



# **STUDENT CODE OF CONDUCT**

## **2021-2022**



## Metropolitan State University of Denver

### 2020-2021 Student Code of Conduct

#### **Introduction and Purpose:**

The Code of Conduct outlines community responsibilities for students during their time at MSU Denver. As students pursue their education, the academic and community environment is supported by values of accountability, respect, justice, and equity.

To encourage the MSU Denver students to identify and work through conflict or wrongdoing, we strive to support individual growth and community accountability by:

- Promoting reflection on the impact of conflict and our actions
- Encourage active responsibility by addressing harms and the repair that needs to happen to address conflict
- Supporting the development of community membership and wellbeing

Traditionally and currently, higher education institutions have implemented codes of conduct to develop a system to address violations of community standards. Mirroring other disciplinary systems, including in K-12 education and the criminal justice system, traditional approaches to code of conduct violations in higher education institutions have historically been resolved through a punitive-based and response where the first question being asked is what policy or rule was broken. The MSU Denver Dean of Students Office recognizes that these approaches to student conduct have contributed to systems of oppression and racial inequities. It can also be insufficient in addressing the needs of students, the harms that have resulted from wrongdoing, and dissatisfying for those involved. The MSU Denver Dean of Students Office acknowledges that the systems and structures in place in higher education are based on a tradition of racist and white supremacist ideals. Our commitment, as professional staff within the Dean of Students Office, to students, is centered on identifying, altering, and removing barriers to success that were created with not all students in mind. We are actively working to understand and atone for the impacts of systemic racism and oppression, how we perpetuate it, and how we can dismantle it at MSU Denver and beyond. We know we have a lot of work to do.

As part of our commitment, we are going to engage in a yearlong review of the Student Code of Conduct, commencing in the creation of the 2021-2022 Student Code of Conduct. As part of this review, we will be engaging members from all constituencies across campus, with inclusion of, but not limited to, race, gender, role at the university, department, and program. This review will include student input at every step and will engage both student leadership and students who are not involved in specific leadership at the institution.

The Code of Conduct is reviewed yearly through community collaboration. Members from the Dean of Students Office, Student Affairs, General Counsel, faculty members on the Academic Misconduct Advisory Board, and input from members of the large MSU Denver community is solicited on an annual basis to help develop the Code of Conduct that work best for the MSU Denver community.

The Code of Conduct outlines the Student Conduct guidelines, process, and procedures. Please take time to read and understand the Code of Conduct to help you along your education journey at MSU Denver.

**Scope:**

The Student Code of Conduct is not intended to replace but will supplement existing procedures related to:

1. [discrimination](#)
2. [grade appeals](#)
3. [requests for exceptions to academic policies](#)
4. [appeals for tuition and fee reduction](#)
5. [disputes relative to financial aid awards](#)
6. [in-state tuition classification](#)
7. [student complaint policy](#)

For any other matters that are not included above, contact the Dean of Students Office or the Student Care Center to receive assistance. These areas are intended to serve as a resource for accurate information for students at the University. Personnel within these areas can advise and assist students with unusual circumstances, or with problems not addressed by other University policies. Students may also review information available on the [Dean of Students Office or Student Care Center](#) web sites.

**Article I: Definitions**

1. The term “University” refers to Metropolitan State University of Denver.
2. The term “student” includes persons admitted to, enrolled at, or taking courses at/or sponsored by the University, and those who may not be currently enrolled but have a continuing relationship with the University. The Student Code of Conduct also applies to all MSU Denver Students enrolled through University programs who are studying abroad, online, or at other remote locations. All students are expected to adhere to the Student Code of Conduct.
3. The term “faculty member” refers to any person hired by the University to conduct classroom or teaching activities or who is otherwise considered by the University to be a member of its faculty.
4. The term “University official” includes any person employed by the University performing assigned administrative or professional responsibilities.
5. The term “member of the University” includes any person that is a student, faculty member, University official, or any other person employed by or affiliated with the University.
6. The term “University or campus premises” includes all land, buildings, facilities, online or electronic communication and other property in the possession of or owned, used, or controlled by the Auraria Higher Education Center and/or MSU Denver, including the adjacent streets and sidewalks, and also includes Extended Campus locations.
7. The term “impacted party” refers to the student, employee or third party who presents as the impacted party of any prohibited conduct under this code or any other University policy or procedure, regardless of whether that person makes a report or seeks action under this policy.
8. The term “responding party” refers to the party reported to have violated the Student Code of Conduct

9. The term “organization” refers to any number of persons that have complied with the formal requirements for University recognition. Student organization requirements can be found in the Student Organization Handbook.

10. The title of “Conduct Administrator” refers to those persons designated by the Dean of Students to be responsible for the administration of the Student Code of Conduct.

11. The term “preponderance of evidence” is the defined standard of proof used in all conduct proceedings under this Student Code of Conduct. A preponderance-of-evidence standard means that it is more likely than not that a violation occurred.

12. The term “shall” is used in the imperative sense.

13. The term “may” is used in the permissive sense.

14. The term “academic misconduct” is defined as violation of expectations for honesty and integrity on an assignment or assessment. This includes but is not limited to plagiarism, cheating, fabrication, submitting the same work for different classes or other violations of academic expectations.

15. The term “cheating” includes, but is not limited to:

- use of any unauthorized assistance in taking quizzes, tests or examinations;
- misrepresenting class attendance;
- using sources beyond those authorized by the faculty member in writing papers, preparing reports, solving problems, or carrying out other assignments; or
- the acquisition, without permission, of tests or other academic materials belonging to a member of the University faculty, staff, or other students.
- Any of the above can be applicable regardless of class modality

16. The term “plagiarism” includes, but is not limited to, the use by paraphrase or direct quotations of the published or unpublished work of another person without full and clear acknowledgement, according to the standards of the discipline, department, and/or faculty member. It also includes the unacknowledged use of materials prepared by another person or agency that may or may not be engaged in the buying/selling of term papers or other academic materials.

17. The phrase “submitting the same work for different classes” means submitting substantive portions of the same work in more than one class without disclosure to and approval from faculty members involved.

18. The term “hazing” is defined as an act that endangers the mental or physical health or safety of a student, or that 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. Hazing can be defined further as any action that produces physical discomfort, embarrassment, harassment, or ridicule.

19. The term “business days” refers to the days the University is open and does not include Saturdays, Sundays, holidays, or days when the University is not open for business.

20. The term “University-sponsored activity” includes but is not limited to: Classes, online forums/classes, athletic events, music and theater events, student activities, study-abroad programs, internships, field experiences and student trips funded by the University.

21. The term “report” refers to any mechanism by which the Dean of Students Office is informed of a potential violation of the Student Code of Conduct.

21. The term “conduct file” refers to the creation of a record with the University when a student is referred to the Student Conduct process. The contents of this file include the outcome of a conduct meeting, referrals to a restorative process, findings of responsibility for a code violation and/or any institutional resolutions assigned in the Conduct process (see Resolutions, Article IV: C). A conduct file is a part of a student’s educational record. Please refer to the Student Code of Conduct Article IV: F: Release of Conduct Information for information on the release of a conduct file. Conduct files typically do not become part of a student’s academic transcript.

22. The term “conduct meeting” refers to a meeting between the respondent and Conduct Administrator to discuss the conduct process, respondent perspective, any applicable information, response to the incident report, and potential outcomes/resolutions.

23. The term “sexual misconduct” refers to any nonconsensual behavior of a sexual nature that is committed by force or intimidation, or that is otherwise unwelcome, and includes, but is not limited to: sexual assault, sexual exploitation, sexual harassment, stalking, domestic violence, and dating violence. For more definitions relating to sexual misconduct, see [the University policy on Sexual Harassment](#).

24. The term “restorative processes” refers to processes that emphasize repairing the harm caused by a responsible party to impacted parties and the community. Participation in restorative processes is voluntary for all parties involved. Restorative processes are utilized when a responsible party (student or organization) accepts responsibility for their actions.

## **Article II: Conduct Authority**

1. The Dean of Students is appointed by the Vice President for Student Affairs to determine the individual(s) responsible for adjudicating any potential violations of the Student Code of Conduct, referred to as the Conduct Administrator(s).

2. The Dean of Students or designee may develop policies for the administration of the conduct program and procedural rules for the conduct of meetings that are consistent with provisions of the Student Code of Conduct.

3. Decisions made by the Conduct Administrator shall be final, pending the normal appeal process.

4. The Conduct Administrator may extend time limits for good cause demonstrated in writing by the requestor.

5. The individual(s) responsible for meeting appeals of the Student Code of Conduct decisions are designated by the Vice President for Student Affairs in consultation with the Dean of Students, and are referred to as the Appeals Administrator(s).

## **Jurisdiction of the University**

Metropolitan State University of Denver expects its students to be accountable for their conduct and to represent the University in a positive, responsible manner. The Student Code of Conduct exists to provide parameters for students and their behavior as they represent the University during the entirety of their enrollment. University jurisdiction applies to student conduct that occurs on- or off-campus, including while a student or organization is participating in University-sponsored activities including but not limited to University Athletics, internships, practicum opportunities, study-abroad and student-travel programs.

University jurisdiction also applies to student conduct that occurs while in the course of a student's employment with the University, however, all personnel decisions will fall within the scope of the Office of Human Resources and/or the employing department. The Office of Human Resources and/or employing department may use information gathered from the student conduct process when making their personnel decisions.

The University may adjudicate off-campus conduct when the continued presence of the student is likely to interfere with the educational process or the orderly operation of the campus; is likely to endanger the health, safety or welfare of the University community; or the offense committed by the student is of such a serious nature as to adversely affect the student's suitability as a member of the University community.

The Student Conduct process is separate from criminal or civil proceedings; however, the University may choose to or be required to share information gathered as a result of the Student Conduct process with law enforcement or if required by a court order or subpoena to do so. The Student Code of Conduct shall apply to a student's conduct even if the student withdraws from school while a disciplinary matter is pending.

The student's use of electronic media including but not limited to social media, email communication, and other forms of digital media, in violating a standard of conduct may be considered in the adjudication process regardless of where the electronic media originated.

### **Article III: Conduct Standards**

#### **A. Conduct – Rules and Regulations**

By a preponderance of evidence, any student found to have committed the following misconduct is subject to the disciplinary resolutions outlined in Article IV.

1. Acts of dishonesty including, but not limited to, the following:

- a. Cheating, plagiarism, or other forms of academic misconduct;
- b. Submitting the same work for different classes unless disclosed to and approved by the faculty member;
- c. Furnishing false information to any University or campus official, faculty member, law enforcement official, or office;
- d. Forgery, alteration, or misuse of any University document, record, or instrument of identification;
- e. Failure to follow regulations, requirements or determinations of the Institutional Review Board (IRB) and/or faculty advisement when engaging in human subjects research activities;
- f. Tampering with the election of any University-recognized student organization;
- g. Encouraging and/or coercing others to furnish false information; or
- h. Assisting anyone in the commission of any acts stated above.

2. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other University activities including public service functions on- and off-campus, or other authorized non-University activities when the act occurs on University controlled property or University activities, including online classes.

3. Assault, physical abuse, brawling or any conduct that endangers the health or safety of any person or animal.

a. Verbal abuse, threats, intimidation, coercion or any unwelcome conduct by an individual(s) that is sufficiently severe or pervasive that it alters the conditions of education or employment and creates an environment that a reasonable person would find intimidating, hostile or offensive.

b. Bias motivated incidents involve behavior, speech, or expression that is motivated by bias/prejudice based on perceived race, religion, ethnicity, national origin, sex, gender identity, gender expression, disability, age, sexual

orientation, veteran's status, political affiliation or philosophy and has a negative impact and a reasonable person would find intimidating, hostile, or offensive.

4. Attempted or actual theft of the University, the Auraria Higher Education Center, property of a member of the University or campus community, or other personal or public property.
  5. Identity theft via the use, or attempted use, of another person's identifying information without their knowledge or permission.
  6. Damage to property of the University, the Auraria Higher Education Center, property of a member of the University or campus community, or other personal or public property.
  7. Hazing by an individual or student organization.
  8. Failure to comply with a reasonable request from University officials or sworn law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
  9. Unauthorized possession, duplication, or use of keys/access cards to any campus premises or unauthorized entry to, or use of, campus premises.
  10. Violation of University or Auraria Higher Education Center (AHEC) policies, rules, or regulations that are published in hard copy or available electronically on the University website or AHEC [website](#).
  11. Violation of federal, state, or local law.
  12. Possessing, using, manufacturing, distributing, or selling of narcotics or other controlled substances, or related drug paraphernalia, or prescription drugs in violation of law or University policies. Attending classes, University or campus functions, or being on campus while under the influence of drugs/illegal substances, shall also be considered a violation of this Code.
  13. Public intoxication, and/or the use, possession, or distribution of alcoholic beverages or Cannabis, except as expressly permitted by the law and University regulation. Attending classes, University or campus functions, or being on campus while under the influence of alcohol or drugs shall also be considered a violation of this Code.
- Note: Although, in accordance with the requirements of the Colorado Constitution, possession and use of cannabis for certain medical conditions, and the possession and use of less than 1 ounce of cannabis by persons 21 years of age or older is legal, the possession and use of cannabis remains prohibited on the Metropolitan State University of Denver South and Auraria campuses and at all University-sponsored activities. In addition, federal law, including the Controlled Substances Act and the Drug Free Schools and Communities Act, prohibits the use and/or possession of cannabis while a student is on campus.
14. Illegal or unauthorized possession, creation, use, or distribution of firearms, explosives, dangerous chemicals, or any other weapon. University students must comply with the [AHEC weapons policy whenever participating in any university-sponsored activity](#).
  15. Participation in campus demonstrations that disrupt the normal operations of the University (or other parts of the campus) or any conduct that infringes on the rights of other members of the campus community; leading or inciting others or disrupting scheduled and/or normal activities within any campus building or area; or intentional obstruction that unreasonably interferes with freedom of movement on campus, either pedestrian or vehicular.

16. Improper use of University technology. This includes misuse or improper acquisition or access codes, passwords, and remote/online classroom technology, including Zoom and Microsoft Teams
17. Any unauthorized or illegal use of electronic or other devices to make an audio or video record of any person. The storing, sharing, and/or distribution of such records by any means are also prohibited.
18. Abuse, misuse, or interference with the conduct process including, but not limited to:
  - a. Falsification, distortion, or misrepresentation of information before a University official;
  - b. Disruption or interference with a conduct proceeding;
  - c. Initiating a conduct proceeding knowingly without cause;
  - d. Attempting to discourage an individual's proper participation in, or use of, the conduct process;
  - e. Attempting to influence the impartiality of a Conduct Administrator prior to, and/or during the course of, the conduct proceeding;
  - f. Harassment – including but not limited to verbal, physical or electronic - and/or intimidation of a Conduct Administrator prior to, during, and/or after a conduct proceeding;
  - g. Failure to comply with the resolution(s) imposed under the Student Code of Conduct,; or
  - h. Influencing or attempting to influence another person to commit an abuse of the conduct process.
19. Obstructing or delaying a law enforcement officer, first responder, security officer, or University official in performance of their duty.
20. Reporting a false bomb threat or fire alarm, or misusing fire safety equipment.
22. Influencing or attempting to influence the academic process through explicit or implied bribery, threats, or sexual behavior. If the allegation is attempting to influence the academic process through sexual behavior, policy and procedure will be dictated by the [University's policy on Sexual Harassment](#).
23. Furnishing false information or academic credentials with the intent to deceive or mislead when applying for admission to the University or for any of its programs and services.
24. Conduct that is lewd or indecent.
25. Knowingly pursuing malicious, frivolous or fraudulent charges against a faculty, student or staff member without cause.
26. Stalking, or engaging in a pattern of behavior directed at a specific person that would cause a reasonable person to feel fear. Stalking behaviors include but are not limited to: Non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, social media, written letters, gifts, surveying/voyeuristic behavior, following, or any other communications that are undesired and place another person in fear.
27. Sexual Harassment/Sexual Misconduct – any violation of the University's sexual harassment policies, including [sexual misconduct](#).
28. Retaliation is defined as any form of intimidation, threats, or harassment by an individual accused of misconduct, or by persons acting in support of or on behalf of the individual against whom a grievance has been filed. Acts of retaliation alleged to have been committed by a student are considered to be a separate violation of the Student Code of Conduct, in addition to any other alleged misconduct contained in a complaint against a student.



29. Aiding, abetting and/or assisting anyone in the commission of any acts stated above.

### **C. Academic Misconduct Procedures**

In all cases of academic misconduct, the faculty member shall determine if a student is responsible for a violation of policy and make an academic judgment about the student's grade on that work in that course. The faculty member shall report such incidents within 20 business days to the student and to the Conduct Administrator. The Conduct Administrator may extend time limits for good cause. The Conduct Administrator has the discretion to determine whether institutional resolutions should be invoked. The Conduct Administrator does NOT have the discretion to change a grade or overturn a finding of academic misconduct. An appeal of a finding of academic misconduct should be governed by the Grade Appeal Process. Any institutional resolutions are subject to the [Conduct appeals process](#).

Academic misconduct may result in institutional resolutions in addition to any academic consequences determined by the faculty member. Institutional resolutions do not limit the individual faculty member's academic freedom and the right to maintain academic integrity in the learning environment. The faculty member may assign a grade or grade notation for an assignment, exercise, test, and/or for the course based on their determination that an incident of academic misconduct has occurred.

#### **Permanent F**

A professor may issue a permanent grade F as a result of academic misconduct that results in a failing grade in the class or is so flagrant as to warrant it. The permanent F is a grade not a resolution for purposes of this Student Code of Conduct. When a faculty member gives a permanent F, they are required to file a report with the Dean of Students Office, which will determine if a resolution is to be imposed for the incident. Students who wish to appeal a permanent grade of F must do so by following the [Grade Appeal Policy](#) as established by the University's office of Academic Affairs.

### **D. Removal from Area or Campus**

Students or organizations exhibiting unacceptable forms of behavior on campus or University property may be requested to leave by authorized law enforcement. A faculty member may also temporarily remove a student from the classroom and shall immediately file an incident report with the Dean of Students Office. A staff member may direct a student to leave an area or department and shall immediately file an incident report with the Dean of Students Office. Interim or permanent removal from a class, area, or department is handled through the conduct process of the University. University disciplinary proceedings may be instituted against a student or organization charged with violation of a law that is also a violation of this Student Code of Conduct. For example, if both violations result from the same factual situation without regard to the pendency of civil litigation in court or criminal arrest and prosecution, proceedings under this Student Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

## **Article IV: Conduct Processes**

### **A. Standard of Proof**

The University views the conduct process as a learning experience that can result in growth and personal understanding of one's responsibilities and privileges within the University community. It is not intended to be a substitute for civil or criminal legal proceedings, and is designed to provide a fair evaluation of whether or not a student has violated University policies. Formal legal rules of evidence do not apply in the University's conduct process. The University uses a preponderance-of-evidence standard when determining responsibility for alleged

violations of the Student Code of Conduct. A preponderance of evidence means that what is alleged to have happened is, more likely than not, what actually happened. This shall be the standard of proof used in all conduct proceedings under this Code.

## **B. Processes**

### Filing a Report

Any person may file a report about any student or organization for misconduct. Reports may be prepared in writing in the form of an [incident report](#) and directed to the Conduct Administrator responsible for the administration of the University conduct system. Any report should be submitted by the reporting party as soon as possible, generally within 20 working days after learning that the misconduct has occurred. The Conduct Administrator may extend time limits for good cause.

### Notification

If the University is pursuing a formal conduct process, the responding student will be notified. Once the responding student is notified of the complaint, they have the opportunity to schedule a conduct meeting with the Conduct Administrator or designee to discuss the situation. If the student fails to make contact with the Conduct Administrator within the time frame specified in the notification, the Conduct Administrator may make a decision in the student's absence on the next steps in the process and/or place a registration hold on the student's account.

Note: Because email is an official method of communication for the University, students will be notified over their Metropolitan State University of Denver email of potential violations of the Student Code of Conduct and the outcome of any conduct process. Students may also be contacted at the mailing address on file with the University. In certain cases, students may also receive correspondence by phone from staff in the Dean of Students Office at any point in an investigation or while gathering information.

### Conduct Issue

Prior to the conduct meeting, the Conduct Administrator shall present to the respondent or responding organization, in writing, a statement of the allegations, the conduct issue(s) they would support and the potential consequences in the event that student is found responsible. The student will be responsible for scheduling the conduct meeting with the Conduct Administrator. In the event of extenuating circumstances, the Conduct Administrator may determine that the meeting shall take place via telephone, virtually through online meeting platform, or through a written process. The Conduct Administrator will notify the respondent in writing of this determination.

### Advisor

The impacted party and the responding party have the right to have any advisor they choose, at their own expense, to be present during any meeting or conduct meeting. This advisor serves in a support role for the party. The advisor may be an attorney, with notification of this information to the Conduct Administrator. The responding party and/or the impacted party will notify the Conduct Administrator at least 3 business days before the meeting or meeting of the name, address and telephone number of the advisor. In certain cases, University Legal Counsel may be present. The impacted party and/or the responding party is responsible for presenting their own case and, therefore, advisors are not permitted to participate in any meeting or meeting within the conduct process unless the University legal counsel specifically advises otherwise. A witness may not also be an advisor. If the advisor selected by the complainant or respondent is also a witness to the complaint, the student must identify an alternate advisor.

### Review

The Conduct Administrator or designee, is responsible for investigating all alleged violations of the Student Code of Conduct. The investigation process may vary by case depending upon circumstances involved. Reviews may

include, but are not limited to, interviewing all parties involved, interviewing any witnesses deemed relevant, and gathering and reviewing information provided by any parties or witnesses.

#### Conduct Meetings

- Meetings shall be conducted in private. Meetings may take place in person, by telephone, virtually through online platforms, or through written statements.
- Admission of any person to the meeting shall be at the discretion of the Conduct Administrator within outlined policies.
- In meetings involving more than one responding party, the Conduct Administrator at their discretion may permit the meetings concerning each student to be conducted concurrently.
- Both the responding party and the impacted party may present witnesses pertaining to the alleged incident. The Conduct Administrator will meet with any witnesses prior to the conduct meeting to review the information they have to share pertaining to the case.
- Pertinent records, exhibits and written statements may be accepted as information for consideration by the Conduct Administrator at their discretion.

#### Post-Meeting Process

- After the meeting, the Conduct Administrator shall determine whether the student or organization has violated the Student Code of Conduct.
- The Conduct Administrator's determination shall be made on the basis of whether it is more likely than not that the respondent or organization violated the Student Code of Conduct.
- If a student or organization is found responsible for a violation of the Student Code of Conduct, the Conduct Administrator may assign a range of resolutions (Article IV. C.)
- Except in the case of a student charged with failing to obey the summons of a Conduct Administrator or University official, no student may be found to have violated the Student Code of Conduct solely because the student failed to appear before a Conduct Administrator. In all cases, the information in support of the charges shall be considered.
- University legal counsel shall serve as legal advisor to the Conduct Administrator.

#### ALTERNATIVE CONFLICT RESOLUTION & RESTORATIVE PROCESS

The Conduct Administrator has the discretion to refer a student conduct report to Student Conflict Resolution Services to initiate an alternative conflict resolution or restorative process at any point during the student conduct process, which may include:

- a. **Conflict Coaching:** Conflict Coaching is one-on-one and individualized coaching sessions with a Student Conflict Resolution Services professional to discuss an event or incident and strategies to approach conflict situations.
- b. **Restorative Process:** A restorative process, such as a restorative conference or an Impact Circle, brings together members of the community that have been impacted by an event or incident, such as the responsible party, impacted parties, to have an honest and collaborative dialogue. Facilitators guide the participants to discuss what occurred, the needs of all parties, and what needs to happen to make things right. A restorative process ends with a mutually defined restorative agreement between parties.
- c. **Mediation:** Mediation is a conflict resolution process where a mediator guides the involved parties toward their own resolution. This may include joint mediation sessions or separate caucuses with each

person. The mediator helps both sides define the issues, understand the other's position, and move closer toward their own resolution. Mediation may be offered as an option when the incident does not qualify as a student conduct issue.

A student conduct professional may refer to an alternative resolution process based on, but not limited to, the following factors:

- If the respondent takes responsibility for the alleged prohibited conduct;
- The respondent's prior conduct record;
- The nature and severity of the alleged prohibited conduct;
- The alleged impact and/or harm caused to another person or community;
- Whether the alleged conduct violates the Student Code of Conduct; and
- Any other factors that the Conduct Administrator finds relevant to the specific allegations.

### **Restorative Process**

The principles and steps of a restorative process include:

- Participation is voluntary;
- A referral may be made if the respondent takes responsibility for their actions/conduct issue and is willing to complete a restorative agreement;
- Prior to the restorative conference or circle, parties participate in individual intake meetings to help participants adequately prepare;
- The process provides an opportunity for open and respectful dialogue about the event or incident and its impact;
- If other parties have been directly affected by the incident, they should be invited to participate in the process and may determine the level of their involvement;
- Outcomes or a restorative agreement should always seek to address harms and needs and promote repair;
- Outcomes or a restorative agreement must reflect the agreed view of all parties;
- Outcomes or a restorative agreement must promote accountability by the responsible party and represent an appropriate and achievable response to the conduct in question.

A restorative process does not determine responsibility, but is focused rather on determining how to repair the harm caused from the incident. The restorative process will result in a written agreement among all parties involved, with the outcomes to be completed by the respondent.

If the restorative process reaches an agreed restorative agreement, the matter will be considered resolved and no further action will be taken. If the restorative process does not reach an agreed restorative resolution, the respondent does not actively participate in the process, or does not want to participate in the restorative process, the case will be referred back to Student Conduct.

### **Amnesty Policy**

MSU Denver recognizes that an individual who has been drinking or using drugs at the time of an incident may be hesitant to make a report because of potential Student Code of Conduct consequences for their own conduct. An individual that reports a violation of the Code of Conduct, including sexual misconduct will not be subject to disciplinary action by MSU Denver for their own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health and safety of any other person at

risk. MSU Denver may, however, initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

### **C. Resolutions**

1. The following resolutions may be imposed upon any student or organization found to have violated the Student Code of Conduct through a conduct meeting, including but not limited to:

#### Status Resolutions

- a. **Warning:** A notice in writing to the student that the student is violating or has violated the Student Code of Conduct. A student conduct warning remains in the student's file in perpetuity.
- b. **Probation:** A written reprimand for violation of specified regulations. Probation is generally for the remainder of a student's time as a student at MSU Denver and includes the probability of more severe disciplinary resolutions if the student is found to be violating any institutional regulation(s) and/or the Student Code of Conduct while on Probation.
- c. **University Suspension:** Separation of the student from the University for a definite period of time, after which the student is eligible to return. Conditions for re-enrollment may be specified. A temporary ban from any MSU Denver Campus or from the Auraria Campus may be put into effect as a part of the conditions of suspension. If a student has not yet enrolled in classes, admission may be rescinded.
- d. **University Expulsion:** Permanent separation of the student from the University. This may include a permanent ban from any MSU Denver Campus or the Auraria Campus, enforceable by the Auraria Campus Police Department.
- e. **Auraria Campus Suspension or Expulsion:** In cases where a student's behavior could threaten the safety or well-being of the Auraria campus community, a student could be suspended or expelled from all three Auraria Institutions: MSU Denver, Community College of Denver, and University of Colorado Denver. The University will honor suspensions and expulsions for conduct that includes violent, concerning or threatening behavior from the Community College of Denver and the University of Colorado Denver.
- f. **Organizations** may be subject to the withdrawal of University recognition, and thus the loss of privileges and services provided by the Center for Multicultural Engagement and Inclusion.

#### Administrative and Educational Resolutions

- a. **Loss of Privileges:** Denial of specified privileges for a designated period of time or in perpetuity. This includes No Contact Directives and restriction from areas, buildings, or offices on campus.
- c. **Restitution:** Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
- d. **Restorative Resolutions:** Mediation, restorative conference, dialogue, conflict coaching, letter of amends, and other activities to address any harm caused by a violation.

e. Educational Resolutions: Referral to a campus resource (Student Conflict Resolution Services, Tutoring Center, Writing Center, Counseling Center, etc.), reflection paper, educational exercise, educational workshops for student organizations, and other activities that encourage further education.

2. More than one of the resolutions listed above may be imposed for any single violation.

3. Resolutions shall not be made part of the student's academic transcript, but shall become part of the student's conduct file.

4. The Conduct Administrator shall notify the respondent, in writing, of the outcome of the meeting and any resolutions assigned. The complainant may be notified of the outcome as required and/or permitted by University policy or relevant law.

### **E. Interim Suspension/ Restrictions**

In certain circumstances, the Associate Vice President of Student Engagement and Wellness/Dean of Students, or designee, may impose a University interim suspension/restrictions prior to a conduct meeting.

1. Interim suspension/ restrictions may be imposed only:

- To uphold the safety and well-being of members of the campus community or preservation of campus property;
- To support the student's own physical or emotional safety and well-being; or
- If the student poses a definite threat of disruption of, or interference with, the normal operation of the University.

2. During the interim suspension, students shall be denied access to the campus, including classes and/or all other University activities or privileges for which the student might otherwise be eligible, as the Associate Vice President of Student Engagement and Wellness/ Dean of Students or designee may determine to be appropriate. During interim restriction, students shall be denied access to specific services, locations or classes, depending on the case and where the concern is located. In cases of interim suspension or interim restriction, a hold may be placed on the student's account to prevent registration of courses. In certain situations, the student may be required to complete an evaluation prior to an interim suspension being lifted. In these cases, these evaluations will be completed at the University's expense.

3. The student may submit written and/or other relevant documentation to show cause why a continued presence on the campus or in specific restricted areas does not meet the criteria for interim restrictions. The Conduct Administrator will review information provided by the student, and determine whether or not to adjust the restrictions. The student will be notified of any adjustments to the interim suspension/restrictions in writing. Interim suspension/restrictions will stand until student is notified otherwise. The interim restrictions can be reviewed at any point and review may be initiated by either the student, the complainant, or the Conduct Administrator.

### **F. Appeals**

1. The respondent may appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within five (5) working days of the decision. In sexual misconduct cases, the complainant is also permitted the opportunity to appeal a decision reached by the Conduct Administrator or a resolution imposed by the Conduct Administrator within five (5) working days of the decision. Such appeals shall be in writing and shall be submitted to the Dean of Students Office. The Dean of Students Office will forward the appeal request and student conduct file to the appointed Appeals Administrator. If a student chooses to appeal, they must complete a [Conduct Appeal Form](#), which must be submitted with the appeal. Please refer to the [Dean of Students](#) website for more information. The student will be informed of the outcome in writing when the appeal process has been completed.

2. Except as required to explain the basis of new information, an appeal shall be limited to a review of all case-related materials previously available to the Conduct Administrator and the information provided with the Conduct Appeal Form for one or more of the following purposes:

1. To determine whether the original meeting was conducted fairly in light of the conduct issues and information presented, and in conformity with prescribed procedures, giving the appealing party a reasonable opportunity to prepare and to respond to those allegations.
2. To determine whether the decision reached regarding the respondent or organization was based on a preponderance of evidence; that is, whether the facts in the case were sufficient to establish that, more likely than not, a violation of the Student Code of Conduct occurred.
3. To determine whether the resolution(s) imposed were appropriate for the violation of the Student Code of Conduct that the student or organization was found to have committed.
4. To consider new information sufficient to alter a decision or other relevant facts not brought out in the original meeting because the person or organization appealing did not know such information and/or facts at the time of the original meeting.

3. Outcomes from an appeal request will fall within one of the following categories:

- The appeal is granted and a Conduct Administrator is asked to reconsider the original finding of responsibility.
- The appeal is granted and a Conduct Administrator is asked to reconsider the original resolution(s).
- The appeal is granted and a Conduct Administrator is asked to reconsider both the original finding of responsibility and the original resolution(s).
- The appeal is denied.

a. If an appeal is granted, the matter shall be remanded to a Conduct Administrator for reopening of the meeting to allow reconsideration of the original determination and/or resolution(s). These reconsidered determinations and/or resolution(s) shall be considered final and no further opportunity to appeal will be granted.

b. If an appeal is denied, the matter shall be considered resolved, the Appeals Administrator's decision is considered final, and the student is responsible for any resolutions of the original decision.

c. In cases involving appeals by students or organizations accused of violating the Student Code of Conduct, review of the resolution(s) by the Appeals Administrator may not result in a more severe resolution(s) for the respondent or organization. Instead, following an appeal the Conduct Administrator may, upon review of the case, reduce, but not increase, the original resolution(s) imposed.

d. When asked to reconsider the original finding of responsibility and/or the original resolution(s), a Conduct Administrator will consider all case-related materials previously available to the Conduct Administrator. If the appeal was granted on the grounds of new information sufficient to alter a decision, the Conduct Administrator will also take the new information under consideration.

### **G. Release of Conduct Records**

Educational records are the comprehensive records kept for all students and are subject to federal laws, including the Family Educational Rights and Privacy Act (FERPA). A student's conduct file, created when any alleged violation

of the Student Code of Conduct is reported to the Dean of Students Office, is a part of a student's education record. As a result, these records are kept confidential in accordance with this law. Access to any student's disciplinary file shall be governed by provisions of FERPA, and the Campus Security Act (or "Clery Act") as amended. A written waiver signed by the student is required for release of disciplinary records to third parties not otherwise mandated by relevant law.

### **Policy Review**

#### **Article V: Interpretation and Revision**

A. Any question of interpretation regarding the Student Code of Conduct shall be referred to the Associate Vice President of Student Engagement and Wellness and Dean of Students, or designee for final determination.

B. The Student Code of Conduct shall be reviewed periodically (and as needed) under the direction of the Associate Vice President of Student Engagement and Wellness or designee joined by Provost or Designee, Faculty Senate President or Designee and the Student Government Assembly President or Designee.

**Policy Website Address:** <https://www.msudenver.edu/policy/student-code-of-conduct/>

### **Contact:**

Dean of Students Office  
(303) 615-0220

### **Procedures/Forms/Tools**

To report an incident: [Incident Report](#)