in a short amount of time and/or outside of the accepted association/affiliation time frame.
 4. Requirement or expectation of being in a specified place when not in class (other than those activities pre-approved by the Office of the Dean of Students/Director of Greek Affairs).
 5. Mandatory memorization (unless sanctioned).
 6. Blindfolding (unless as part of a sanctioned ceremony).
 7. Random or rapid fire quizzing on organizational/member information.
 8. Morally degrading or humiliating games and activities.
 9. Mandatory, formal member interviews (unless sanctioned).
 10. Any activity (not previously stated in E: 1-9) which is inconsistent with organization principles and policy, the regulations and policies of Shippensburg University or Pennsylvania Law.
- F. Any activity, as defined above, which is indirectly or directly a condition of admission into, affiliation with, or continued membership in an organization predominantly comprised of Shippensburg University students will be presumed to be "forced," willingness of the individuals to participate in such activities notwithstanding.

All reported violations or concerns pertaining to hazing will be investigated thoroughly. When there appears to be legitimacy to the reports, subsequent judicial action against the offending organization and/or participants will be initiated. When deemed necessary, findings will be shared with law enforcement officials.

For additional information on the Shippensburg University Hazing Policy, please see the University Hazing Policy Interpretation or contact the Office of the Dean of Students or the Director of Greek Affairs.

Policy on Sexual Assault

The University will not tolerate rape or other sexual assaults. The Etter Health Center on campus provides immediate help for victims of sexual assault. The nurse on duty will provide assistance and options. The Chambersburg Hospital provides medical examinations and will collect evidence which may be needed for proof of criminal sexual assault. A victim of sexual assault may be accompanied by an advocate in accessing services. Both W.I.N./Victim Help Services, Chambersburg, and REACT (Rape Educators and Contacts) on campus, will provide advocates if requested. Whether occurring on or off campus, a sexual assault can be prosecuted through the state legal system and the University judicial system. The complainant may pursue one or both procedures. In either case, the complainant must file a signed, written complaint.

Reports through the state legal system can be filed through the Department of Safety (University police) or the police department having jurisdiction where the assault occurred.

For University judicial review, the complaint must be filed with the Dean of Students Office. The written complaint shall include the charge, the date of the alleged incident, the name of the accused and the complainant's signature. A sealed envelope addressed to the Dean of Students, marked *Confidential*, is recommended. A hearing will be scheduled within ten days of the filing of a sexual assault report. All hearings are closed unless both the complainant and accused agree to an open hearing. The Dean of Students has the authority to issue an interim suspension and/or modify students' living arrangements to accommodate the complainant's safety needs. (Special consideration will be made to ensure that the complainant's accommodations are not changed unless so requested.) Both the complainant and the accused may have someone accompany them throughout the disciplinary process and both shall be informed of the outcome. The past sexual history of the complainant with anyone other than the accused may not be discussed at the hearing. The past sexual history of the complainant with the accused may be admissible only where the consent of the complainant is at issue. If the accused is found to have violated the Student Code of Conduct, the victim may deliver a victim impact statement (effect of the crime on the victim). Sanctions that can be imposed as a result of a hearing are listed in the Student Code of Conduct in the Student Handbook and are available from the Office of the Dean of Students. They range from a warning to expulsion.

Counseling services are available at the Counseling Center on campus and at W.I.N./Victim Help Services in Chambersburg.

Educational programs are provided during Fall Orientation, in the residence halls and by request. Many of these programs are provided by trained student volunteers known as REACT (Rape Educators and Contacts). Students may seek direct assistance and/or further detailed information concerning sexual assault policies, procedures and educational programs from REACT, the Dean of Students Office, the University Police, the Women's Center and the Counseling Center.

Traffic and Parking Regulations

A copy of the University parking rules and regulations is available to each eligible person when he or she registers his or her vehicle with the University Police. All vehicles must be registered with the Police. Vehicles registered and operated by resident freshman and sophomore students will be permitted to park in storage parking facilities only. No exceptions will be made.

Visitor Parking Permits

Official Visitor Parking Permits for individuals or small groups may be secured from the University Police (Physical Plant Building, phone 1444). The person sponsoring such individuals or groups need only report to the University Police the number of people attending so that a parking area may be assigned. By following the above, visitors can be spared the inconvenience of settling an unwarranted parking violation ticket.

Bicycles

Bicycles operated on the campus must be registered with the University Police or the Borough of Shippensburg. All bicycles operated on campus are subject to the University Traffic and Parking Regulations and the Pennsylvania Vehicle Code.

Skateboards/Skates

Skateboards, roller skates, in-line skates, etc. are not permitted for use on the University campus except in specially designated areas. The normally heavy

concentration of vehicular traffic on the roadways and pedestrian traffic on the sidewalks does not provide a conducive atmosphere for the safe use of these items.

Official warnings will be issued to violators on the first offense. Repeated violations of the regulations will result in confiscation of the prohibited items or further disciplinary action by the University.

Drug Free Schools and Campuses Act (1986)

The Drug-Free Schools and Campuses Act require Institutions of Higher Education to develop a written policy that describes standards of conduct that clearly "prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities."

The written policy includes (1) a description of the applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol; (2) a description of the health risks associated with the use of illicit drugs and the abuse of alcohol; (3) a description of any drug and alcohol programs (counseling, treatment, rehabilitation; and re-entry) that are available to employees or students; and (4) a clear statement that the University will impose disciplinary sanctions on students and employees for violations of the standards of conduct.

Shippensburg University has created policies and procedures to be in compliance with the Drug-Free Schools and Campuses Act. A copy of the policy is distributed annually to students, and can be obtained in the Personnel office, Dean of Students office, or by accessing the University web site at www.ship.edu.

Policy on Smoking

Smoking is prohibited in all Shippensburg University buildings and fleet vehicles, excluding private residences. Private residences are defined as any space occupied by students or others as their private living quarters, except those located in designated non-smoking areas. Examples include, but are not limited to, student rooms in residence halls, staff apartments, and student apartments. In recognition of the needs of the smoker, smoking is permitted outside buildings. Smoking is defined as a lighted cigar, cigarette, pipe, or any other lighted tobacco product. The University policy also discourages the use of smokeless tobacco as it presents health risks to those who use it. Students who violate this policy will be subject to judicial action by the University.

ResNet

ResNet is an Ethernet network that allows access to Email, Internet access including the World Wide Web, library resources, and the University mainframe computer - directly from residence hall rooms, suites in Seavers Complex, and apartments in Stone Ridge Commons. Each student has a separate Ethernet jack and a surge-protected power source in his/her room or apartment.

For minimum PC requirements, general ResNet information and jack activation procedures, visit the ResNet web site at <http://resnet.ship.edu>.

If you plan to use campus Email services, you can activate your account from any computer with Internet access. You can bring your SU student ID card to any PC in the PC lab in room 054 of the Math/Computer Technologies Building and follow the instructions on the menu options. Or, you can do this from your PC after you successfully make the ResNet connection. Go to the web site <http://resnet.ship.edu> and follow the instructions to "Register for Your Campus Ark (Email) Account."

If you want to forward mail from your campus ARK Email account to another Email account, you can visit the <http://info.ship.edu> web site and choose the student services option, log into your Student Information Services account using your library number

from your student ID card, and select the option under the Registrar's Office to change your address/Email.

If you have difficulty installing the connection to ResNet or any of the related files, you can call the ResNet Office at ext. 1639 for support services. Please note that ResNet staff will only provide support to students who's PCs meet or exceed the minimum requirements and that service is only provided for network connection, not for software or hardware problems.

The Telecommunications Department

Mission

The Telecommunications Office is committed to providing high quality cost-effective telecommunications services to the University community. In an ever-changing environment such as telecommunications, small changes may have huge impacts. It is our desire to stay abreast of these changes and facilitate comfortable cost-effective alternatives for our users and fiscal responsibility to the university.

The Office

The Communications Center Manager may be reached at extension 1209. (717-477-1209 from off-campus.) Concerns about operation, policy, procedure or escalating complaints should be directed to this office. Normal hours of operation are Monday-Friday, 7:30 a.m. to 4:00 p.m. and may be visited in Old Main 102B, inside the Communication's Center Office.

The Equipment

Shippensburg University owns and operates its own computerized PBX (Private Branch Exchange). While the majority of faculty and administrative offices operate proprietary digital equipment, the residence halls operate on standard analog equipment and service from the same PBX. This allows the student that elects to bring his/her own phone to campus, to bring any standard analog equipment that would operate on a normal residential or plain old telephone service (POTS).

Residence Halls

The Shippensburg University Residence Halls, Seavers Complex suites and Stone Ridge Commons are equipped with wiring, dial tone, and a university owned DID (Direct-Inward-Dial) number assignment. This DID assignment is predetermined by the university and will be available to the student upon room assignment.

Students are required to bring their own telephone device. You are asked to seek a device with a REN (Ringer Equivalency Number) less than 1.5. This information is provided by the manufacturer and may generally be found on the bottom of the phone or manufacturer information provided on the box before purchase.

A normal touch-tone phone is required. Older style dial phones will not operate on campus.

In typical residence hall rooms, a separate telephone jack (white) may be found for each side of the room. The same telephone number assignment is provided to both jacks. Individual numbers for each student in a room are not available.

In Seavers Complex suites an active telephone jack is located in the common area of each apartment as well as the center module of each bedroom. Again, only a single number assignment is given to each apartment.

There are no recurring monthly charges for dial tone as there is with typical residential service. These charges could add up to about \$11 per month plus taxes.

All campus to campus calls accessed by dialing the four-digit extension number are free of charge. All campus to local area calls, defined below, are free at this time. The Local Exchange Company (Sprint) however, may provide this feature (local calling) as metered service, in which case appropriate charges would apply. At this time there is no information supporting a change to metered-service. We only want you to be aware that the Local Exchange Company determines this through normal business procedures and PUC approvals.

TIP - The Telecommunications Office recommends you use an analog phone that has a FLASH or TAP button. Several features including CAMP, which allows you to get a second internal caller while you are on the phone, require a FLASH or TAP button.

Telephone Trouble

If you experience a problem with your phone, use the guide list below to help identify if you are experiencing a mechanical or network problem, or if it may be no real problem at all.

If you determine that it is indeed a trouble worth reporting; notify your Resident Assistant who will file the appropriate trouble report. This report is e-mailed through the campus network and processed to the appropriate maintenance providers typically the same day. Response is generally within 1 business day and seldom more than 2 business days, however these providers require a residence hall staff member accompany them to your room if you are not there. This often causes delays.

Since you are responsible for bringing your own equipment, trouble reports should not involve problems that your personal equipment is experiencing. Continuous poor connections involving static or humming; a jack on one side of the room working and the other not; no dial tone; and similar problems are typical of the type of trouble you should report.

A bad handset, broken line cord, ringers that don't work, numbers that stick, or similar problems are typically considered equipment problems and are the owner's responsibility.

Trouble Hints

1. If your phone is dead, unplug it and move it to your roommate's jack or a neighbor's jack. If it's still dead, it's probably the phone.
2. If you are not sure, but you think it may be your phone; see a residence hall staff member and check out a test phone to try out your jack.
3. If you dial a number or attempt to dial any on-campus or off-campus number or feature code and get a tone that sounds like a two-tone siren, you have attempted to access a function, feature, access code or dialing path you are not permitted to use. Check dialing instructions and feature instructions to verify how you are dialing. Call the Communications Center if there are any questions.
4. If you attempt to dial 9 and a local number and receive a fast busy signal before all digits are dialed, all available paths may be busy. This occurs infrequently, however may be experienced in the early evening hours when large number of students are attempting to dial local and operator assisted calls. You may want to attempt your calls during less busy periods, usually before 8 p.m. or on Mondays, Tuesdays and Wednesdays.
5. If you have requested to deactivate your voice mail and use an answering machine, be careful to take the following steps:

- a. Notify the Voice Mail Office at 1 887 that you wish to deactivate the automated Voice Mail – or – dial into your voice mail and select the options for Do Not Answer, Do Not Accept Messages. You will experience trouble and loose messages if you try to operate both at the same time.
 - b. Plug your Answering machine into one of the wall jacks directly and plug any phone into the appropriate port on the answering machine. Avoid the use of splitters, swivels and peripheral connectors.
 - c. Make sure the total REN of all equipment in your room connected to the wall jacks total no more than 3.
 - d. REMOVE the answering machine if you experience any problems before reporting trouble. This equipment may result in causing other unrelated problems.
6. Never attempt to remove, inspect, rewire, check, alter, repair, or damage the wall, data or TV modules terminated in your residence hall room. Electronic circuitry contained in these modules (not like the household telephone jack you bought at the local radio store) make them very expensive and you will be responsible for damages and replacement of these items as well as labor costs to install/replace and re-certify.

Long Distance Toll Calls and More

Making Long Distance calls from campus used to be an extremely expensive and cumbersome task. Many changes have been made to allow for the users to choose the methods of calling that best suit their needs.

There are some advantages and disadvantages with every option, most inherent with the provider or method of choice.

Toll-Free Home Numbers

There are many services available that offer you a personal 800 number. As with all services, there are advantages and disadvantages.

Advantages:

Anyone you give the number to can call from virtually anywhere and you will pay the bill without the typical collect or third party surcharges typically associated with called party billing.

You know the fees up front. Whether its \$5.00 per month plus 16 cents per minute and 30 cents per call, or a flat 25 cents per minute, you can determine how much its going to cost you to have one and to some degree control it.

There are many services that allow you to have one number around a menu for callers, in which you again assume responsibility for all charges. This may include push 1 to reach Mom & Dad, push 2 to reach Grammy and Pap, and push 3 for Brother.

Disadvantages:

The route for these calls presently shares the same route as local calling so that no charges to the university can be applied. No carrier at this printing is willing to supply a separate path for their services or for handling combined services. In other words, you may experience busy signals.

Because the local access lines appear as non-coin pay stations from the university (in order to reduce fraudulent third party billings, and unauthorized charges to the university) several carriers will take advantage of the FCC regulation that permits them to charge the owner of an 800 number 30 cents per call for passing their calls through

a privately owned pay-station. This is done even though the university does not charge or collect for passing these calls. We are unable to intervene on your behalf if your carrier chooses to assess this charge.

The rates for these personal 800 numbers are typically higher than other choices and does not permit the party to access any long distance call to any place when they need it, only the location(s) the 800 numbers are assigned.

While you are free to contract with any carrier or provider you choose, Shippensburg University offers information on a company called Hotline Home. Review the information carefully. While it seems to be a fair offering, it is only one of many choices you may make.

TIP About 800 Numbers:

There are many unscrupulous service providers, offering everything from adult entertainment to psychic readings and more. Often, they will provide you with an 800 number to call. You are cautioned to not press any buttons to speak "yes" or an affirmative response to any questions. Doing so may cause the university to be fraudulently billed for services in much the same way a 900 number works. Often phenomenal per minute rates such as \$5.00 per minute and more will be applied to the trunk line you dialed out on. Known as toll-free look-alike numbers, the university actually blocks the ability to call a number known to be attached to or offering these potential toll-call charges to a university trunk line. Call detail recording software is used to identify the actual called party. Callers will be responsible for all charges as well as any administrative costs associated with the call.

When in doubt don't make the call, or do it from a pay phone. If the call doesn't go through or no services are permitted, you can rest assured, it is one to be avoided.

Operator Services

There are many types of operator services. Shippensburg University offers a Primary Operator Services Agreement with a successful competitive award. This may change approximately every three years. One of the requirements is that the provider accept proprietary cards to their network, non-proprietary BOC (Bell Operating Company) Cards, major credit cards as well as offering collect and third party calling. (Please note there has been an on-going attempt by the industry to do away with third-party dialing. If successful, it will automatically impact the offering of these services regardless of any contractual arrangements.)

While the Primary Operator Service Agreement provider will offer a dedicated operator services path, reducing the amount of potential busy signals, it is not the only operator services option.

The TOCSIA (Telecommunications Operator Consumer Services Information Act) allows you to make a call to the operator services provider of your choice via an 800 number they may provide or an equal-access number plus 0. This may allow you to dial 10-10-XXX+0+area code+number and enter the calling card number you have from that company, as well as asking for any billing options that provider may offer.

Note -10-10-XXX is a method of accessing the carrier of your choice. When they advertise special discounts, rates, and offerings however, please note they instruct callers to dial 10-10-XXX+1+AC+Phone Number. This would need to be done from a privately owned phone such as your home or residential phone. These special offerings may not - and usually do not- apply to accessing the same carrier and using a calling card or alternative method of billing. In addition, because these

carriers do not provide any dedicated path for services, they are shared and routed over the local call paths.

Be wary of any provider that does not ask you how to bill the call, and your card number or asks if you are interested in receiving other services such as voice mail or Internet access. Cramming is the activity of fraudulently adding unsolicited charges to your bill for services or products you are not requesting.

Under no circumstances should collect or third party calls be accepted in your room residence hall room or apartment. Disciplinary actions may result as well as call charges and administrative costs.

Making Local Calls

From your residence hall room you are permitted to make calls to the following exchanges as local calls, providing you dial correctly.

To dial a local call, you should dial 9 then the seven digit local number. The local exchanges deemed local-free when dialed properly are 261, 262, 263, 264, 267, *360, 423, 477, 530, 532, *709, *816, *860 - *indicates local cellular providers office codes.

If you attempt to dial a local call using your authorization code, you will be billed as a toll call. Local calls should be dialed in the manner described in order to insure they are passed as free calls. Calls made any way other than by dialing 9+7-digit local number are subject to all appropriate charges.

Some cellular phone providers mislead cell phone operators into believing since a call in the cell may be considered local, calls from land line phones to the cell phone or vice versa should also be considered local. This is not the case. Operating in much the same manner as a VPN (virtual private network), cell phone providers may pass that call on their own network assuming it originates within a local cell. Land line users are subject to the local exchange companies network and depth for local calling. The two may not, and usually are not, the same thing.

Basic Dialing Instructions

Campus Extension to Campus Extension:

1. Dial the four digit campus extension number.

Campus Extension to Local Calling Area:

1. Dial "9"
2. Dial seven digit local number. (At printing, the local office codes accessible from campus as local calls with the appropriate method of dialing are: 261, 262, 263, 264, 267, 360, 423, 477, 530, 532, 709, 816, 860.

Campus Extension to a Toll-Free Number:

1. Dial "9"
2. Dial 1-800-XXX-YYYY - or- 888 & 877 are also toll free exchanges. As mentioned, be cautious of any toll-free number that may be a look-alike number and cause you to accept fraudulent charges. You will be held responsible.

Campus Extension to Primary Operator Services:

1. Dial "9"
2. Dial 0+Area Code + Phone Number.

3. You will receive a bong tone identifying from the current operator services provider.
4. Enter your BOC Calling Card number, equivalent home phone card number, or major credit card, or hold for an operator with specific billing instructions.

Campus Extension to Equal Access Provider:

1. Equal Access providers may require a number of alternative methods of access, including 800, 950, and 1010XXX access.
2. Dial "9"
3. Dial 1010XXX0 + area code + phone number.
4. Follow access providers instructions. Please note TOCSIA permits the university to protect itself from reverse or end-user billing by requiring equal access zero calls are made to valid billing parties and to pursue fraudulent charges. The university cannot guarantee that all providers supply information that will allow access and billing methods in this same manner. If you have questions specific to a particular access provider, please contact the Communications Center at 717-477-1209.

IMPORTANT CAMPUS TELEPHONE NUMBERS	
EMERGENCY - POLICE, FIRE AND AMBULANCE	1911
UNIVERSITY POLICE - NON-EMERGENCY	1444
ETTER HEALTH CENTER	1458
LIBRARY CIRCULATION DESK	1465
UNIVERSITY STORE	1600
HOTLINE - EVENTS AND WEATHER CLOSINGS	1200
STUDENT INFORMATION	1693
ESCORT SERVICE - on campus only	3716

EXHIBIT C



March 25, 2003

Dear Member of the Campus Community:

Shippensburg University is strongly committed to freedom of expression, academic freedom, and the right of dissent. Discussion of current and controversial issues is an integral part of our mission. Faculty and students have the right to engage in such discussions in the classroom or anywhere else on campus if they desire. The University expects that global events will be discussed in hallways, in offices, in residence halls, or in any place on campus where people meet and interact.

For organized demonstrations and rallies and to provide a public forum for collective expressions of opinion outside the classroom, the University has reserved certain spaces on campus. These spaces are the area by the gazebo between the Library and Franklin Science Center and the triangular lawn defined by the sidewalks leading to the Cumberland Union Building facing Franklin Science Center. Anyone interested in using these spaces for these purposes may do so.

Such spaces are common and appropriate at universities throughout the country. They provide a place for groups and individuals to express their opinions and views publicly while ensuring the safety of individuals and property and maintaining the right of others not to participate in the demonstrations or rallies if they so choose.

In the event that these activities need to be moved inside due to inclement weather, demonstrators must reserve rooms through normal University procedures. A sign stating the purpose for which the room is being used must be clearly posted on the outside door.

Sincerely,



Anthony F. Ceddia
President