



LINCOLN UNIVERSITY STUDENT CODE OF CONDUCT

(May 2015)

Table of Contents

INTRODUCTION 3

ARTICLE I: RIGHTS AND RESPONSIBILITIES..... 4

ARTICLE II: VIOLATIONS OF THE UNIVERSITY RULES AND REGULATIONS 5

 A. Standard of Proof 5

 B. Rules and Regulations..... 6

 Prohibited Conduct: 10

 C. Academic Dishonesty/Cheating (information contained in Undergraduate Student Bulletin) 11

ARTICLE III VIOLENCE AGAINST WOMEN ACT..... 11

ARTICLE IV: UNIVERSITY PROCEDURE FOR RESOLUTION..... 13

 Filing a Complaint 13

 Pre-Hearing Conference..... 13

ARTICLE V: DISCIPLINARY COMMITTEES 14

ARTICLE VI: HEARING PROCEDURES AND SANCTIONS 14

 A. PROCEDURES FOR CONDUCT HEARINGS 14

 B. SANCTIONS 15

ARTICLE VII: TIMELINE 17

APPEALS PROCESS 17

Lincoln University Mission Statement: Lincoln University of Missouri is a historically black, 1890 land-grant, public, comprehensive institution that provides excellent educational opportunities including theoretical and applied learning experiences to a diverse population within a nurturing, student-centered environment.

University Oath: We will never bring disgrace to Lincoln University by any act of cowardice or dishonesty. We will fight for the ideals and sacred things of the University. We will transmit our University to those who come after us, greater, better and more beautiful than it was transmitted to us.

INTRODUCTION

Lincoln University's policies and regulations are established to protect the health, safety and daily operations of the university community. Any member of the campus or local community may officially report a violation of the Student Code of Conduct, university policies or housing policies. Students (persons currently or previously enrolled at the university) or prospective students are responsible for knowing and following all published policies and regulations. Any student who commits a violation of the Student Code of Conduct on or off the campus of Lincoln University may be subject to disciplinary procedures while enrolled or upon future enrollment at Lincoln University.

Each student who enters the university is respected as an adult and is expected to demonstrate a high level of responsibility and maturity. Student honesty and integrity are fundamental elements of responsible citizenship and are part of the basic character required for a productive academic and social career.

The aim of the Student Conduct System proceedings is to arrive at fair, impartial decisions which ensure that students assume full responsibility for their actions. When a violation of a policy, rule or regulation occurs, the university will generally strive to inform and guide students towards the development of personal responsibility, conscientiousness and ethical standards. However, the university reserves the right to suspend or remove a student from the university and/or from university managed housing if that action is necessary for the continuing operation of the campus or to ensure the health and safety of the student and university community.

Definitions

- **“Complainant”** means the individual(s) who files a Student Conduct Code complaint with the University. Faculty, staff, students, or third parties can file a complaint via the student conduct system. *In some instances the University may serve as a Complainant.*
- **“Respondent”** means the student(s) against whom a Student Conduct Code complaint is made

In cases requiring severe student discipline, such as long-term suspension for misconduct, the university is obligated to adhere to the procedural requirements of Due process. The requirements do not demand an inflexible legal procedure for all such cases. However, three minimal requirements apply, growing out of fairness implicit in the procedural due process:

1. The respondent is given notice in writing of the specific ground(s) and the nature of the evidence on which the disciplinary proceedings are based;

2. the student is given an opportunity for a hearing; and
3. disciplinary actions must be supported by substantial evidence.

Lincoln University may also take disciplinary actions when a student's off-campus behavior is a violation of federal, state, local laws and/or university policy. If a student has allegedly violated an institutional regulation and is also charged by civil or criminal authorities with violations of misconduct, university disciplinary proceedings may be initiated separately from any civil/criminal case.

Please note: The Lincoln University Police Officers are commissioned law enforcement officers who can make arrests and initiate civil/criminal cases.

Students may seek to change university policies through the appropriate channels; however, they are expected to comply with existing regulations until such changes become effective. The fact that a student disagrees with university policy is not justification for disregard. Sanctions are imposed based on the seriousness of the violation. More than one violation will be justification for increased severity of penalties.

ARTICLE I: RIGHTS AND RESPONSIBILITIES

A respondent has the right to have his/her case adjudicated by a university appointed Judicial Officer or disciplinary committee. It is very important for students to respond to requests to meet with university officials. If a student does not respond to requests to meet, he/she may be given sanctions without his/her input.

Additional student rights and responsibilities include but are not limited to:

- The opportunity to present a defense against the allegations filed against the respondent
- The right to select an advocate for support during the student conduct proceeding. However, the student is solely responsible for presenting his/her own case but may consult with his/her advocate.
- The right to present any evidence on his/her behalf including witnesses, written statements and documentation
- The right to be found responsible or not responsible solely on the evidence presented at the hearing
- The right to make a statement in his/her own behalf
- The right to access all documents, statements, or printed evidence (within all applicable state and federal laws) available to the complainant prior to the hearing
- The right to a closed hearing
- The right to be notified of the final decision within five working days of the hearing
- The right to appeal a decision by the Judicial Officer, Disciplinary Committee, or the Dean of Students.

Rights of the Complainant and the Respondent

The complainant and the respondent are entitled to a prompt, fair, and impartial proceeding that is:

1. Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written notice to the complainant and the respondent of the delay and the reason for the delay;
2. Conducted in a manner that—
 - a. Is consistent with the institution's policies and transparent to the complainant and respondent;
 - b. Includes timely notice of meetings at which the complainant or respondent, or both, may be present; and
 - c. Provides timely and equal access to the complainant, the respondent, and appropriate officials to information that will be used during informal and formal disciplinary meetings and hearings (as permitted by state and federal laws); and
3. Conducted by officials who do not have a conflict of interest or bias for or against the complainant or the respondent.

The complainant and the respondent are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

Admission of Responsibility

Students should be aware that admission of violations of university rules and regulations to university officials may result in adjudication with or without a hearing.

Interpretation of the Conduct Code

Any question of interpretation regarding the Student Code of Conduct shall be referred to the Dean of Students for final interpretation.

The Student Code of Conduct is reviewed annually by members of the Student Life Review Board which consists of faculty, staff and students. The Conduct Review Committee will submit recommended changes to the Dean of Students.

ARTICLE II: VIOLATIONS OF THE UNIVERSITY RULES AND REGULATIONS

A. Standard of Proof

In all cases of disciplinary adjudication, the university decides responsibility using “a preponderance of evidence” indicating that it is “more likely than not” that an incident did or did not occur. If a student is found responsible for any of the following violations, he/she will be subject to disciplinary action through the Student Conduct System. The sanctions imposed will depend on the severity of the violation(s) and/or the student's previous disciplinary record. If the alleged violation is judged to be severe enough by the Dean of Students or LUPD, the university reserves the right to impose interim suspension or a “No Contact” order prior to a conduct hearing has occurred (see [Interim Suspension](#) & [“No Contact” Order](#)). The use of interim suspension or “No Contact” is used when there is a threat to the health and safety of the respondent and/or other members of the university community.

B. Rules and Regulations

Violations include:

1. **Stealing:** Stealing or attempted stealing, unauthorized possession, misuse or wrongful appropriation, vandalism or malicious destruction, or sale of property belonging to the university, an organization affiliated with the university, or a member of the university community (student, faculty, staff and/or campus visitor).
2. **Illegal Drugs & Other Substances:** Being in the presence of any drug that is prohibited by law. The manufacture, use, possession or sale of any drug that is prohibited by law. Possessing drug paraphernalia or other paraphernalia used to facilitate illegal use, and attempting to manufacture or sell counterfeit drugs are also included in this violation.
3. **False or Withheld Information:** Knowingly providing false information or withholding information from a Lincoln University Police Officer(s), university official or disciplinary committee. This includes falsely reporting a fire, bomb threat or other emergency.
4. **Tampering:** Tampering with witnesses, evidence, the Judicial Officer and/or any other aspect of the adjudication process.
5. **Disorderly Conduct:** Excessively loud, lewd, indecent, obscene or inappropriate conduct for an institution of higher learning off campus, on university owned or controlled property, or at a university sponsored or supervised event. Music or other noise played excessively loud is included in this violation.
6. **Obstruction:** Disruption, or prevention of teaching, research, administrative disciplinary proceedings, meetings, interviews, ceremonies, emergency responses, other university activities (including public service events), or other authorized activities on university property. This violation includes resisting arrest and/or interfering with law enforcement officer or university official acting in performance of their duties.
7. **Assault:** defined as the use of physical force against another person that places the person in danger or in apprehension of bodily harm.
8. **Harassment:** threats of violence directed to an individual or group, cyber bullying, intimidation, coercion. Examples: Stalking, false imprisonment, intimidation and domestic abuse.
9. **Sexual Misconduct:** Physical contact or other non-physical conduct of a sexual nature in the absence of clear, knowing and voluntary consent, including but not limited to:
 - a. Non-consensual sexual intercourse, defined as any sexual penetration (anal, oral, or vaginal), however slight, with any body part or object by any person upon any person without consent.

- b. Non-consensual sexual contact, defined as any intentional sexual touching, with any body part or object by any person upon any person without consent.
- c. Sexual exploitation (a form of sexual harassment), defined as taking non-consensual, unjust or abusive sexual advantage of another. Examples include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as knowingly allowing another to surreptitiously watch otherwise consensual sexual activity), engaging in non-consensual voyeurism, and knowingly transmitting or exposing another person to a sexually transmitted infection (STI) without the knowledge of the person.
- d. All other forms of Sexual harassment, as defined in [Lincoln University Title IX Sexual Harassment, Sex Equity, and Gender Based Discrimination Processes & Procedures](#).
- e. Indecent exposure, defined as the exposure of the private or intimate parts of the body in a lewd manner in public or in private premises when the respondent may be readily observed.

Consent: is a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior.

- 1. Consent or lack of consent may be expressed or implied
- 2. Consent **cannot** be given by:
 - a) a person who has been **incapacitated** by mental disability, alcohol, drugs, or any other reason is manifestly unable or known by someone to be unable to make a reasonable judgment about consent (*e.g., a person is asleep or unconscious*).
 - b) a person under force, threat, duress, coercion, or deception;
 - c) a person under the legal age of consent in Missouri (currently under 17 years of age)
- ✓ “No” means “No”
- ✓ “Yes” or “No” can be expressed or implied (**can be given verbally or by actions**)
- ✓ “Yes” means “No” if conditions **2a, 2b, or 2c** listed above exist

Individuals that engage in sexual activity or behavior must understand that:

- consent must be mutually understood;
- past consent does not imply future consent;
- silence or an absence of resistance does not imply consent;
- consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another;
- consent to engage in one form of sexual activity does not imply consent to engage in other forms of sexual activity; and
- consent can be withdrawn at any time

Incapacitation: the physical or mental condition, temporary or permanent, in which a person is unconscious, unable to appraise the nature of such person's conduct, or unable to communicate unwillingness to an act.

Please review the [Lincoln University Sexual Assault, Domestic Violence, Dating Violence, and Stalking Processes and Procedures, trifold handout summary of Victim's Rights, and the Victims' Rights in cases of Sexual Assault, Domestic Violence, Dating Violence, and Stalking for more information.](#)

10. **Self-Harm:** Any conduct that threatens or endangers the health or safety of oneself on or off university property, or at a university sponsored or supervised activity. Examples: self-mutilation, attempted suicide etc.
11. **Weapons:** Possession or use of a weapon, including, but not limited to firearms, knives, bows, arrows, BB guns, paint ball guns and air guns, dangerous chemicals, incendiary devices, or other explosive substances including fireworks, sling shots, martial arts devices or other objects classified or used as weapons with potential danger or harm.
12. **Failure to comply:** Failure or refusal to comply with verbal or written request/directions from a university official.
 - Each student is required to have a Lincoln University e-mail account which is considered the central communication point through which he or she may always be reached. It is the student's responsibility to check his/her e-mail daily and respond to notices. This includes communication systems used by faculty and staff to communicate with students.
 - All students are required to have a Lincoln University identification card and to carry it with them at all times while on university property. Each student should be prepared to identify him/herself and surrender his/her student ID upon request of a university official, including but not limited to Lincoln University Police Officers, faculty/staff members and resident directors and resident assistance.
 - Students must evacuate a building or residence hall during a fire alarm.
 - Students must comply with all official safety drills on campus.
13. **Unauthorized Entry or Use:** Unauthorized entry or use of university buildings, facilities and equipment, including unauthorized possession and/or duplication or use of university keys.
14. **Forgery:** Forgery, alteration, falsification, destruction, misuse, unauthorized use or reproduction of a university document, record or identification; unauthorized use of Lincoln University stationery, seal, business cards, or logo; or misrepresenting oneself as a university official.
15. **Alcohol:** The possession, use or distribution of alcohol by students on university property or as a part of any university activity is prohibited. Any student who violates this standard of conduct shall be subject to disciplinary sanctions. Sanctions may include suspension and/or referral for prosecution. This sanction includes the distribution of alcohol to minors on or off campus.

16. **Vandalism:** Participation individually or in groups on or off university property which causes damage to public or private property. Vandalism includes misuse of, vandalism to, or tampering with fire equipment, including fire extinguishers, alarms, hoses and smoke detectors.
17. **Solicitation:** Of and by students or student organizations for money, goods or services without authorization from the Dean of Students. Solicitation by non-students must also be approved by the Dean of Students.
18. **Fraudulent Business Transactions:** Forgery or recognized student organizations failing to meet contractual obligations. This violation includes illegal sale of textbooks.
19. **Computer Security Violations:** Accessing without authorization a file to use, read or change contents, unauthorized transfer of a file; use of computing facilities to interfere with the work of another student, faculty member or university official; use of computing facilities to send obscene or abusive messages; cyber bullying, intentional introduction or spreading of a computer virus to the university computing system; use of computing facilities to view any pornographic material over the internet; unauthorized use of another individual's computer account, misuse of one's own computer account or any violation of the policies for using computing and network resources provided by Lincoln University.
20. **Disciplinary Sanction Violation:** Failure to comply with or complete sanctions imposed under the Student Code of Conduct, housing policies or university policies.
21. **Policy Violations:** Failure to adhere to any university policy, rule or regulation (e.g., Lincoln University Residence Hall Rules and Regulations and [Tobacco/Smoke Free Campus Policy](#))
22. **Criminal Violation:** Violation of any state, federal or local law while on university property or at any university sponsored or controlled activity.
23. **Gambling:** Knowledge of, being in the presence of or directly involved in any form of gambling involving the exchange of currency or anything of value.
24. **Hazing:** Willful act occurring on or off campus directed against a student or a prospective member of a registered student organization, athletic or band program. Acts of hazing shall include the following:
 - A. Any activity by one student acting alone or acting with others that recklessly endangers the physical health or safety of the student or prospective member including physical brutality, whipping, beating, branding, exposure to elements, forced consumption of food, alcoholic beverages, drug or other substances, or forced smoking or chewing of tobacco products;
 - B. Any activity which recklessly endangers the mental health of the student or prospective member, including sleep deprivation, physical confinement or other extreme stress-inducing activity;

- C. Any activity that requires the student or prospective member to perform a duty or task that involves a violation of the criminal laws of Missouri;
- D. Any activity by one student acting alone or acting with others that is directed against any other student for the purpose of humiliating or impairing the self-confidence of the student attacked; and
- E. Any willful act by one student acting alone or with others attempting to commit any of the above acts.

Prohibited Conduct:

1. No student shall knowingly engage in hazing either as a perpetrator or a recipient.
 2. No student shall encourage, aid or assist any other student(s) in the commission of any act of hazing.
 3. Any violation of (1) and (2) above shall be deemed “hazing” within the meaning of university policy.
25. **Arson:** The malicious or fraudulent burning of property, creating fires or open flames, and/or lighting flammable materials in a building or facility on University premises. Causing or creating a fire or any other condition that jeopardizes the safety of individuals.
26. **Hate Crimes Incidents:** A hate crime incident is an act motivated by a bias against a member of a federally protected class of people. The incidents are coupled with overt actions motivated by bigotry and bias including, but not limited to a threatened, attempted or completed overt act motivated at least in part by racial, religious, ethnic, disability, gender or sexual orientation prejudice, or which otherwise deprives another person of his or her constitutional rights by threats, intimidation or coercion, which seek to interfere with or disrupt a rights through harassment or intimidation.
27. **Retaliation:** any adverse actions (by an organization or any individual) against another individual that has the effect of making an individual afraid to assert their rights or participate in the student conduct process in cases that involve a federally protected class under the University’s Non-Discrimination Policies. It also includes adverse actions (by an organization or any individual) against another because of their participation in the student conduct process that involves a federally protected class. Retaliation includes adverse actions against all participants in the student conduct process.

Examples include harassing, coercing, or in any way discriminating against an individual because of the individual’s complaint or participation in the student conduct process in cases of sexual misconduct or hate crime incidents.

Lincoln University does not tolerate retaliation and will take strong action against those that are found responsible for these actions. Persons who believe they have been retaliated against in violation of this policy should file a complaint via the [Incident Report Form](#) or speak with the Coordinator of the Office of Judicial Affairs.

PLEASE NOTE: Violations which may result in suspension or expulsion from the university include, but are not limited to, the following violations:

- Possession, use or intent to distribute illegal substances
- Possession or use of illegal substance paraphernalia
- Possession or use of a weapon (See ARTICLE II, [Section B11 for examples](#))
- Starting a fire
- Tampering with fire safety equipment
- Physical assault/ fighting
- Harassment
- Sexual misconduct
- Theft
- Computer hacking or misuse
- Extensive property damage either to university or to individuals' property on or off campus
- Possession of stolen property
- Other issues/instances which could bring about suspension:
 - Repeat offenses
 - Incomplete sanctions including community services, restitution, papers etc.
 - Multiple violations in a single incident
 - Being referred for alleged misconduct while on Disciplinary Probation

C. Academic Dishonesty/Cheating (information contained in [Undergraduate Student Bulletin](#))

The most common forms of academic dishonesty are cheating and plagiarism. Cheating is defined as unauthorized use of any materials, aids, information of assistance in doing any work required as part of a course. Plagiarism is the attempt to pass off another person's work as one's own by failing to give credit to the original source of ideas or words. Students who are found to be guilty of academic dishonesty are subject to the policies and procedures as outlined below.

Academic Dishonesty/Cheating Policy

1. Any student guilty of cheating will be reported in writing to the department head and the dean of the college of the course involved and to the department head and the dean of the college in the student's major.
2. Any student found guilty of cheating may receive, at the discretion of the instructor, a failing grade in the course.
3. Disciplinary action for cheating may include suspension for one or more semesters, exclusion from selected programs of study, or permanent expulsion from the University.

Procedures for implementing Policies 1 and 3 (when action is recommended) shall be the responsibility of the appropriate academic unit. All students accused of cheating have the right of appeal through normal channels.

ARTICLE III VIOLENCE AGAINST WOMEN ACT

Background

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 ([\(VAWA\), Public Law 113-4](#)). Among other provisions, this law amended section 485(f) of the Higher Education Act of 1965, as amended ([HEA](#)), otherwise known as the Clery Act ([20 U.S.C. 1092\(f\)](#)). All Institutions of Higher Education that receive Title IV funding must follow

the requirement under the Clery Act as a condition of receiving funds or any other form of financial assistance under any federal program. The Clery Act requires Universities to compile statistics for certain crimes that are reported to campus security authorities or local police agencies including incidents of sexual assault, domestic violence, dating violence, and stalking. Additionally, institutions are required to include certain policies, procedures, and programs pertaining to these crimes in their Annual Security Reports (See [34 CFR 668.46](#) for more info).

Lincoln University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the university community. This policy applies to all students and employees, regardless of sexual orientation or gender identity. No officer, employee, or agent threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision of this policy.

Additional information on the crimes of domestic violence, dating violence, sexual assault and stalking can be found in the following documents:

1. [Comparison of Federal Definitions to Missouri Statutes and Sexual Offense](#); and
2. [VAWA Crimes Tables](#)

Student Life Review Board Requirements

If the assailant is a student, regardless of criminal or civil action, campus administrative action may be initiated through the Student Conduct system. Specific violations related to domestic violence, dating violence, sexual assault, stalking, and retaliation in the [Lincoln University Student Code of Conduct](#) are Assault (Article II.B.7), Harassment (Article II.B.8), and Sexual Misconduct (Article II.B.9).

Possible Sanctions

Sexual offense, domestic violence, dating violence, and stalking cases referred to the Lincoln University Student Conduct system may result in the perpetrator being suspended from the university. More than one sanction may be recommended or imposed for any single violation when deemed appropriate by the Judicial Officer or Disciplinary Committee. All disciplinary sanctions are noted in the student's non-academic student file. Records of suspended students are kept indefinitely. Sanctions for students may include residence hall transfer or suspension, interim suspension, long-term suspension, or permanent suspension. Any disciplinary sanction may include the completion of an appropriate counseling or other rehabilitation program.

Student Conduct Procedures

All Student Conduct proceedings shall provide a prompt, fair, and impartial investigation and resolution; and be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Rights of the Complainant and the Respondent

The complainant and the respondent are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.

Both the complainant and the respondent shall be simultaneously informed, in writing, of:

- the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
- the institution's procedures for the respondent and the victim to appeal the results of the institutional disciplinary proceeding; and
- any change to the results that occurs prior to the time that such results become final; and when such results become final.

ARTICLE IV: UNIVERSITY PROCEDURE FOR RESOLUTION

Filing a Complaint

Any university official or student may file a complaint against a student. A Lincoln University Incident Form (IRF) must be completed and signed online. The form is available online at: https://www.formstack.com/forms/LU_MO-irf

Judicial Process for University Policy, Rules or Regulation Violations

The University Judicial Officer has the responsibility to receive and, where appropriate, investigate complaints arising out of a claim(s) that the Student Code of Conduct, University Policies or Rules and/or Regulations have been violated. After receiving a complaint, the Judicial Officer will determine through investigation if the alleged charges have merit. Any student charged with a violation will be scheduled for a Pre-Hearing Conference meeting to begin the investigative process.

Pre-Hearing Conference

At the Pre-Hearing Conference the student is:

1. Given an explanation of the judicial process;
2. Given a detailed explanation of the charges;
3. Given an explanation of the rights and responsibilities of the student;
4. Given an opportunity to ask questions regarding the judicial procedures;
5. Given the opportunity to enter a plea of “responsible” (admitting to having committed the offense) or “not responsible” (denying having committed the offense). If the student pleads “responsible,” then the Judicial Officer will evaluate the case and may apply an appropriate sanction or recommend a sanction to the Dean of Students. If the student pleads “not responsible,” the case will be forwarded to the appropriate disciplinary committee;
6. Informed of his or her right to bring witnesses and evidence to the hearing;
7. Informed of the appeal process;
8. Informed of the option to waive his or her right to a hearing;
9. Notified of their right to access evidence that will be used during a disciplinary hearing prior to the hearing.
10. Given the Student Conduct Acknowledgement Form to read and subsequently sign.

Please note: Signing this form verifies that the above listed items occurred at the Pre-Hearing Conference.

If the case merits a hearing, a written notice along with a hearing date and time will be sent to the student electronically to their official Lincoln University email address. The student will be given the choice to waive his/her right to a hearing. If the student waives his/her right to a

hearing, he/she accepts responsibility for all charges. In the event that a student waives the right to a hearing during the Pre-Hearing Conference, the Judicial Officer will examine the information available, and if the information reviewed indicates that the respondent is responsible, may render a sanction or recommend a sanction to the Dean of Students. If the information available does not indicate that the respondent is responsible, the student will be found not responsible. When a student waives the right to a hearing, sanctions may be appealed to the Dean of Students. When a student waives the right to a hearing, he/she will indicate this on the Student Conduct Acknowledgement Form.

If a student fails to attend a scheduled Pre-Hearing Conference or Conduct Hearing, the Pre-Hearing and Conduct Hearing may proceed in the absence of the student. Such an absence will not be considered grounds for an appeal, unless the student provides a reasonable and compelling cause. Students may receive sanction(s) at the end of the Pre-Hearing Conference if case is minor. If this occurs, the case is closed. If the student is not pleased with the sanction, he or she can appeal to the Dean of Students.

ARTICLE V: DISCIPLINARY COMMITTEES

In the case of a Conduct Hearing, the Judicial Officer will arrange for the hearing by scheduling a meeting of the Student Life Review Committee.

- Student Life Review Board: The Student Life Review Board (SLRB) generally hears cases that may result in suspension. The SLRB consists of a combination of faculty, staff and students. The quorum is five voting members; the chair shall not have a vote. The SLRB makes confidential recommendations for disciplinary actions to the Dean of Students. The Dean of Students imposes sanctions. Suspension sanctions may be appealed to the University President.
- Residential Hall Conduct Council: The Residential Hall Conduct Council hears cases of residential hall violations. The council consists of resident advisors, resident directors, students and staff. The quorum is five members. The council's decisions may be appealed to the Dean of Students. The decisions of the Dean of Students are final.

ARTICLE VI: HEARING PROCEDURES AND SANCTIONS

A. PROCEDURES FOR CONDUCT HEARINGS

1. The presiding officer shall call the hearing to order, ascertain the identification of all testifying parties and read the charges which have been filed against the student.
2. The student is informed of all of the evidence that will be used during the hearing.
3. The student may have an attorney or an advisor present for a conduct hearing; Please note that an advisor or attorney there to serve as an advisor to the student and has no formal role in the hearing. The student is solely responsible for presenting his/her own case but may consult with his/her advisor.
4. The oath of honesty shall be administered to all testifying parties.
5. The student is asked to enter a plea of "responsible" (committed the violation) or "not responsible" (did not commit the violation).
6. The student is given the opportunity to respond to the charges and introduce witnesses and/or evidence in support of his/her testimony.
7. Judicial Board committee members will question the student and any witnesses.

8. The student is given the name, address and telephone number of the appropriate official to contact should the student choose to appeal the decision.
9. The committee members privately evaluate the case and arrive at a decision of responsible or not responsible, and any appropriate recommended sanction(s).
10. The hearing is adjourned.
11. After the hearing, students will be notified in writing of the outcome.
12. If an appeal is filed, the student will receive in writing the final decision made by the appellate officer.

There shall be a single verbatim record, such as a tape recording, of all hearings before a disciplinary committee. The record shall be the property of Lincoln University.

B. SANCTIONS

More than one sanction may be recommended and/or imposed for any single violation when deemed appropriate by the Judicial Officer or Disciplinary Committee. All disciplinary sanctions are noted in the student's non-academic student file and may be kept for a period of three years after they leave the university (violations of sexual assault, drugs, alcohol, or weapons shall be kept for a minimum of seven years by law under provisions in the Clery Act). Records of suspended students are kept indefinitely.

Alcohol Sanctions

Alcohol sanctions may include but is not limited to: a Disciplinary Warning, education sanctions, counseling, fines, resident hall transfer or suspension, university suspension, expulsion, and/or prosecution.

Disciplinary Warning

A disciplinary warning is a verbal or written notice given to a student whose behavior is in violation of university policy. This sanction is often given in conjunction with other disciplinary sanctions.

Disciplinary Probation

Disciplinary probation is an intermediate sanction imposed for a specified period of time. The probation period allows a student to demonstrate acceptable behavior in order to continue enrollment at Lincoln University. Guidelines for a student's behavior may be included as conditions of the probation. If an offense is committed during the probation period, sanctions of suspension may result.

Illegal Drug and Other Substances sanctions

Include but are not limited to: a Disciplinary Warning, counseling, fines, resident hall transfer or suspension, university suspension, expulsion, and/or prosecution.

Loss of Privileges

Denial of specific privileges (e.g., attendance at university-sponsored events or access to resident halls for visitation) for a specific period of time.

Parental Notification

The university, in its sole discretion, may notify parents and/or guardians/sponsors regarding students under the age of 21 years of age who are in violation of campus alcohol and drug policies without the student's consent.

Restitution

Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

Fine

A \$50 fine may be imposed per violation for students found responsible for violating the Student Code of Conduct. Fines can only be recommended by a judicial hearing board and approved by the Dean of Students. Funds will be used for Student Conduct awareness and educational programs and training.

No Contact Order

Restriction from entering specific university buildings and activities to eliminate contact with alleged victims and/or other forms of contact with certain person(s). A "No Contact" order can be a temporary order in place while a conduct case or appeal is pending, or extended to a longer period of time to protect the student(s) and/or other members of the university community from threats to their health or safety.

Other

Work assignments, service to the university, educational projects, community volunteer services, research reports, counseling, etc., as long as deemed appropriate within the educational mission of the university.

Residence Hall Transfer or Suspension

Transfer of the student from the residence hall room to another room or housing unit or suspension from university housing. Conditions for possible readmission may be imposed.

Interim Suspension

A temporary suspension of a student while a conduct case or appeal is pending. This action will be taken if there is a threat to the health or safety of a student and/or other members of the university community.

Suspension

Suspension is an involuntary separation of the student from the university for a specific period of time. This sanction includes the student being suspended from the residence halls, banned from all university facilities (and subject to arrest for trespassing and charged with Failure to Comply). Readmission to the university may be granted after the suspension period or conditions have been satisfactorily met. Suspension for one semester shall mean the student may not re-enroll until the following semester. (The student may not re-enroll during an intervening summer term.) Reinstatement after suspension is not automatic. The student must submit a letter of reapplication to the Dean of Students for consideration. This letter should include explanation of activities pursued during the period of suspension and what measures/steps have been or will be taken to

ensure that the student will not violate this or other articles of the Lincoln University Code of Conduct.

Expulsion

Expulsion is an involuntary permanent separation of the student from the university. This sanction shall be made part of the student's permanent academic record. It requires a student to be withdrawn from all classes, suspended from the residence halls, banned from all university facilities (and subject to arrest for trespassing), rendered ineligible to register for any university class, and prohibited from participating in university activities. The student's transcript will indicate that the student was withdrawn by the university.

ARTICLE VII: TIMELINE

- A. Students should receive a hearing notification in five (5) business days (after a report is received by Student Conduct office)
- B. Students should receive a hearing confirmation (schedule) within 10 business days (after a report is received by Student Conduct office)
- C. Hearing and sanctions must occur within 30 business days (after a report is received by Student Conduct office)

In all references to 'business days' will exclude the first and include the last day of such period. Business days include normal university operating days and exclude holidays and weekends. The last business day ends at 5:00 p.m.

APPEALS PROCESS

- A. When a sanction does not involve suspension from the university, the student shall have the right to request an appeal of the case by the Dean of Students if a University Judicial Officer imposed the initial sanction(s).
- B. In the case of a suspension, a student may submit a written appeal to the President of the University.
- C. In cases involving charges relating to sexual harassment as defined in applicable university policy, the victim may appeal the original decision. Such charges include, but are not limited to, sexual misconduct, domestic violence, dating violence, and stalking (see [Lincoln University Title IX Grievance Procedures](#)).
- D. Appeal requests must be submitted in writing within two working days following the receipt of the decision. The letter should be clear and specific as to what new evidence is offered or what serious breach of the student's rights transpired.
- E. When an appeal is conducted, the President or Dean of Students shall not substitute his/her judgment for that of the original Judicial Officer or Disciplinary Committee. Rather, the scope of the review shall be limited to:
 - 1) New evidence not available at the time of the hearing becomes available;
 - 2) A material violation of procedure by the Judicial Officer and/or hearing committee occurs;
 - 3) The decision being appealed is not supported by significant and relevant evidence in the record;
 - 4) The punishment imposed is arbitrary or unreasonable.