I. Introduction

A. Community Expectations and Student Responsibility
1. Authentic Catholic community is born of deliberate ongoing commitment from every student to live in accordance with Catholic values and expectations. The Catholic University of America ("university" or "CUA"), is an academic community committed to research, teaching, learning, and service and acknowledges specific core values that characterize the university community in all of its activities. The ways in which the university community uniquely embodies these core values become trademarks of the CUA experience and an enduring part of the life of each and all of its members. Students who enroll at the university assume an obligation to conduct themselves in a manner compatible with the university’s interests as a Catholic educational institution. "University" means The Catholic University of America and all of its undergraduate, graduate, and professional schools, divisions, and programs.

2. Each student must make choices that preserve a safe and secure environment in which all individuals are able to pursue their academic endeavors. Each student is expected to practice responsible citizenship and to respect the rights of others. Each community member is responsible for her/his own actions and the conduct of her/his guests. Failure to uphold university rules and expectations as well as district, and/or federal laws and regulations are serious infractions that will likely result in disciplinary action within the university under the authority of this Code of Student Conduct ("Code"). "Student" means any person who is taking or auditing classes at the university or who is matriculated in any university program.

B. Purpose
1. The purpose of maintaining discipline in the university setting is to protect the character of the university community by discouraging conduct inconsistent with the values of the institution. The purpose of publishing disciplinary regulations is to give students and student organizations general notice of prohibited behavior and their rights and responsibilities during the disciplinary process. The purpose of campus disciplinary proceedings is to provide a forum through which to determine whether a student is responsible for violating university regulations. This Code provides a means for the
exercise of student rights and responsibilities within the university student conduct system. The Code seeks to preserve the individual rights of students while ensuring that the interests of the entire university community are also maintained.

C. Primary Authority for Student Discipline
1. Ultimate authority for student discipline is vested in the President of the university ("President"), who may take immediate action at her/his discretion for any violation of university policies and procedures whatsoever. Disciplinary authority may be delegated to university administrators, faculty members, committees, and organizations as set forth in this Code, or in other appropriate policies, rules, or regulations adopted by the President.

II. Prohibited Conduct
The following are examples of prohibited behaviors and activities which may result in disciplinary action under this Code. Commission of or attempts to commit these acts, condoning, supporting or encouraging others in the commission of these acts, or failure to prevent one's guests from committing these acts may be treated as violations of this Code.

A. Dangerous Conduct: Intentionally or carelessly engaging in conduct that threatens or endangers the health or safety or causes physical harm to any person, including the violator.
1. Placing a person in fear of imminent physical danger or bodily harm.
2. Causing bodily harm to a person, or engaging in aggressive physical contact that would likely have caused bodily harm despite the lack of any measurable harm.

B. Harassment
1. Any actions, threats, gestures, and/or words directed toward another person which have the purpose or which tend to incite a breach of the peace, create a hostile environment, or cause emotional distress to that person because of the humiliating, degrading, intimidating, insulting, coercive, ridiculing, and/or alarming nature of the conduct. It frequently, but not always, involves a pattern of conduct.
2. Any unsolicited, offensive behavior that inappropriately asserts sexuality over status as a student or an employee; unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when:
   a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic admission or advancement;
   b. Submission to or rejection of such conduct is used as the basis (or threatened to be used as the basis) for employment actions or academic decisions or evaluations; or
   c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive work, living, or learning environment.

C. Dangerous Items: The use, possession or storage of any firearms, explosives, other weapons, fireworks or dangerous chemicals.
1. Firearms and ammunition - Firearms are defined as any gun, rifle, pistol, or handgun designed to fire bullets, BBs, pellets, or shots (including paint balls), regardless of the propellant used.
2. Explosives and fireworks including, but not limited to, firecrackers, cherry bombs, smoke bombs, and similar devices.
3. Knives or other weapons, objects that could be construed as weapons or items that pose a potential hazard to the safety or health of others. Other weapons are defined as any instrument of combat or any object not designed as an instrument of combat but carried or used for the purpose of inflicting or threatening bodily injury or damaging/destroying university property or the property of others.
4. Unauthorized hazardous materials or chemicals.

D. Interfering with Fire Safety
1. Misusing, tampering or damaging fire safety equipment including, but not limited to, fire extinguishers, smoke alarms, sprinkler systems or exit signs.
2. Unauthorized burning of any material in any university building, on university property or on areas adjacent to university property.
3. Disregarding a fire alarm signal or refusing to evacuate a building or a section of a building when a fire alarm is sounding.
4. Recklessly or intentionally activating an alarm when an emergency situation does not exist.

E. Alcohol: The use, abuse, possession, or distribution of alcohol, except as permitted by law and university policy.
1. Offenses if Committed by Persons Under 21
   a. Possession of containers that previously contained alcoholic beverages.
   b. Possession of alcoholic beverages.
   c. Consumption of alcoholic beverages.
   d. All behaviors prohibited under section (2) below.
2. Offenses Regardless of Age
a. Possession of alcohol paraphernalia which is defined as any item typically used to aid in the consumption of alcohol (e.g. funnels, beer-pong tables).
b. Possession of an excessive quantity of alcohol including but not limited to common source containers, whether full or empty, of alcohol such as kegs, beer balls, or boxed wine, etc.
c. Consumption of alcoholic beverages in any public area (except at an official university approved event or location), including public space within a residence hall, or in residence hall rooms assigned exclusively to persons under 21 years of age.
d. Participation in negligent and irresponsible activities or events (e.g. drinking games).
e. Intoxication.
f. Sale, distribution or provision or attempts to sell, distribute or provide alcoholic beverages to and/or by anyone under 21 years of age. ("Distribution" means any form of exchange, gift, transfer or sale.)

F. Drugs: The use, possession, or distribution of any controlled substances, except as permitted by law, or possession of drug paraphernalia.
1. Possession of paraphernalia including any item typically used to inhale/ingest/inject/mask illegal substances, regardless of whether the item has been used for illegal purposes. (Note: the university considers items such as hookahs to be drug paraphernalia regardless of intended use.)
2. Possession of illegal drugs or controlled substances.
3. Use of illegal drugs or controlled substances.
4. Distribution (any form of exchange, gift, transfer or sale) of illegal drugs or controlled substances.

G. Theft/Unauthorized Possession of Property
1. Theft of property or of services or possession of stolen property.
2. Unauthorized possession of university property (including residence hall lounge furniture) or the property of others.

H. Damage to or Misuse of Property:
1. Intentionally or carelessly destroying or damaging university property or the property of others.
2. Unauthorized entry into university facilities or property.
3. Unauthorized use or misuse of university property or the property of others.

I. Disorderly Conduct:
1. Acting in a manner to annoy, disturb, interfere with, obstruct, or be offensive to another/others.
2. Shouting or making excessive noise either inside or outside a building to the annoyance or disturbance of others.
3. Verbally abusing university officials (including students appointed to act as representatives of the university) acting in the performance of their duties.
4. Behaving in a lewd or indecent manner.

J. Non-academic Dishonesty:
1. Knowingly furnishing false information to the university or member of the university community, including at university disciplinary proceedings.
2. Forging, misuse, unauthorized alteration and/or creation of documents, records, identification cards, keys or other objects.
3. Possession or use of false identification cards.
4. Forgery, misuse, unauthorized alteration or creation of documents, records or identification cards.
5. Fraud, through act or omission, committed against a member of the campus community or others.
6. Knowingly initiating or causing to be initiated any false report, warning or threat.

K. Interfering With University Events:
1. Interfering with any normal university or university-sponsored events, including but not limited to studying, teaching, research, sponsored social programs, and university administration, fire, police or emergency services.
2. Any effort by conspiracy or omission to impede or hinder any disciplinary proceeding.

L. Smoking: Smoking in a building or vehicle that is owned, operated or leased by the university or within 25 feet of an entrance or window of any university building.

M. Violating Other University Rules and Regulations:
1. Any violation of other published university regulations including but not limited to Residence Life and Housing Services policies and procedures, rules published in the Student Handbook and other university publications, and those available at http://policies.cua.edu and other CUA websites.
2. Involvement in a violation, including being present during any violation of this Code, in such a way as to condone, support or encourage that violation. (Note: Students who anticipate or observe a violation are expected to remove
themselves from participation and are encouraged to report the violation.)

N. Non-compliance: Failure to comply with reasonable directives of university officials, including students appointed to act as representatives of the university, acting in performance of their duties. Directives to provide identification and/or participate in a university disciplinary process are included in the scope of this provision.

O. Sanction Violation: Violating the terms of any disciplinary sanction as imposed in accordance with judicial procedures, including the failure to complete sanctions by the stated deadline.

P. Gambling: Participation in any form of illegal gambling.

Q. Violation of Law: Violation of local, state or federal laws, regulations or ordinances.

R. Sexual Offenses
1. Sexual Relationships: The university affirms that sexual relationships are designed by God to be expressed solely within a marriage between husband and wife. Sexual acts of any kind outside the confines of marriage are inconsistent with the teachings and moral values of the Catholic Church and are prohibited.
2. Sexual Assault: Sexual contact without meaningful, explicit, ongoing consent. (NOTE: Additional information can be found in the university’s Sexual Assault Policy)

S. Solicitation: Unauthorized solicitation, sale or promotion of any goods or services in university owned or operated property, including residence halls, or at university-sponsored events.

III. Student Conduct System & Procedures
These guidelines are intended to provide general notice of rights and responsibilities during the disciplinary process. This Code does not, nor is it intended to, afford the specificity or the due process rights of criminal or civil statutes or procedures.

A. Authority for Student Discipline
1. The Vice President for Student Life (“Vice President”) or a designee reserves the right to take immediate, necessary, and appropriate action to protect the health, safety and well being of an individual and/or the university community.
   a. Such action may include pursuing disciplinary action for any violation of university policy or district or federal law off university premises by a student that affects the university’s interests and/or is inconsistent with the university’s expectations for students. "University premises" means buildings or grounds owned, leased, operated, controlled or supervised by the university.
   b. The Vice President, in his/her sole discretion, may evict a student from university housing, restrict a student’s access to and movement about the campus, and/or suspend a student from the university for an interim period whenever the continued presence of the student at the university is deemed to pose a serious threat to her/himself or to others or to the stability and continuance of normal university functions. The interim action shall become effective immediately upon delivery of verbal and/or written notification to the student or his/her designee. A disciplinary hearing or conference will be granted as soon as possible, under all circumstances.
   c. The Vice President may take necessary action to address the behavior of a student organization and/or its members, when members of the student organization have engaged in potential violations of this Code for which they received the consent or encouragement of the organization or the organization’s leaders/officers. Necessary action seeks to restore successful student organization management through education and leadership development.

2. Administrative action, in lieu of formal disciplinary action, may be taken at the discretion of the university, in an appropriate and reasonable manner, to address student behavior.

3. Students are asked to assume positions of significant responsibility in the university disciplinary system so that they may contribute their skills and insights to the resolution of disciplinary cases. Final authority in disciplinary matters, however, is vested in the President and in the university administration.

4. Students may be accountable both to civil/criminal authorities and to the university for acts that constitute violations of law and this Code. Disciplinary action at the university may proceed during the pendency of criminal proceedings, and will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought. Penalties shall not be increased in severity merely because civil or criminal actions may be pending.

B. Case Referrals
1. Any person may refer a student or student organization suspected of violating this Code to the Office of Student Conduct and Ethical Development (“SCED”). The Associate Dean of Students (“Associate Dean”) or a designee will
review the reported allegation to determine the appropriate disciplinary or administrative action to be taken in accordance with this Code.

2. Referrals should be made within a reasonable timeframe after the alleged incident (or after the latest alleged incident in cases of harassment or where there is a succession of documented incidents). Disciplinary action may be pursued after considering the amount of time that has passed since the alleged incident and whether there is enough information available to substantiate the reported behavior.

C. Student Disciplinary Proceedings
1. A student potentially subject to formal sanctions other than eviction from residence, suspension or expulsion or a student organization subject to formal sanctions other than loss of registration is entitled to a **disciplinary conference**. A disciplinary conference will normally consist of an informal meeting between the student responding to allegations ("respondent") and an administrator.

2. A student subject to eviction from residence, suspension or expulsion from the university or a student organization subject to loss of registration is entitled to a **disciplinary hearing**.
   a. A disciplinary hearing will normally consist of a formal meeting between the respondent and members of the University Hearing Board, selected from an overall pool of available members. The University Hearing Board ("Board") is a panel of community members (students and/or faculty and/or staff) that hears cases that can result in eviction from residence or suspension or expulsion from the university. A quorum of the Board necessary to conduct a hearing shall consist of at least three members.
   b. In the event that the Board is not in session or the requisite number of Board members is unavailable, the Associate Dean will conduct an administrative hearing. The full range of sanctions may be imposed during the administrative hearing.

3. A student or student organization that accepts responsibility for violations of this Code (prior to the disciplinary hearing) may meet with the Associate Dean in an administrative meeting to determine an appropriate sanction(s), in lieu of attending a disciplinary hearing. This acceptance must be in writing, affirming acceptance of responsibility for the charge(s) and acknowledging that the full range of sanctions may be imposed.

D. Alternative Dispute Resolution
1. In response to certain incidents and at the discretion of the Associate Dean, students may be invited to participate in a method of alternative dispute resolution ("ADR"). Formal disciplinary action may be deferred if, to the satisfaction of participating students and the Associate Dean, participants reach and honor an agreement making amends to each other and the university community. ADR agreements will be included in a student's disciplinary file and treated as prior violations if future infractions occur. Since it is a voluntary process, students who participate in ADR are granted no right of appeal.

2. The following procedural guidelines shall be applicable when ADR is suggested:
   a. Students will receive written notification of the behavioral concern and an invitation to resolve the matter through alternative methods.
   b. All relevant parties must agree to participate and must do so in good faith. If both parties do not agree to participate in alternative dispute resolution methods, disciplinary proceedings will take place as necessary.
   c. ADR proceedings will be closed to the public.
   d. ADR agreements must outline the nature of the sanction to be administered if the agreement is violated.
   e. The Associate Dean may proscribe additional guidelines as necessary and consistent with this Code.

E. Student Organizations
1. Student organizations as an entity are responsible for conducting themselves in a manner compatible with the university's function as a Catholic educational institution. Failure to uphold university rules and regulations by organizations or by individual members with the support or encouragement of the organization or its leadership will likely result in disciplinary action against those individuals and the organization itself within the university under the authority of this Code. "Student organization" means a group of students which have sought and gained formal registration with the Office of Campus Activities.

2. The officers, leaders or any identifiable spokesperson(s) for a student organization may be directed by a designee from the Office of the Dean of Students or the Office of Campus Activities to take appropriate action designed to prevent or end violations of this Code by the organization. Any administrative action requested of the organization to remedy the situation will be coupled with resources and information to assist the organization in being a constructive part of the university community. Failure to make reasonable efforts to comply with the designee's request may be considered a violation of this Code.
3. If administrative action is not appropriate for a particular situation, student organizations will be charged with violation(s) of the Code and subject to the disciplinary proceedings described in section III.C of this Code. If a student organization is found responsible for a violation of this Code, sanctions may include revocation of privileges or loss of registration as well as other appropriate sanctions.

F. Disciplinary Proceeding Guidelines

The following procedural guidelines shall be applicable in all disciplinary proceedings (disciplinary hearings and disciplinary conferences). Formal rules of evidence shall not be applied, nor shall deviations from prescribed procedures necessarily invalidate a decision, unless significant prejudice to an accused student or the university results.

1. The respondent shall receive written notification of the specific charges and the date, time, and location of the scheduled proceeding normally at least two business days prior to the proceeding.

2. The respondent may request an extension of time to prepare for the proceeding. Requests for an extension will not be granted for a period to exceed two business days except in unusual circumstances where the respondent can demonstrate the necessity for a longer delay. All requests for extension of time should be made in writing at least 24 hours prior to the scheduled proceeding, except in cases of documented serious illness or emergency.

3. The respondent shall be afforded reasonable access to review the case file prior to and during the proceeding. "Case file" means the file containing those materials pertaining to a specific disciplinary matter that would be considered an educational record pursuant to the Family Educational Rights and Privacy Act of 1974. The personal notes of university staff members and privileged information of other students are not included in the case file and thus are not accessible.

4. Disciplinary proceedings will be closed to the public.

5. The respondent shall have an opportunity to respond to the evidence and to call relevant and necessary witnesses. Character witnesses will not be heard. All witnesses are expected to provide information that is true and correct. Any student who knowingly provides false information during a disciplinary proceeding or who knowingly fails to appear as a witness may be charged with violation of this Code.

6. A respondent shall have the right to be accompanied by an advisor.

   a. The role of the advisor shall be limited to support and consultation with a respondent; the advisor may not speak on behalf of a respondent at any time during any disciplinary proceeding, nor shall the advisor question or address witnesses. Violation of this expectation will result in the advisor being removed from a disciplinary proceeding at the discretion of the student conduct officer, presiding officer, or Associate Dean.

   b. In consideration of the limited role of an advisor, and of the compelling interest of the university to expeditiously conclude the matter, a disciplinary proceeding will not, as a general rule, be delayed if an advisor is unavailable.

   c. A respondent who fails to appear at a scheduled proceeding, upon proper notice of such a proceeding may be adjudicated in absentia, and forfeits all rights to an appeal unless it is for lack of proper notice, as required herein. In such cases, decisions will be based solely on witness testimony and other written information presented during the proceeding.

   d. The charges against the respondent must be established by a preponderance of evidence. Preponderance of evidence means that a greater weight of evidence has been demonstrated in order to decide in favor of one side over the other, to determine whether a fact is true, and/or to establish that an event occurred. The decision that a preponderance of evidence exists must be based on the more convincing evidence and its probable truth or accuracy, not on the amount of evidence available.

   e. A respondent may be found in violation of any prohibited conduct (including sections for which he was not originally charged) when behaviors that were previously unknown are discovered during the course of the disciplinary proceeding or if it is determined that a different section of the Code more appropriately addresses the conduct in question.

   f. The outcome of the disciplinary proceeding shall be conveyed to the student in writing.

IV. Sanctions

1. The imposition of sanctions is based on the nature of the violation and the severity of any damage, injury, or harm resulting from it, present demeanor of the student or status of the student organization, and the past disciplinary record of the student or student organization.

2. In some cases, a sanction may be held in abeyance for a specific period. This means that, should the student be found in violation of this Code during the stated period, he or she may be subject to the deferred sanction in addition to the disciplinary action appropriate to the new violation.

3. Sanctions that may be imposed in accordance with this Code include:


   b. Disciplinary Probation: A specified period of time in which a student is expected to demonstrate positive behavioral change and may be excluded from participation in privileged or extracurricular institutional activities. Additional restrictions or conditions for behavioral changes may be imposed. Violations of the terms of disciplinary probation, or any other violation of this Code during the period of probation, may result in eviction from residence, suspension or expulsion from the university.
c. **Restitution:** Repayment to the university or to an affected party for damages resulting from a violation of this Code.

d. **Denial of Access to Specific Areas:** Ban from certain non-academic area(s) for a specified length of time.

e. **Eviction from Residence:** Termination of the residence hall agreement and exclusion from visiting within certain or all residential facilities, as set forth in the notice of eviction, for a specified period of time. A student who is evicted is not entitled to a refund of room fees. A student who is a freshman or sophomore and is evicted from residence is unable to fulfill residency requirements and may be suspended, upon review.

f. **Revocation of Privileges:** Restrictions placed on activities and/or use of university services and facilities for a specified period of time.

g. **Loss of Registration:** Removal of registered student organization status, resulting in revocation of all university privileges for a specified period of time, normally for at least the remainder of the current academic term and no longer than one full calendar year.

h. **Suspension:** Exclusion from classes and other privileges or activities, including access to university premises or university-sponsored activities off campus, as set forth in the notice of suspension, normally for at least one semester. A student who is suspended is not entitled to any tuition or fee refund and is banned from university premises for the duration of the suspension.

i. **Expulsion:** Termination of student status, and exclusion from university premises, privileges and activities. A student who is expelled shall not be entitled to any tuition or fee refund and is banned from university premises permanently.

j. **Discretionary Sanctions:** Other sanctions that bear a reasonable relation to the violation for which the student or student organization has been sanctioned may be imposed instead of or in addition to those specified above. Discretionary sanctions include, but are not limited to, restitution service hours, fines, educational reflection assignments, and participation in alcohol or drug awareness programs.

V. **Appeals**

In certain circumstances the outcome of a disciplinary proceeding may be appealed. The following guidelines shall be applicable for all appeals:

1. An appeal must be submitted in writing by the student or student organization to the Office of the Dean of Students within three business days of receipt of the outcome of the disciplinary proceeding.

2. A student or student organization adjudicated in absentia forfeits all rights to an appeal process unless it is proven that it is for lack of proper notice, except in an extraordinary circumstance. In addition, students who participate in ADR are granted no right of appeal.

3. The written appeal must specify grounds that would justify consideration. General dissatisfaction with the outcome of the disciplinary proceeding and/or an appeal for mercy are not appropriate basis for appeal. The written appeal must specifically address at least one of the following criteria:

   a. There is a significant procedural error that changes the findings of fact of the disciplinary proceeding.

   b. New evidence that significantly alters the findings of fact, that was previously unknown to the respondent, has been discovered and is available during the appeal process.

4. Generally the appeal process does not require a hearing, nor does it require the Associate Dean to make personal contact with the student. The Associate Dean may, but is not required to, convene an ad hoc appeals committee to assist in making a recommendation to the Associate Vice President & Dean of Students regarding the appeal.

5. The decision on the appeal is final and shall be conveyed in writing to the student or student organization.

6. The imposition of sanctions may be deferred while the appeal process is pending unless, in the discretion of the Associate Dean, the continued presence of the student on the campus poses a serious threat to her/himself or to others, or to the stability and continuance of normal university functions.

VI. **Disciplinary Files and Records**

1. The files of students found in violation of any prohibited conduct will normally be retained as a disciplinary record in the Office of the Dean of Students, the Office of Student Conduct and Ethical Development, under the authority of the Vice President, as outlined in the university policy governing student records. University officials may use the record as a reference; however, the record will be retained for no more than five calendar years from the student's terminating date from the university.

2. Disciplinary records may be expunged by the Associate Dean of Students upon written request by the student at the time of or after his/her graduation from the university. In deciding whether to grant the request, the Associate Dean will consider such factors as the current demeanor of the student, the student's conduct subsequent to the violation, and the nature of the violation, including the severity of damage, injury or harm resulting from it.

3. All student organization records will normally be maintained by the Office of Campus Activities. University officials may use the student organization's record as a historical reference; individual student records will be maintained as outlined in Section V.2 of this Code.