

## **STUDENT JUDICIAL SYSTEM**

### **PURPOSE AND PHILOSOPHY**

The aim of a judicial system serving an educational institution is to increase student responsibility, provide for a fair method of adjudicating alleged violations of University policies and rules, and to provide due process prior to imposing sanctions. The Student Judicial System at Delaware State University also provides an opportunity for students to participate in the governance of their own lives within the educational community. To that end, students have significant responsibility for the formulation and maintenance of standards of behavior and for sharing responsibility with the faculty and administration. To safeguard the rights of an individual who comes before the judiciary system, the rights of the individual must be clearly stated and the principles of procedural due process clearly explained. To protect that individual against possible errors in judgment that may occur in any judicial system, a right of appeal to a higher judicial body should be provided.

### **PARALLEL CRIMINAL OR CIVIL PROCEEDINGS**

The Student Judicial System of this University is designed to adjudicate alleged violations of University regulations governing student conduct separate and apart from any other civil or criminal proceedings. The University will not, absent exceptional circumstances, defer taking its own action simply because criminal or civil charges have been made or may arise out of a student's conduct. When there are parallel proceedings, students will have certain additional rights, including the right to counsel, that are not provided in routine student disciplinary procedures.

**NOTE: Students at Delaware State University are responsible for knowing and are bound by local, state and federal laws.**

### **ENFORCEMENT AND INTERPRETATIONS**

The President as the official responsible for student conduct and maintaining discipline has designated the Vice President for Student Affairs. The President of the University shall have the final authority on all matters of student discipline. Any question of interpretation regarding the rules, regulations, policies, or procedures of the Student Judicial System shall be referred to the Vice President for Student Affairs or designee for final determination. The Vice President for Student Affairs will administratively address any issue not covered in the Judicial System. The Student Judicial System shall be reviewed at least every three (3) years under the direction of the Director of Student Judicial Affairs. Members of the University Community will have an opportunity for input prior to any substantial changes in the Student Judicial System.

### **CONFIDENTIALITY OF STUDENT JUDICIAL SYSTEM RECORDS**

1. In accordance with the Family Educational Rights and Privacy Act (FERPA), a student may inspect and review his/her judicial file upon request to the Director of Student Judicial Affairs. Student disciplinary records are for internal use only, and may not be released to any party outside the Judicial System without the written permission of the student, except when records are officially subpoenaed. A student may obtain a copy of his/her disciplinary file from the Office of Student Judicial Affairs when the student is

currently charged with an offense and a copy is needed to prepare his/her case for a particular University judicial hearing.

2. A student's disciplinary records will be retained until the student has left the University due to graduation, transfer or permanent academic dismissal. Upon completion of final matriculation, records related to Serious Violations, defined as those violations that result in suspension or expulsion, will be maintained for a period of five (5) years.

### 3. Confidentiality of Records

Before information in any student file may be released to anyone, the student must give prior written consent unless the Vice President for Student Affairs or designee determines that one of the exceptions in the FERPA applies, and that release of the records is appropriate. The types of disclosures that can be made without the student's consent include:

- a. To administrators, faculty and staff for legitimate educational purposes;
- b. To accrediting organizations to carry out their functions;
- c. To appropriate personnel to protect the health and safety of the University community or the public in emergencies;
- d. Pursuant to a subpoena or other legal process.
- e. Parental notification of alcohol and drug violations.

## **OUTLINE OF PROCEDURES**

The following is a summary of the steps of the Student Judicial System.

1. Filing of an initial report
2. Referral of the matter to a Hearing Officer or applicable Council
3. Prehearing Conference with a Hearing Officer. At a Pre-Hearing Conference the accused student will have an opportunity to discuss the charges, review the evidence and accept responsibility and take a sanction for the violation or request a formal hearing. (Refer to definitions section for additional information)
4. A formal hearing takes place before a Hearing Officer or Council, with findings of fact, conclusions and recommended sanctions. At this hearing the reporting party and the accused student will have an opportunity to present testimony, witnesses, evidence and arguments.
5. The Director of Judicial Affairs forwards to the student the findings and proposed sanctions giving the student two (2) academic days to file a written and personally signed appeal. If there is no appeal filed by the end of the second academic day, the student will be considered to have accepted the proposed outcome of the hearing and the sanction. (Refer to page 92 for additional information on appeals)
6. If the student files an appeal with the Office of Judicial Affairs, the request for appeals are will be evaluated by Appeal Review Officers. Appeals of serious violations resulting in the suspension or dismissal from the University are automatic.
7. If an appeal hearing is granted, the Office of Judicial Affairs will schedule the hearing before the Appeals Council who may recommend to the Vice President for Student Affairs that the findings of the original hearing body be upheld, modified or overturned. The Office of Judicial Affairs will notify the student of the date and time of the appeal hearing. If the appeal is not granted, the decision will stand and the sanction will be imposed.

8. Final determination by the Assistant Provost.

## **JUDICIARY ORGANIZATION**

### **A. Duties of the Director of Judicial Affairs**

1. Handles all preparation for hearings and the conduct of hearings.
2. May conduct Pre-Hearing Conferences.
3. Prior to hearings, the Director of Judicial Affairs assists in ensuring that students are aware of their rights and arrange for the hearing.
4. When the Director of Judicial Affairs is present at hearings conducted by Councils, they do not serve as advocates for the University, but rather serve to ensure that the Councils have all the information they need to conduct hearings fairly. It is the responsibility of the Director of Judicial Affairs to ensure that all witnesses are present, that proper procedures are followed, and to answer any policy or procedural questions posed by Council members, the accused student, or others involved in the Hearing process.
5. When the Director of Judicial Affairs conducts Administrative Hearings, they act as adjudicators, make findings of fact, conclusions, and recommend sanctions for any violations.

### **B. Administrative Hearing Officers**

1. An Administrative Hearing is any hearing that is conducted by a Hearing Officer, rather than one of the Councils.
2. Administrative Hearing Officers may be the Director of Judicial Affairs, or any chairperson or non-student member of a judicial council. A Hearing Officer cannot be the Reporting Party of the alleged violation.
3. Hearing Officers are empowered to hear any violations other than Zero Tolerance Violations.

An Administrative Hearing Officer(s) may adjudicate all violations occurring during the summer months, including Zero Tolerance Violations.

4. In cases where the Vice President for Student Affairs or Director of Judicial Affairs refers the matter to a Council, the student may elect to have an Administrative Hearing instead of a Council Hearing.
5. When a council cannot be convened as during semester breaks and the student elects an administrative hearing, the Director of Judicial Affairs may conduct administrative hearings, make findings fact, conclusions, and recommend sanctions for any violations. If the student requests a hearing before a council during semester breaks, there may be a delay until the start of the next semester before a hearing may be held.

### **C. General Judiciary Council**

1. The General Judiciary Council will adjudicate all Zero Tolerance violations and all other violations that the Assistant Provost or designee determines should not be referred to a Hearing Officer or the Residence Hall Judiciary Council.
2. The Council becomes active on the 15th day of August each year.
3. Membership
  - a. The General Judiciary Council is composed of a panel of four (4) students, six (6) faculty members and two (2) administrative staff of the University. The Chair shall be a faculty member.
  - b. Faculty members are elected by the Faculty Senate.

c. The Student Government Association according to its bylaws (see Student Government section) and those of the Faculty Senate chooses student members. At least two full-time students must be selected to serve on this committee. Choices are subject to approval by the Director of Student Judicial Affairs. Students who have been found to commit any violation within the past year as well as those who are on academic probation are ineligible to serve on this Council. Student members must have been enrolled in the University as full-time students for a minimum of one semester and be in good standing with the University.

d. The Director of Judicial Affairs or the Vice President for Student Affairs selects staff members.

e. Each hearing will be conducted by a panel of at least three members of the Council (one student and one faculty and one staff), with the Chair being the faculty member.

#### D. Duties

The Council members conduct hearings on the charges submitted to the Council by the Director of Judicial Affairs in accordance with the procedures for hearings. (See below for details on procedures.)

#### E. Residence Hall Judiciary Council

1. The Residence Hall Judiciary Council has authority to hear any violation, other than Zero Tolerance Violations, that occur in the Residence Halls.

##### 2. Membership

a. When a matter is referred to the Residence Hall Judicial Council, the Director of Residence Life or designee as Council Chair will convene that Council. The designee cannot be the Reporting Party of the alleged violation being heard.

b. The Residence Hall Judiciary Council shall consist of an officer from Men's Council and an officer from Women's Senate or two students appointed by these organizations. The President of each group will decide which officer or student will sit on the Council. The person selected may change from one hearing to another. Students who have been found responsible of any violation within the past year as well as those who are on academic probation are ineligible to serve. The Director of Student Judicial Affairs or designee will confirm a student's eligibility to serve. Neither student may be the Reporting Party of the alleged violation being heard.

c. Two staff members selected by the Director of Residence Life or designee will serve on the Council. Neither of the two staff persons may be the Reporting Party of the alleged violation being heard.

##### 4. Duties

a. The council members conduct hearings on the charges submitted to the Council by the Director of Judicial Affairs in accordance with the procedures for hearings. (See below for details on procedures.)

b. The Director of Residence Life or designee chairs the group but votes only in the case of a tie.

#### E. Appeal Review Officers

The Vice President for Student Affairs or designee selects faculty/staff members. These officers review requests to appeal and determine whether the criteria as defined in the appeal procedures have been met. They may recommend that the appeal be granted or denied.

#### F. Student Disciplinary Appeals Council

1. The Student Disciplinary Appeals Council will hear those appeals that the Appeal Review

Officers deem appropriate for further evidentiary hearing.

## 2. Membership

a. The Student Disciplinary Appeals Council is composed of six (6) faculty members elected by the Faculty Senate according to its bylaws. The Chair of the Council will be the faculty member with the greatest seniority with the University.

b. The Student Disciplinary Appeals Council is also composed of three (3) students selected by the Student Government Association according to its bylaws and confirmed by the Director of Judicial Affairs. Students who have been found to have committed any violations within the past two years as well as those who are on academic probation are ineligible to serve. Student members of the council must have been enrolled in the University as full-time students for a minimum of one (1) semester and be in good standing with the University. Student members shall not be removed without just cause. Just cause shall mean having less than a 2.3 grade point average or having been found to have committed a violation.

c. A panel of two faculty and one student, with the Chair the most senior faculty member, will hear each appeal.

## G. Additional Qualifications and Removal for Cause

1. Any student who has a violation(s) pending shall not serve on any Judiciary Organization council or committee.

2. Student members will be automatically removed from any Judiciary Organization council or committee if they have less than a 2.3 grade point average or have been found to have committed a violation.

c. Any Member of any Judiciary System council or committee may be removed from either a particular matter or from their position for cause, as determined by the Vice President for Student Affairs, in consultation with University Counsel.

## **PROCEDURAL STEPS AND STUDENT RIGHTS**

### Initial Intake of the Infraction Report

1. Any member of the University Community may file a written complaint (Infraction Report) against a student alleging a violation with the Vice President for Student Affairs. This person is referred to as “the Reporting Party.”

2. Where no prior investigation has been conducted by any other office, the Vice President for Student Affairs or designee will do such initial investigation as may be necessary to determine whether the alleged conduct would be a violation, whether there is any need for Temporary Suspension or other Temporary Sanctions, and to decide which judicial body should hear the matter.

3. No judicial action shall be taken, nor a case file opened, if an Infraction Report has not been filed pertaining to an alleged offense.

4. Section number the specific violation(s). The letter will invite the accused student to a pre-hearing conference to meet with a pre-hearing officer. The Infraction Report and a Hearing Option or Waiver Form is attached to the When an employee of the University has prepared an Infraction Report, the Reporting Party should, where practical, inform the accused student that he/she is being written up or the possibility of being written up.

If the accused student is not available to be informed at that time, the Reporting Party should make a notation of this fact on the infraction report form. Failure of the Reporting Party to advise the student will not be considered cause for dismissal of the charge.

5. An Infraction Report should generally be filed within five (5) academic days of the date on which the Reporting Party becomes aware that a violation has occurred or upon official completion of investigation of the infraction. Except in extraordinary circumstances, the Vice President for Student Affairs may choose not to take action on alleged violations that are not reported within sixty (60) days. If the Reporting Party is undertaking an investigation that may take longer than 60 days, that person should notify the Director of Judicial Affairs that the Infraction Report might be delayed.

### **Pre-hearing Procedures**

1. The Vice President for Student Affairs or Director of Judicial Affairs shall make an initial determination of whether the facts alleged in the Infraction Report state a violation. If not, no formal charges will be brought forth.
2. If the Vice President for Student Affairs or Directors of Judicial Affairs determines that the allegations do state a Violation, he/she will prepare a formal Charge Letter identifying the possible violation(s), and identifying by page and Charge Letter. The student will have an opportunity to discuss options at the pre-hearing conference. (See Definitions Section for details.)
3. Formal Charges must be based upon either a specific violation identified below (see Violations Section) or a specific law or University policy or rule. Violations cannot be based on general language in the Student Handbook or other publications.
4. Where the Charge is based upon conduct occurring outside of University Premises and Activities, the Charge shall specify the basis upon which the University is taking action (see Coverage section).
5. The Vice President for Student Affairs or Director of Judicial Affairs shall make the determination of whether the matter should be heard by an Administrative Hearing Officer, the General Judiciary Council or the Residence Hall Judiciary Council. The Vice President for Student Affairs or Director of Judicial Affairs will be guided by the following in exercising his/her discretion:
  - a. Non-Serious Violations occurring in campus housing (for which the possible sanction is unlikely to result in probation, suspension, or expulsion) will generally be referred to the Residence Hall Judiciary Council.
  - b. All Serious Violations (for which the possible sanctions could include suspension or expulsion from either campus housing or the University) will normally be referred to the General Judiciary Council.
  - c. A Hearing Officer may handle all other cases.
  - d. The decision to refer a matter to particular Council or Hearing Officer is not subject to review.
6. The Office of Student Judicial Affairs shall give notice of charges in writing to the accused student. A copy will be sent to the Reporting Party. The written notice of charges or summons should contain the charged violation, date, time and location of the hearing before the appropriate judicial Council or Hearing Officer, and the name(s) of the relevant Council members and/or the Hearing Officer.

7. The notice of hearing and formal Charges should be provided to the accused student at least two (2) academic days prior to the hearing. In the case of a Zero-Tolerance violation, this requirement is waived and the hearing may be scheduled anytime within the 2-5 days required by that policy. (See Zero Tolerance Policy for details.)
8. Requests for continuances or extensions of time should be made in writing to the Director of Judicial Affairs. Requests should be timely (at least 24 hours notice) and for good reason and will not generally be granted for more than a one-week period. Only one continuance will be granted.
9. If after such notification the accused, student does not appear at the hearing, the case may be heard and a decision rendered in his or her absence. Students are responsible for notifying the Office of Student Judicial Affairs of any address change. Failure to have a valid mailing or University email address on file with the University shall not invalidate the notice.
10. After formal charges have been filed, the student will be given the opportunity to meet with the Director of Judicial Affairs, at least three (3) days prior to the hearing (with the exception of Zero Tolerance Violations). The purpose of this meeting is to see if any informal resolution can be reached, and to review any questions regarding the process.
  - a. The accused student shall have the right to be informed by the Director of Judicial Affairs or Hearing Officer of the identity of known witnesses. The accused student may not contact any listed witness.
  - b. The Director of Judicial Affairs; will ensure that the accused student is provided an opportunity to examine all documents, statements, or other evidence that will be presented at the hearing, and to assist the student in procuring any witnesses or evidence within the University's control that the student wishes to present. The Office of Judicial Affairs may issue administrative summons requesting that any member of the University Community appear and present evidence at a hearing. Generally, students are responsible for contacting their witnesses and asking that they appear at a hearing.
  - c. Students should be aware that any attempt to intimidate or contact witnesses or officials by the accused or his/her agent(s), unless contact is approved by the Director of Judicial Affairs and is for the purpose of gathering information in preparation for the hearing, shall be considered a serious offense and will result in additional charges being filed.
  - d. Failure of students to appear at the Pre-Hearing Conference will result in a waiver of any challenges that could have been raised in advance of the hearing.
11. The accused student and the Reporting Party shall have the right to request that any particular Council member not serve for reasonable cause. Such requests shall be made to the Director of Judicial Affairs before or during the Prehearing Conference, and the Director shall make the final determination regarding any challenges. The Vice President for Student Affairs shall determine challenges to the Hearing Officer.

### **Temporary Suspensions**

The purpose of a temporary suspension, and any other interim measures, is to maintain the safety of the University Community pending a full hearing on an alleged infraction. Temporary suspensions can only be imposed by the Vice President for Student Affairs or designee and is usually recommended by the Chief of Campus Police.

1. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process will be immediately removed from the University.
2. Whenever practicable, the University will give the student notice and an informal opportunity to be heard before imposing a temporary suspension or other interim measures, including removal from the University. When circumstances make prior notice impracticable without posing a substantial danger to persons or property, then notice and the opportunity to be heard will be provided as soon as practicable after imposition of the interim sanction, usually within 1-2 days.
3. The Vice President for Student Affairs or designee will conduct the informal hearing and immediately thereafter make the determination of whether to impose temporary suspensions or other interim sanctions. The sole purpose of this informal hearing is to determine if the student's presence on University Premises or participation in University Activities – before his/her full hearing on the actual charges – poses a danger, .i.e. weapons (such as guns), large quantities of drugs usually warrant immediate interim suspension.
4. Where interim sanctions are imposed, a full hearing on the merits should typically be conducted within seven (7) academic days, and a final decision issued within ten (10) academic days. If a final decision cannot be rendered within this time, the Vice President for Student Affairs or designee will review the appropriateness of continuing interim sanctions. During this time the student can also request that the Vice President for Student Affairs review the imposition of temporary sanctions based upon information not available at the time of the informal hearing.

#### Hearing Procedures

1. The procedures in the disciplinary process have been established to protect the rights of the student and the University in rendering equitable decisions. As such, any student involved is expected to cooperate fully in order to meet their responsibilities in these procedures. Any student who does not cooperate in these proceedings will be subject to immediate disciplinary procedures. Wherever the term "Council" is used, it includes the Hearing Officer in Administrative Hearings.
2. Hearings before all University judicial bodies shall be closed. However, the accused student may request to be accompanied by one Advisor. (Defined in the "Definitions" section.)
3. Under University policy, attorneys cannot act as Advisors. During such hearings, the attorney is only permitted to advise the student how to best protect his/her rights for the parallel criminal proceeding.  
The attorney is not allowed to make arguments, question witnesses, or otherwise assist the student's case in the disciplinary hearing.
4. The proceedings of the hearings are tape-recorded by the Hearing Officer or designee. All tape recordings must be stored in the office of the Student Judicial Affairs for possible future use. Tapes will be kept in accordance with the file retention policy. In the event of an appeal, the accused student may request to review the tape recording, but he or she may not have a copy.
5. Accused students have the right to present his or her respective position by introducing evidence and witnesses, making statements and cross-examining opposing witnesses.

6. No student will be required to give evidence against himself or herself in any judicial proceeding.
7. The accused student is entitled to a fair and impartial hearing and is presumed not to have committed any violation unless his or her responsibility is proven by the preponderance of evidence (i.e., it is more likely than not that the student committed the offense).
8. In the event an accused student, having received proper notice of the hearing, does not appear at the hearing, a judgment may be entered against the accused student if the Hearing Officer or Council determines that the evidence presented is credible and that a violation is proven by a preponderance of the evidence.
9. The three members of any panel of a Council must be present for the entire hearing.
10. One member of each panel of a Council will be designated by the Director of Judicial Affairs or Vice President for Student Affairs as Chairperson. The Chairperson convenes the Council, reviews the charges and conducts the proceedings.
11. Only the Reporting Party, the accused student, his/her and witnesses may be present during the hearing. The Council determines whether it is appropriate to sequester witnesses.
12. Witnesses are sequestered until they are heard.
13. Prior to proceeding, the Chairperson or the Hearing Officer will confirm that there are no further challenges to the Council, and no basis for members to recuse themselves.
14. If there is an Advisor present, the Chairperson explains the role of the Advisor in the hearing.
15. The charges are read to the accused student. The Chair should ask the accused student if he/she understands the charges.
16. The Chair or the Hearing Officer shall place anyone giving testimony under oath or affirmation.
17. If the Reporting Party or a witness is not present, and the Hearing Officer has been unable to secure their attendance at the hearing, any prior written statement may be used if it is signed under the penalty of perjury or if the letter or other statement was made under circumstances that the Hearing Officer or Council considers to be credible. The fact that the accused party does not have an opportunity to cross examine a particular witness is not automatic grounds for reversal of findings, but may be grounds for a postponement of the hearing in order to secure the presence of that witness when possible.
18. The accused student shall then be asked to give appropriate testimony concerning the case. The accused student may refuse to give testimony and such refusal shall not be held against the accused student.
19. Witnesses are to be called first by the Reporting Party, and then by the accused student. Witnesses must leave after giving testimony.
20. Witnesses should be examined first by the party calling them, and then may be cross-examined by the other party and the Hearing Officer or Council members.
21. If the hearing must be continued to a second day, the Hearing Council will schedule the next hearing date, time, and place, and forward this information to the Director of Student Judicial Affairs. Hearings must be completed within four (4) days of when they are started, except with the consent of all parties or approval of the Vice President for Student Affairs.

22. Hearings are not subject to strict rules of evidence. It is up to the Hearing Officer and the members of the Council to determine what evidence is relevant and what weight to give to witness statements. The Hearing Officer and the members of the Council may, if they choose, accept into evidence letters, affidavits and other statements by witnesses.

23. When all evidence has been presented and the accused student and Reporting Party have given a final statement, the Chair explains the administrative review process to the accused student, then closes the hearing and dismisses all those not on the Council.

24. The Council members meet in private to make their decision. The deliberation of this Council is not recorded nor is it available for review.

25. The Council shall determine by majority vote whether the accused student is responsible for the violation cited in the infraction report.

26. If the preponderance of the evidence demonstrates that the student is not responsible for one or more of the violations stated, but some other provision of the Code of Student Conduct, the Council has the discretion to find a violation of some other provision, or some lesser included offense, even if not stated in the statement of charges.

27. After reaching a conclusion, the Council (or Hearing Officer, in Administrative Hearings) shall prepare

a Report and Recommendations. This report shall include: a summary of the witnesses and evidence presented (findings of fact); any credibility determinations made about the evidence; conclusions as to what violations (if any) were committed by the student; any mitigating factors; and a recommended sanction. This report must be submitted to the Vice President for Student Affairs immediately following the close of the hearing.

#### Appeals

1. The accused student shall have the right to request an appeal of a judicial action.

2. Requests for appeals must be made in writing to the Director of Judicial Affairs within two (2) academic days of receiving final notification of the hearing results, including any modifications made following Administrative Review. The request must clearly specify the reason(s) for the appeal as listed below:

a. Lack of due process, i.e. when a student can show an error in the hearing or arbitrariness in the finding against the weight of the evidence.

b. Lack of substantial evidence.

c. The sanction imposed was inconsistent with University sanctioning precedence.

d. Evidence that was not considered or available that would subsequently change the nature of the case.

3. Once an appeal is filed, the Director of Judicial Affairs will refer the appeal to the Appeals Review

Committee who will be guided by the following in exercising their discretion:

a. The Appeal Review Committee will generally decide any appeal that turns primarily on issues of law or policy, or alleged violations of procedures. Examples of student challenges that fit this category include allegations that there was bias, that the penalty or sanction was too harsh, that procedures were not followed correctly, that the case was treated inconsistently with other similar cases, etc.

b. Appeals that require a review of the evidence in the hearing record, or that may require review of evidence from outside the record (new evidence, further finding of facts, credibility determinations, etc.) should be referred to the Student Disciplinary Appeals Council.

- c. Appeals of Serious Violations (those that resulted in a sanction of suspension or expulsion) will be automatically referred to the Student Disciplinary Appeals Council for review and recommendations.
4. Within ten (10) academic days of receiving an appeal, the Director of Judicial Affairs will provide a notice to the student stating whether the appeal will be considered and what procedures will be used.
5. In cases of suspension or expulsion, a student is able to remain in classes except in cases of a temporary suspension where the accused student has been suspended pending a hearing and is deemed a threat to himself/herself or others. (See Temporary Suspensions for details.)
6. The Student Disciplinary Appeals Committee will follow the usual Hearing Procedures to the extent consistent with this section.
  - a. Unless otherwise directed by the Vice President for Student Affairs, the hearing will be on the record, without additional witnesses or evidence.
  - b. The student will have an opportunity to make a presentation to the Appeals Council concerning the appeal.
  - c. The Student Disciplinary Appeals Council will make a recommendation to the Vice President for Student Affairs whether to uphold or reverse a verdict and whether to uphold, modify or remove any sanction or remand the case back to the original Council.
  - d. The hearing will be completed and the recommendation given within ten (10) academic days of the start of the hearing.
  - e. No transcripts of testimony will be prepared unless a student wishes to do so at his/her own expense. All reviews will be conducted using the tape recordings of the original hearing.
7. The Vice President for Student Affairs may not impose any sanction more serious than the one recommended by the Student Disciplinary Appeals Council as long as the judicial body has followed guidelines and policies governing the judicial process. The decision of the Vice President for Student Affairs is final.

### **Administrative Review**

1. The Vice President for Student Affairs or designee reviews all cases after the final appeal. During Administrative Review, the Vice President for Student Affairs or designee will take into account any and all information provided by the Councils, Hearing Officers and the Director of Student Judicial Affairs, including any challenge or issue raised by the student.
2. The Vice President for Student Affairs or designee will review the procedures, findings and recommended sanctions and penalties of these hearings within 48 hours of the conclusion of the appeal hearing to confirm that University policies or procedures have been followed during the hearing. He/she may reject conclusions of policy or law made at the hearings, but may not reject any findings of fact.
  - a. The Vice President for Student Affairs or designee may uphold or reverse any verdict and uphold, modify, or remove any sanction.
  - b. The Vice President for Student Affairs or designee can also choose to remand the case back to the original Judicial Council or Hearing Officer if there have been violations of

University policy or procedure during the hearing or appeal under review, if he/she determines there has been an error in interpreting

University policy or in applying the appropriate sanctions, or if a determination is made that additional evidence should have been considered.

c. The Vice President for Student Affairs or designee will notify the accused student of any modifications to the verdict or penalties that his/her review has found necessary, with a copy of this notice going to the Director of Judicial Affairs.

d. In all cases where the Vice President for Student Affairs or designee has modified the verdict, sanctions or penalties in a case, the Vice President for Student Affairs or designee will provide a written justification and explanation for these modifications to the Director of Student Judicial Affairs. The decision of the

Vice President for Student Affairs shall be final. Students who are suspended or expelled must vacate the premises within 24 hours of notification of the final disposition.

## **VIOLATIONS**

Students will be subject to disciplinary action for committing any of the following violations, and for violating any other policies, rules, or regulations issued by the University. The following list is not exhaustive, merely illustrative of the type of behavior prohibited by the University. If a student is unsure whether certain conduct would be subject to disciplinary action by the University, he/she should contact the Vice President for Student Affairs designee before engaging in such conduct.

Students may also be found in violation by being an accessory, defined as one who aids, abets commands, conspires or counsels another in the commission of a violation. Student Organizations can be held responsible if they authorize or ratify violations committed by their members as members of that organization, or if the organization is negligent in monitoring the conduct of its members. (See Student Organization section).

Some of the following offenses constitute Zero Tolerance Policy violations, even where not specifically stated. (See Zero Tolerance Policy section to see which offenses the Policy covers.) Additionally, the Student Judicial System can adjudicate some of the following offenses whether committed on- or off-campus, even where not specifically stated. (See Coverage section to see when Off-Campus offenses may be adjudicated.)

### **A. Academic Dishonesty and other Academic Violations**

1. Academic dishonesty and cheating includes, but is not limited to: (a) use of any unauthorized assistance in taking quizzes, tests, or examinations; (b) dependence upon the aid of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments; or (c) the acquisition, without permission, of test or other academic material belonging to a member of the University faculty or staff.

2. Plagiarism is a type of academic dishonesty. It includes but is not limited to, the use, by paraphrase or direct quotation, of published or unpublished work of another person without full and clear acknowledgment and indication of direct quotation. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic material. Direct cutting and pasting of material from websites without use of quotation marks and appropriate attribution is a form of plagiarism.

3. Knowing and intentional violation of federal copyright or patent laws, and other laws protecting the intellectual property of others.

### **B. Classroom Disruption**

Disruption of academic process—the acts or words of a student in a classroom or teaching environment which in the reasonable estimation of a faculty member: (a) directs attention from the academic matters at hand, such as noisy distractions, persistent, disrespectful or abusive interruptions of lecture, exam or academic discussions, or (b) presents danger to the health, safety or well-being of other members of the University community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular on campus. Students may be required to turn off cell phones, pagers and other electronic devices.

### **C. Building Violations**

The following are violations when they occur on any University Premises, including housing and buildings owned, leased or operated by the University.

1. Failure to vacate a building immediately following the activation of a fire alarm system or as directed by a University official.
2. Illegal entry into any building or restricted areas within that building.
3. Illegal possession, duplication or unauthorized use of keys to University buildings, offices or facilities.
4. Participation in a campus demonstration, which disrupts the normal operations of the University, infringes on the rights of other members of the University community, or is in violation of the Individual and Group Protest Action Policy. (See Other Policies section for details.)
5. Tampering with doors:
  - a. Installing or attaching a device in order to prevent authorized entry.
  - b. Preventing the latching and/or locking of any door so designed to automatically latch, lock or to be manually latched or locked.
6. Tampering with the normal operation of an elevator.
7. Tampering with or interfering with any other aspects of University facilities and equipment, including communication and information technology.
8. Trespassing: entering a University building that has been officially closed from use. An unauthorized non-student found in a campus building is subject to immediate arrest. An unauthorized Delaware State University student found in a campus building or restricted area is subject to disciplinary action.
9. Raids: Unlawful student entry by force into University housing and other buildings.

### **D. General Violations**

1. Committing perjury: the practice of lying before a Council or committee and/or an official of the University.
2. Violations of the Student Code of Conduct.
3. Abuse of the Judicial System, including but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before a judicial body.
  - b. Disruption or interference with the orderly conduct of a judicial proceeding.
  - c. Institution of a judicial proceeding knowingly without cause.
  - d. Attempting to discourage an individual's proper participation in, or use of, the judicial system.

- e. Attempting to influence the impartiality of a member of a judicial body prior to, and/or during the course of the judicial proceeding.
  - f. Harassment (verbal or physical) and/or intimidation of a member of a judicial body, witness or complainant or reporting party prior to, during, and/or after a judicial proceeding.
  - g. Influencing or attempting to influence another person to commit an abuse of the judicial system.
  - h. Failure to cooperate in any proceeding upon request by a judicial officer or other University official.
4. The refusal to accept notification of an official, written, University communication.
  5. Insubordination: willful disobedience of any reasonable requests or regulations, intentional interference with teaching or learning at the University, or voicing of disrespect to those in authority.  
Insubordination includes, but is not limited to, failure to comply with the order of a duly designated University official acting within the scope of employment responsibility, e.g., President, Vice Presidents, faculty, staff, Campus Police Officers, Food Service staff and any other employee or contractor working for the University.
  6. Failure to provide correct mailing address. Every Delaware State University student is required to have a current mailing and active university email address on file in the Registrar's Office.
  7. Failure to identify one's self when requested to do so by showing student identification card to a University official (e.g. President, Executive Assistant to the President, Vice Presidents, faculty and staff, including Food Service staff).
  8. Infraction of University regulations intended for the health, safety and welfare of the University community. These violations include but are not limited to:
    - a. Setting unauthorized fires.
    - b. Tampering with fire safety and/or lighting equipment.
    - c. Failure to participate in fire drills.
    - d. Triggering a false fire alarm or otherwise making or causing to be made a false report of a fire.
    - e. Unauthorized blocking or closing up of any passage way in corridors, exits, entrances, walkways, and/or driveways.
    - f. Propping open the doors of any building on the University campus.
    - g. Burning incense or candles without authorization by an appropriate University official.
    - h. Smoking in any University Building.
    - i. Obstruction or disruption of research, administration, meetings or other authorized activities of the University, including disciplinary procedures.
  9. Gambling in any form on or at University Premises/University Activities: betting or playing a game of chance for profit (as for money or property). Gambling shall exclude Bingo and raffles if approved by the appropriate University official and under proper supervision on the University premises. (See Gambling Policy.)
  10. Failure to comply with the sanction(s) imposed under the Student Judicial System. (A student who fails to complete the requirements of any sanction imposed upon her/him within the time limits specified by the judicial system is not eligible to register for classes or obtain any transcripts (official or unofficial) until he/she complies with the terms of the

original sanction and any additional sanctions imposed due to the failure to complete the original sanctions in a timely manner.)

11. Resisting or obstructing a Public Safety Officer acting in the performance of his/her duties or ignoring citations issued by Public Safety Officers.

12. Violation of University regulations or Policies approved by either the Board of Trustees or the President and published in University publications.

**E. Violations of Criminal Law and/or Zero Tolerance Policy**

1. Intoxication on University property: Being under the influence of alcohol or narcotics or any other drug not administered or prescribed to be taken by a physician that may endanger self or other persons or property or harass persons in the vicinity.

2. Possession and/or consumption of alcoholic beverages on University Premises. Off-Campus criminal acts involving possession and/or consumption of alcoholic beverages may also be processed through the University Judicial System.

3. Shoplifting: Students who are charged and convicted for shoplifting on campus or in the surrounding community are also subject to disciplinary action by the University. Such action may result in suspension from University.

4. The illegal use, possession, consumption of drugs, narcotics, or other controlled substances or synthetic substances or drug paraphernalia on or at University Premises or during University Activities will be automatically reported to local authorities and will result in the initiation of appropriate disciplinary procedures. (See Zero Tolerance Policy and Coverage sections for details.)

5. The illegal possession, sale or distribution of drugs, narcotics, other controlled substances or synthetic or drug paraphernalia on or at University Premises/University Activities will result in the initiation of appropriate disciplinary procedures. Off-Campus criminal acts involving the use, possession, consumption of illegal drugs, narcotics or other controlled substances or synthetic substances will also be processed through the University Judicial System. (See Zero Tolerance Policy and Coverage sections for details.)

6. Suspicion of the use or possession of illegal drugs as defined in section 4.

7. The possession, storage, or use of any kind of ammunition, firearms, explosives, fireworks, air rifles, air pistols or lethal weapons of any kind on University-owned or operated property or student housing is prohibited, unless authorized in writing by the University Director of Public Safety. Off-Campus criminal acts involving the use or possession of weapons may also be processed through the University Judicial System. (See Zero Tolerance Policy and Coverage sections for details.)

8. Off-Campus criminal acts involving the use, possession, and/or storage of explosives, firearms or lethal weapons of any kind (including but not limited to pistols, rifles, shotguns, BB guns, pellet guns, stun guns, martial arts weapons, knives and ammunition) will also be processed through the University Judicial System. (See Zero Tolerance Policy sections for details.)

9. Burglary – A student who knowingly enters or remains unlawfully in a building with intent to commit a crime therein.

10. Robbery – In the course of committing theft (see Property Violations), the student uses or threatens the immediate use of force upon another person with intent to: (1) prevent or overcome resistance to the taking of the property; or (2) compel the owner of

the property or another person to deliver up the property or to engage in other conduct which aids in the commission of the theft.

11. Arson – When the student intentionally damages a building by starting a fire or causing an explosion and when (1) the student knows that another person is present in the building at the time or (2) the student knows of circumstances, which render the presence of another person therein a reasonable possibility.

#### **F. Personal Violations**

1. Assault – Threatening or attempting physical harm to another, or any intentional display of force that would give another reason to fear or expect immediate physical harm. It may be committed without actually touching, striking, or doing physical harm to another.

2. Assault and Battery: Any physical altercation that endangers the health or safety of any member of the University community or any person on University Premises or during University Activities. Assault and battery includes, but is not limited to, beatings, muggings, physical torture, abusive handling of the torso, touching of intimate parts of a person's body, or any bodily injuries inflicted upon a person with or without a foreign object. Off-Campus criminal acts involving assault and battery upon another person may also be processed through the University Judicial System. (See Zero Tolerance Policy and Coverage sections for details.)

3. Disorderly Conduct: Constituting a public nuisance by being offensive to public order or decency.

Disorderly conduct includes, but is not limited to engaging in violent behavior, making unreasonable loud noise, lewd or indecent behavior or an offensive utterance or gesture.

4. Disruptive behavior: Engaging in activity, which disturbs any lawful assembly or prevents the accomplishment of any lawful activity, process or function of the University.

5. Harassment, by any means, of any member of the University Community. (See Harassment Policy for details.) Harassment is not limited to Equal Opportunity violations, but includes any other form of coercion or personal abuse, even if not taken because of a person has protected characteristics.

6. Hazing: Defined as an act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. (See Pledging and Hazing Policy for details and examples.)

7. Making threats of violence or intimidation, by any means of communication against any member of the University Community, or against the University itself (including threats of violence against University Premises or equipment).

8. Being in the bath/shower areas of the opposite sex.

9. Slander or defamation of character.

10. The throwing of snowballs on University grounds.

11. The use, possession of water guns, super soakers, etc. on University Premises or during University Activities.

12. Verbal abuse: The use of harsh, often insulting language to any member of the University community.

13. Sexual Assault/Rape: Unlawful touching of a sexual nature which includes, but is not limited to, unwanted kissing, touching or fondling, penetration with a finger or foreign object, vaginal intercourse, oral-genital contact or anal intercourse. Both On-Campus and

Off-Campus criminal acts involving touching of a sexual nature will be processed through the University Judicial System. (See Zero Tolerance Policy section for details.)

14. The wearing of masks or any other item that conceals the face or identity of an individual, except for costume parties.
15. The wearing of any item or items with the intention to intimidate, frighten, assault or harass others on University-owned or controlled property.
16. Stalking – To repeatedly follow, contact by telephone, electronic media or encounter another person so as to harass that person when the contacting person knows or should know that the contact is unwanted.
17. Retaliation – Harassment of a Complainant or Reporting Party or other person alleging misconduct, including but not limited to intimidation and threats.
18. Domestic/Relationship violence – Assault and battery to a person who is a relative, spouse, boyfriend, girlfriend or other intimate of the student. This can occur without regard to the gender of the victim or student in question.
19. Identity Theft – When the student possesses any tool, instrument, or other thing adapted, designed, or commonly used for committing or facilitating the offense of identity theft such as credit card, driver’s license or other document issued in a name, other than the name of the person who possesses the document.
20. Residents being partially or fully undressed when outside their rooms at any time.
21. Violations of the inter-dormitory visitations policies.

#### **G. Property Violations**

1. Knowingly opening or removing mail or email of another person or withholding mail from its true or rightful owner.
2. The moving of University furnishings and/or equipment in a facility from one room to another, from one building to another or from one area/place on the campus to another without permission.
3. The theft of University property or property of any member of the University community.
4. The destruction (including disfiguring, marking or mutilation) of University property or property of any member of the University community.
5. Unauthorized use of another’s property or selling, buying or storing stolen goods.
6. Theft or other abuse of computer time, including but not limited to:
  - a. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
  - b. Unauthorized transfer of a file.
  - c. Unauthorized use of another individual’s identification and password.
  - d. Use of computing facilities to interfere with the work of another student, faculty member or University official.
  - e. Use of computing facilities to send obscene or abusive messages.
  - f. Use of computing facilities to interfere with normal operation of the University computing system.
  - g. Violations of federal copyright laws and other laws protecting intellectual property, including the unauthorized downloading and sharing of music and video files.

#### **H. False Representation of Authorization Violations**

1. Alteration, falsification, or misuse of University documents, records, or identification cards as well as forgery and/or misrepresentation of University documents. Intentionally

altered, damaged I.D. cards will be confiscated and the student will be responsible for obtaining a replacement.

2. Misrepresentation of oneself or an organization as an agent of the University.
3. Obtaining telecommunication services by use of a false telephone number or unauthorized use of another person's telephone number credit device to include any credit card, etc.
4. Selling and soliciting: selling goods or products on campus without prior permission from the Vice President of Student Affairs.
5. Unauthorized use of the University's name to promote an activity.
6. Bad Checks – A student who issues or passes a check knowing that it will not be honored by the drawer; or (1) the student had no account with the drawer at the time the check was issued; or (2) payment was refused by the drawer upon presentation because the issuer had insufficient funds or credit and the issuer failed to make good within 10 days after receiving notice of that refusal.
7. Making of material misrepresentations or omission of material facts in connection with any University record, document or proceeding. (See Falsification of Records Policy)

### **I. Campus Housing Violations**

Except where expressly permitted under an agreement or separate policy, the following actions are violations in all campus housing, including the residence halls, the University Village, the University Courtyard Apartments, and any other housing owned and/or operated by the University.

#### **1. General Violations**

- a. Engaging in sports in the hallways.
- b. Failure to obey the visitation policies of the residence halls.
- c. Having more than six (6) people in a residence hall room at the same time during inter-dormitory visitation hours.
- d. Failure to sign in visitors at the front desk.

#### **2. Violations of Law, Policy or Contracts**

- a. Cooking in campus housing rooms (except in the University Village or Courtyard Apartments)
- b. Failure to care, clean and maintain a residence hall room in a reasonable sanitary and orderly condition.
- c. Failure to get permission from the Resident Manager before placing articles on the bulletin boards.
- d. Failure to keep screens in the windows at all times.
- e. Failure to observe quiet hours as posted.
- f. Installing aerials, masts, radio or television antennas or other shortwave transmitting equipment.
- g. Storing bicycles, motorcycles, etc. in residence halls.
- h. Throwing articles from windows or hanging articles in windows and storing food or beverages between windows and screens or the outside ledges.
- i. Any other violations of federal, state or local law, University policy or terms of any contract regarding use of housing.

#### **3. Authorization Violations**

- a. Having unauthorized animals and/or pets in residence hall rooms.
- b. Housing unauthorized guest(s).

- c. Possession of an unauthorized appliance.
- d. Making an unauthorized room change.
- e. Unauthorized entry or exit of a residence hall through any door or opening other than the main lobby doors.
- f. Unauthorized entry or use of laundry room. Only residents of the building are authorized to enter or use the laundry facilities within that building.

## **SANCTIONS**

The following is a non-exclusive list of the types of sanctions that can be imposed under the **Zero Tolerance Policy or the Student Judicial System**:

**Official Warning:** The student receives a letter expressing disapproval of the violation committed.

**Official Reprimand:** The student receives a letter expressing the disapproval and severity of the violation committed.

**Community Service:** The student is expected to perform a required number of work hours (a specific task, labor) for the University without pay. If hours are given, there will be a minimum of five (5) hours, and a maximum of one hundred (100) hours. Failure to fulfill one's community time will result in the hours not worked being charged to the student's account at the current work-study rate.

**Fine:** An amount of money imposed as punishment for an offense. If a fine is imposed, the minimum is \$20 and the maximum is \$500. Failure to pay a fine will result in the amount being charged to the student's account.

**Restitution:** Return of all property to the University or the owner of the property, or payment of damages to repair/replace property damaged or taken.

**Compensatory Damages:** Money paid to a Complainant or Report Party to reimburse them for any out-of-pocket costs (such as medical or counseling expenses) or emotional distress incurred due to a student's conduct.

**Discretionary Sanctions:** A requirement that the individual fulfill some specified act(s) or correction, including undergoing psychological or substance abuse evaluation or counseling; attending or presenting educational programs; or submitting written assignments.

**Deferred Suspension from University Housing:** A probationary period during which the student must demonstrate the ability to comply with University rules, regulations, and any other required condition of the sanction. If, during this probationary period, the student is found responsible for a violation of University's standards of student conduct, the student will be suspended immediately from University housing for a specified period.

**Disciplinary Probation:** Probation may be imposed with or without loss of designated privileges for a definite or indefinite period of time. (See Probation, Retention and Reinstatement section.) When Disciplinary Probation involves loss of privileges, it will usually preclude participation in:

1. Varsity or non-varsity intercollegiate events;
2. Debating teams;
3. Plays (unless participation is a course requirement);
4. Any recognized club or organization;
5. Any University program or activity;

6. Representing the University/holding elective positions or appointment of responsibility;

7. Selection of desired residence hall or room.

Disciplinary probation, when imposed in lieu of more serious sanctions, may also include other conditions such as required counseling sessions, educational workshops and restitution.

**Suspension from the Residence Halls:** The student is suspended from living in the residence hall for a minimum of one full semester. The person may remain a student and continue regular matriculation. The student is not entitled to a refund of residence hall fees but may be refunded unused boarding fees.

**Residence Hall Expulsion:** Permanent separation of the student from the residence halls.

**Temporary Suspension:** A suspension made pending full due process to maintain safety. (See Temporary Suspensions in Procedures Steps section for details.)

**Suspension from the University:** The student is suspended from the University for a period of time (not to exceed three years). The Vice President for Student Affairs or designee will assess a review of the student's educational and personal history prior to returning to the University. The return of the student depends on the outcome of the review. Students must vacate the premises within 24 hours of notification of suspension or final appeal.

**Indefinite Suspension from the University:** The student is suspended from the University for an undetermined period. The student must make a request to return to school by letter. The Vice President for Student Affairs or designee will review the student's letter, along with his /her educational and personal history. The return of the student depends upon the outcome of the review.

**Expulsion (*permanent separation from the University*):** the President of the University reviews the case before the decision is final. Students who are expelled from the University cannot withdraw from the institution nor receive any refund, which would be due under normal circumstances. Expelled students may not come on the University grounds unless an emergency warrants their presence on the campus. In such cases, the student must contact the Office of Public Safety prior to arrival and must be escorted on campus.

## **CODE OF ETHICS FOR JUDICIAL MEMBERS**

A judicial member is any administrator, faculty, staff or student handling a student judiciary matter.

A. The Judicial System exists to promote justice and fairness, and thus to serve the individual students, the campus and the public interest.

B. A member's public and official behavior should be beyond reproach and free from impropriety or the appearance of impropriety.

C. No case, pending or otherwise, before any committee should be mentioned, commented upon or discussed by any member except when the committee is meeting to consider the case.

D. No member should hear or entertain the merits or prejudice any case or pending case, except when sitting as a member of the committee to hear or consider the case.

E. A member should not be swayed by partisan demands, public clamor, consideration of personal popularity or notoriety nor be apprehensive of unjust criticism.

- F. A member should use the discretion to disqualify from a case, which might justify the inference that a party could improperly influence the decision or unduly enjoy favor.
- G. When considering a case, a member should always bear in mind to determine whether a particular rule or statute has been violated and not whether, in his/her point of view, a social harm has been committed by the accused. However, a member should consider social harm when deciding upon the disciplinary measure to be imposed.
- H. All proceedings should be conducted with proper dignity and decorum and should reflect the importance and seriousness of the hearing.
- I. All judicial hearings are closed and all testimony discussion, deliberations and recommendations are to remain confidential.

## **DEFINITIONS**

The following definitions apply to all policies and procedures described in this Handbook, including the Student Code of Conduct and the Student Judicial System.

**Academic Day** – Any day in which regularly scheduled classes are in session.

**Accused Student** – An individual who is charged with committing a violation of University policies, rules, or regulations.

**Advisor** – Any member of the faculty, staff or student body of the University can serve as an Advisor. The role of the Advisor is to give assistance, and he/she may not question nor address anyone other than the Advisee. An Advisor may not be an attorney or someone who attends law school.

**Appeals Hearing** – A hearing before the Student Disciplinary Appeals Council which will render a recommendation whether to uphold, remand, modify or reverse the findings of the original judicial hearing committees.

**Burden of Proof** – The University has the burden of proof by preponderance of the evidence (not beyond a reasonable doubt, as in the courts). Burden of proof by a preponderance of the evidence may similarly be understood as proof that it is more likely than not that

**Charge Letter** – States the alleged violation(s) and gives the accused student a choice of an Administrative or Council Hearing, except in the case of a Zero-Tolerance violation. The Infraction Report, which outlines the alleged violation(s), is attached to the charge letter.

**Community Time** – A sanction involving work on a particular task or tasks for a specified number of hours on campus, without pay.

**Complainant (or Reporting Party)** – The party that files a complaint or Infraction Report against a student.

**Disciplinary file** – The student discipline record maintained by the Office of Student Judicial Affairs.

**Expulsion** – Permanent termination of student status at the University with resultant loss of all student rights and privileges.

**Faculty member** – Any person hired by the University to conduct classroom activities.

**Full Hearing** – A hearing before a Judicial Council or Hearing Officer in which the Reporting Party and the accused student have the opportunity to present testimony, evidence and arguments.

**Hearing Option or Waiver Form** – The form on which the accused student pleads at fault and accepts the sanction(s) as presented; pleads at fault and requests a hearing on

the appropriateness of the sanction(s); pleads not at fault and requests a full hearing; or pleads no contest and accepts the sanction(s). The accused student receives the hearing option or waiver form along with the charge letter.

**Hearing Chair** – The designated individual who coordinates and convenes the appropriate judicial hearing committee, rules on the admissibility of evidence, and interprets and applies the rules of procedure as they relate to the power and duties of the hearing panel without infringing on the rights of the party.

**Infraction Report** – An accusation in written form, which must be signed by an individual indicating that he or she has firsthand knowledge or strong reason to believe that a student has committed an offense.

**Judicial Council** – Any person or persons authorized by the Dean of Students to determine whether a student has violated University policies, rules, or regulations and to recommend imposition of sanctions.

**May** – Is used in the permissive sense.

**Member of the University Community** – Any person who is a student, faculty member, University official or any other person employed by the University; all visitors to any University Premises, including alumni, vendors and guests at student housing; and any member of the public using University facilities or attending University Activities.

**Office of Student Judicial Affairs** – The administrative office of the University that is responsible for the efficient and fair operation of the University Judicial System.

**Policy** – The written regulations of the University as found in, but not limited to, the Student Handbook, the Student Code of Conduct, Residence Life Manual and the University Code.

**Pre-Hearing Conference** – At a Pre-Hearing Conference the accused student will have an opportunity to discuss the charges, review the evidence and accept responsibility and take a sanction for the violation or request a formal hearing.

**Restitution** – Compensation of loss or damage. This may take the form of appropriate service and/or monetary or material replacement.

**Sanction** – A penalty imposed upon a student after he or she either has admitted being at fault or has been found to have committed a violation of University policies, rules, or regulations.

**Self-defense** – In cases of assault and battery, a student will be able to claim his/her actions were in self defense only in cases where retreat or exit were impossible and all reasonable efforts to remove themselves from the situation have been exhausted. A situation of self-defense will end when a safe retreat or exit become possible.

**Shall** – is used in the imperative sense.

**Staff member** – Any University employee performing employment responsibilities, excluding faculty and Administrative personnel.

**Student** – All persons taking courses at the University, both full-time and part-time, whether they reside on campus or commute. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the University are considered “students.”

**Suspension** – The loss of student status for a specified length of time, not to exceed three years, with resultant loss of all student rights and privileges.

**Temporary Sanction** – A sanction imposed for a limited duration by the Vice President for Student Affairs or designee in an emergency.

**University official** - includes any person employed by the University, performing assigned administrative or professional responsibilities.

**University** – Delaware State University.

**University Activities** - Any activity that is sponsored by and/or funded by the University or its affiliates, any Student Organization, or any other University –recognized or supported organization. University Activities also include any event, regardless of sponsor, where students are representing the University or a sponsored University organization.

**University Premises** - The University campus and any land or other property leased, owned, used, or controlled by the University, including the residence halls, the University Village and the University Courtyard Apartments.

**Witness** – Any person with information relevant to an alleged violation or a person’s defense.

**Hearing/Summons** -Written Notice of The formal written notification of the date, time and place the appropriate judicial council will meet to hear a case. The accused student must be given a minimum of 48 hours notice prior to the scheduled convening of the hearing, except in the case of Zero tolerance violations.