



# Student Code of Conduct

Heritage University Student Handbook

2018-19



Welcome from President Andrew Sund



Dear Fellow Learner:

Let me be among the first to welcome you to Heritage University or to welcome you back for another year. All of us at Heritage are committed to your success and to ensuring that you achieve your academic, personal, and career goals. This handbook along with the academic catalog will help you identify resources on campus that support your academic growth as well as resources and services on campus that are designed to help you succeed.

I encourage you to read and use this guide. Take advantage of resources offered through many of our programs, and work with your academic and faculty advisor if you need assistance. At Heritage University, our mission is to provide high-quality education to all students willing to work hard to achieve their goals.

We know that education can enrich the quality of-life for students and their communities. That is why all of us have chosen to work here; we believe in the mission and we believe in you.

Sincerely,

Andrew Sund, Ph.D. President

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## General Provisions

### Intent

Heritage University's mission is based on the principle of deep respect for the value of each student. The policy and procedures for student conduct were developed with the intent of providing clear expectations for behaviors that promote a culture of respect. As an educational institution, Heritage has a mission focused on creating learning opportunities that encourage growth and development. The intent of this policy is to provide a catalyst with which to promote growth and a learning experience that allows each student to reach his/her potential while working within a safe and supportive atmosphere.

A violation of the Code of Conduct may also violate local, state, and federal law; therefore, resolution may also include prosecution through the criminal justice system.

While this Handbook endeavors to describe the main types of student conduct that are either expected or prohibited by the University, it is not possible to describe every type of conduct. Students are expected to behave in accordance with the guidelines provided in the Handbook. If a student has a question about the application of this Handbook in a particular instance, the student should contact the Office of Student Affairs.

This Handbook is not a contract of any kind between a student and the University. This Handbook is a guide to some of the University's policies and procedures related to students, and it does not create any additional rights and protections for students. Laws and policies change over time, and the University retains the full authority to alter, amend, revoke, clarify, and interpret any of these policies or procedures.

### Applicability

The Heritage University Student Code of Conduct applies to all Heritage University campuses and locations. The Code of Conduct also applies to events sponsored by Heritage University on or off campus and/or that take place during break periods. The Code of Conduct also applies to any behavior on or off campus that interferes with or adversely affects the University's mission, functions, or community. Academic programs may have requirements in addition to the requirements in this Code of Conduct, including standards of conduct and/or expectations for clinical or field experiences. These additional program requirements may include drug screening, academic standing requirements, disposition evaluations or other expectations. Students are subject to both the University and program requirements. Please see program-specific handbooks for additional information. Students who would like to appeal or challenge a disciplinary action or Code of Conduct violation based on an academic program requirement may seek guidance from the Office of Student Affairs.

### Definition of Student

A student is defined as a current, former, or anticipated member of the student body and can be admitted, conditionally admitted, enrolled, suspended, or graduated. The definition applies to any person with an academic affiliation to the University, including graduate and undergraduate students and continuing education students completing or using campus resources to complete

Continuing Education Units (CEUs) or anyone otherwise acting as a student. The Code of Conduct may apply to student if the student withdraws or graduates from the University while a disciplinary procedure is pending.

### Compliance

Students and organizations must comply with local, state, and federal laws and regulations. Failure to comply with these laws and the expectations established in the Heritage University Student Code of Conduct may result in disciplinary action. The range of disciplinary measures are outlined under “Disciplinary Procedures” of Heritage University’s Student Code of Conduct.

### Equal Opportunity, Non-Discrimination, and Anti-Harassment

Heritage University strives to create an open and welcoming campus community that recognizes and celebrates diversity. Heritage University does not discriminate in its educational programs and activities or hiring practices on the basis of race, color, national or ethnic origin, ancestry, age, religion, disability, gender, gender identity and/or expression (including a transgender identity), sexual orientation, military or veteran status, genetic information, or any other characteristic protected under applicable federal, state or local law.

Heritage University promotes an environment free of harassment of any type, including sexual harassment. Students with concerns about harassment should contact the Vice President for Student Affairs at 509-865-0411 or via email at [hill\\_m@heritage.edu](mailto:hill_m@heritage.edu).

## Code of Conduct Specific Provisions

The Heritage University Student Code of Conduct is designed to promote the University's mission and protect the rights of students, faculty, and staff. The official University rules and regulations are contained in the University General Catalog and Polices. The most current version of the Student Code of Conduct may be found online.

### Alcohol, Tobacco, and Controlled Substances

#### *Alcohol*

Under Washington State Law, it is unlawful for any person to sell, give, or otherwise supply liquor to any person under the age of 21 years or permit any person under that age to consume liquor on his or her premises or on any premises under his or her control. It is also unlawful for any person under the age of 21 years to possess, consume, or otherwise acquire any liquor.

Heritage University sits on the Yakama Reservation, and tribal leaders have banned the sale and possession of alcohol on the Yakama Reservation.

Heritage University is an alcohol-free campus. Student organizations and Heritage University student-sponsored activities must all be alcohol-free, whether held on or off campus. Students must not attend classes or HU-sponsored events under the influence of alcohol. Students are required to comply with Washington State law regarding the provision of alcohol to minors.

#### *Tobacco*

Smoking is not permitted in any Heritage University buildings or within 25 feet of an entrance to a building. This includes vapor products, and e-cigarettes. Smokeless Tobacco use is allowed in buildings, spitting or disposing of smokeless Tobacco in sinks or drinking fountains is strictly prohibited for sanitary purposes.

#### *Marijuana*

While the citizens of Washington State chose to legalize possession of small amounts of marijuana for use by persons over the age of 21, Heritage University prohibits the use, possession, distribution, and consumption of marijuana by anyone of any age on campus.

Medical marijuana users should be aware that Heritage University does not permit marijuana use or possession on campus, even with official medical documentation. All questions regarding the reasonable accommodation of medical conditions, including conditions treated with medical marijuana, should be directed to the Office of Student Affairs.

Some HU academic programs require students to pass a urine analysis for admission.

#### *Controlled Substances*

A controlled substance is a chemical or drug that, when improperly used or abused, can have negative effects on a person's health or welfare. Use of prescription medication by anyone other than the person for whom the medication is prescribed and/or providing medication to an individual to whom it is not prescribed is prohibited. Unlawful use, sale, or possession of controlled substances

or paraphernalia is prohibited.

#### Disorderly or Disruptive Conduct

Disorderly or disruptive behavior that disrupts the academic, administrative, or campus environment is prohibited. Conduct standards will be based on the generally accepted University community standards of decency and morality and the extent to which any behavior infringes on the rights of others in the community. This can include, but is not limited to:

- Disturbing the peace, defined as the unsettling of proper order in a public space through one's actions.
- Interfering with the duties and performance of public/civil officials.
- Interfering with the rights of others on University property, including students, faculty, lecturers, and staff.
- Interfering with the daily functioning of the University and the performance of University personnel.

#### *Children on Campus*

Heritage University welcomes children to visit campus with their parents or guardians. Some events hosted on campus are specifically created for families and children to attend. Children must be supervised by an adult while on campus. The bathrooms in the Gaye and Jim Pigott Commons are family friendly and there is also a lactation room for nursing mothers. Please be sure children (under the age of 12) are supervised by an adult while on campus.

#### *Children in Classrooms*

Some children may be able to sit in classes with their parents. This should be done only with the instructor's permission. Parents or guardians who bring their children to visit on campus or to class with permission are solely responsible for the safety of their child and must provide the appropriate level of supervision to ensure no disruption to the learning environment. For safety reasons, children may not be present in any of the science laboratory classrooms under any circumstances.

#### *Disrupting the Learning Environment*

Heritage University expects students to engage in healthy debate and discussion. Students must refrain from making vulgar and inappropriate statements that disrupt the learning environment and/or violate the rights of others. Heritage staff are authorized to direct a student who disrupts the learning environment to leave the classroom or activity until the **conduct can be addressed without further disruption.**

#### *Protest and Demonstration*

Heritage generally allows peaceful protests and demonstrations within and on the Heritage University campus. However, if such protests are not peaceful and orderly, and/or if they interfere

with the rights of others to make use of and enjoy the facilities, or attend events and functions, the University will exercise its right to have disorderly demonstrations stopped. Students who violate this policy may be subject to discipline. Disorderly conduct during demonstrations includes, but is not limited to:

- Forming picket lines that restrict free passage of those who wish to pass in a vehicle or on walkways
- Carrying signs in a manner that blocks access of others to any University property or activity or use of a sign in a manner that could cause damage to a person or to University property
- Halting a lecture, debate, class, or public forum of any kind and indirectly or directly preventing a speaker from speaking

Students who want to conduct a peaceful protests must coordinate with and receive advance permission from the Office of Student Affairs.

#### Weapons, Firearms, Ammunition, and Explosives

Students are required to follow the University policy on Possession and Use of Firearms on University Property: <http://www.heritage.edu/About-Heritage/University-Policies/Possesion-Use-of-Firearms-on-University-Property>

No air gun, firearm, rifle, shotgun, or dangerous weapon may be possessed, stored, discharged, loaded, or used on property owned or leased by Heritage University, or at any Heritage University sponsored event, with two exceptions:

- A firearm in the possession of a uniformed or ununiformed officer of the law is permitted.
- A firearm in a vehicle is allowed for persons that hold a valid concealed and carry permit in the State of Washington. The firearm must be unloaded and concealed from view/out of sight, and the vehicle must be locked and not accessible.

Severe disciplinary action up to and including termination will be taken against any student discovered in possession of an unauthorized firearm or similar weapon while on University property.

#### Abuse or harassment

Students shall not engage in any conduct that endangers the safety, health, or life of themselves or others. Heritage University prohibits all forms of abuse and harassment including but not limited to verbal, physical, sexual, and emotional abuse or harassment.

Prohibited conduct includes but is not limited to bullying, threats, intimidation, and coercion. Heritage University does not tolerate verbal, physical, written, or electronic harassment. Any student who has experienced, or is currently experiencing, any form of abuse or harassment is encouraged to file a complaint with Campus Security and/or the Office of Student Affairs. If the

abuse or harassment takes place off campus, the student is encouraged to contact local law enforcement, as well as report the incident to the Office of Student Affairs.

If any student or member of the campus community has a concern for the immediate safety of him or herself or others, he or she should call 911 immediately.

The following conduct is prohibited for all Heritage students and organizations:

#### *Assault*

Assault is the intent to inflict harm on another. Assault may occur through physical touch or by the use of weapons or any inanimate object.

#### *Harassment and related conduct*

Harassment, intimidation, or bullying" means any electronic, written, verbal, or physical act, that: (a) Physically harms a student or damages the student's property; or (b) Has the effect of substantially interfering with a student's education; or (c) Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or (d) Has the effect of substantially disrupting the orderly operation of the school.

#### *Hazing*

Heritage University prohibits students and student organizations, whether on or off campus, from participating or engaging in the hazing of another person. Hazing is an intentional action or a created situation intended to produce mental or physical discomfort, embarrassment, harassment, or ridicule. These actions or situations often correspond to the initiation of a prospective or new member into a group. Hazing may also occur as a pastime tradition for an organization or as entertainment. No form of hazing will be tolerated on or off campus by students, organizations, or clubs, even if a student or group of students consents and willingly subjects him or herself to such practices. Actions, situations, or activities considered hazing include, but are not limited to:

- Use or abuse of alcohol and other substances.
- Assault with an object or by direct physical touch.
- Forcing excessive fatigue on another.
- Inducing physical or psychological shock.
- Involvement in situations or activities normally humiliating or degrading that also may result in bodily, emotional, or mental harm.

In Washington State, hazing is illegal in any public or private institution of higher education

#### Sexual Misconduct

Sexual misconduct is a broad term that describes any unwanted behavior of a sexual nature. These acts are committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can occur between persons of the same or different genders. Heritage University prohibits sexual misconduct of any form.

The following definitions, which are based on Washington law, apply for the purposes of the Code of Conduct:

- Consent: at the time of the act of sexual intercourse or sexual contact there are actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
- Sexual Contact: any touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party or a third party.
- Sexual Intercourse — defined in three parts: 1) occurs upon any penetration, however slight; 2) occurs upon any penetration of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and 3) occurs upon any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another, whether such persons are of the same or opposite sex.
- Prohibited conduct between persons under this policy includes, but is not limited to:
- Unwelcome sexual advances or propositions.
- Use of any electronic devices to record or transmit nudity or sexual acts without a person's knowledge. This includes the use of cell phones, cameras, email, social networks, and any internet sites.
- Observing nudity or sexual acts, with intention, of another person without that person's knowledge or permission. This may occur in person or with the use of any electronic devices.
- Domestic violence or intimate partner violence.
- Unwanted and persistent attention by any means. This includes the use of electronic devices or in-person attention, and is also referred to as stalking.
- Unwanted and intentional sexual contact, or touching or groping of an individual's body. This is often referred to as sexual assault.
- Coercing, or forcing, someone to touch you.
- Threatening to harm someone sexually.
- Initiating any sexual contact or intercourse with a person who is incapacitated or unable to provide consent.
- Incapacitating someone for the purpose of sexual contact or intercourse.
- Coercing, or forcing, someone into sexual behavior.
- Unwanted, forced, or coerced sexual intercourse, often referred to as rape.

#### *Reporting Sexual Misconduct*

Any student, faculty, or staff member who is witness to, or made aware of, sexual misconduct of any nature must report the incident immediately to one of the two designated Title IX

Coordinators, even if the event occurs off campus. Victims/students are also encouraged to contact local law enforcement outside of regular business hours.

Designated Title IX Coordinators: Melissa Hill, Ph.D.  
Assistant Vice President for Student Affairs 509-969-4013 Cell Phone  
509-865-0411 Office Phone Hill\_m@heritage.edu

Yovana Cook, MSW  
Mental and Social Health Counselor/ADA Coordinator 509-865-8544 Office Phone  
Cook\_y@heritage.edu

### *Investigations of Sexual Misconduct*

All allegations of sexual misconduct will be investigated under Title IX. The process for investigation includes, but is not limited to:

- A review of the allegations by the Title IX Coordinator, Director of Human Resources, and the Mental and Social Health Counselor with recommendations on how to proceed. Such recommendations may include: proceeding with an internal investigation which may include meeting with the alleged perpetrator(s), victim(s), and witness(es); review of security video surveillance, electronic communications, social media, and/or Heritage University email; temporary dismissal of student(s) pending further investigation; and/or contacting local law enforcement.
- The Vice President for Student Affairs will designate an Investigating Officer. Investigations will be conducted as expeditiously as possible, though the time frame may be adjusted at the determination of the Investigating Officer based on the availability of witnesses, the scope of the investigation, or unforeseen circumstances.
- During an investigation, the alleged victim(s) will have the opportunity to address the allegations. The victim(s) can either refute or confirm/identify supporting witnesses or other evidence.
- Reporting individual(s) or those accused will also have the opportunity to respond to each allegation and identify supporting witnesses or other evidence.
- The Investigating Officer will review the evidence presented and may meet with witnesses identified by the alleged victim(s), respondent(s), or third parties. All parties involved in the investigation are expected to cooperate and provide truthful information throughout the investigation process.
- During the investigation process, any student, either the alleged victim(s) or the accused,

may ask for or seek outside support such as a friend or parent. If the friend or parent happens to be an attorney, he or she must disclose that information and may not act as legal counsel.

- The investigating officer will define the way in which the SAFE Mentor or support person participates in the investigation. Refer to the section on SAFE Mentor.
- Following an investigation, the accused will either be exonerated or required to move to the Heritage University Judicial Process.

### *Confidentiality*

Heritage University cannot ensure total confidentiality in its investigation of sexual misconduct filed under these procedures. However, Heritage University makes every reasonable effort to conduct investigations and related proceedings in a manner that protects the privacy of all parties, and will make clear to each individual involved in the process that the expectation of confidentiality applies to them. Each situation is reviewed as discreetly as possible, with information shared only with those who need to know to investigate and resolve the problem.

### Theft and Abuse of Heritage Property

#### *Theft*

Actual or attempted theft of personal or University property is prohibited.

#### *Property Damage*

Actual or attempted damage to property of the University community or other personal or public property is prohibited.

#### *University Facilities*

Unauthorized use of or entry into any University facility, or unauthorized abuse of such building, premises, or facility, is prohibited.

#### *Technology Resources*

Abuse of the computer and networking resources of Heritage University is prohibited. Violations in this category include, but are not limited to, 1) unauthorized access, transfer, and editing of files; 2) unauthorized use of another University-affiliated member's identification and password; 3) illegal downloading of media files or software; and 4) use of computing facilities or networking systems in a way that violates Heritage University's Technology Use Policy.

### Academic Honesty

The pervading spirit underlying the mission and goals of Heritage University is the pursuit of justice and truth in every aspect of a student's education. Honesty and integrity are expected of all members of the academic community and are essential to the learning process. Professors must demonstrate, by precept and example, the necessity of rigorous honesty in the use of sources and

of utter respect for the work of others.

All students are responsible for upholding academic integrity at Heritage University. Academic integrity is based on the belief that all people, including members of the Heritage community, take credit only for their original ideas and give proper credit to the work created by others. Academic dishonesty is defined as intent to deceive, particularly regarding the originality of academic work. Any instance of violation of the Academic Honesty Policy must be reported to the Provost/Office of Academic Affairs. The Provost's Office will track violations. Note that certain academic programs may have their own policies that supersede this regarding Academic Honesty; students are responsible for knowing the academic dishonesty policy of the program in which the student is enrolled.

Academic dishonesty includes, but is not limited to, plagiarism, fabrication, cheating, and academic misconduct.

### *Plagiarism*

Plagiarism is the inclusion of someone else's words, ideas, images, or data as one's own. When a student submits academic work that includes another's words, ideas, images, or data, whether published or unpublished, the source of that information must be acknowledged with complete and accurate references, and if verbatim statements are included, with use of quotation marks as well. By submitting work as one's own, a student certifies the originality of all material not otherwise acknowledged.

### *Fabrication*

Fabrication is the act of falsifying research or other findings. Fabrication includes, but is not limited to:

- The false citation or acknowledgment of a direct or secondary source, including the incorrect documentation of a source.
- The citation, in a bibliography or other list of references, of sources that were not used to prepare the academic work.
- The inclusion in an academic work of falsified, invented, or fictitious data or information, or the deliberate and knowing concealment or distortion of the data.
- Making false statements or creating documentation to defer, delay, or receive an extension on a due date, or be excused from a test or presentation.

### *Cheating*

Cheating is an act or an attempted act of deception by which a student seeks to misrepresent that he or she has mastered information that has not been mastered. Cheating includes, but is not limited to:

- Copying all or any portion of someone else's work and submitting it, in part or in its entirety, as one's own (this is also considered plagiarism).
- Assisting another student in cheating by allowing that student to access and submit work completed by another student.

- The unauthorized collaboration with any other person on an academic exercise, including collaboration on a take-home or makeup academic exercise unless specifically permitted.
- The unauthorized use of electronic instruments, such as computers, tablets, cell phones, or translators to access or share information.
- Using unauthorized materials during exams or other assignments.

### *Academic Misconduct*

Academic misconduct includes any act that disrupts the educational process, such as:

- The unauthorized possession, copying, distribution, sale, or other transfer of academic materials, assignments, tests, or resources to students without the permission of the faculty member.
- Attempting to alter or change a grade on an assignment to change the grade of record.
- Accessing University computers, and using screen capture or other devices to obtain answers to tests or assignments.
- Failing to adhere to standards of professional behavior established by a faculty member, an academic program, or the University.

### *Group Work*

Students are often expected to work in groups. Students working in groups that submit a group assignment are confirming the authenticity of the entire work, including that of their peers. If a violation of the Academic Honesty Policy is determined, all students working on that project or assignment will share responsibility, unless the identity of individuals involved in the dishonesty can be determined. Students who suspect another student of academic dishonesty should confront the issue with the offending student, and if necessary, seek guidance or assistance from the faculty member.

### *Violation of the Academic Honesty Policy*

Heritage students have a responsibility to adhere to academic honesty in all their educational endeavors. Faculty members have a responsibility to model academic honesty and to prevent dishonesty, as well as to detect and confront students who violate the policy.

Academic dishonesty is serious and will carry appropriate sanctions as determined by the University, ranging from a written record of the violation being placed in the student's file to course failure and potentially suspension or dismissal from the University. Academic dishonesty includes, but is not limited to, cheating, plagiarism, and all other behavior inconsistent with academic integrity and honesty.

When a faculty member has reasonable cause to believe that academic dishonesty has occurred, the following procedures shall be followed:

1. The faculty member will confer with the respective student concerning the violation and discuss the course of action to be pursued.

2. The faculty member will file a report of the incident and consult with the Provost/Vice President for Academic Affairs regarding the sanction.
3. For cases involving academic theft, alteration of data, unauthorized access, or fraud, the Provost/Vice President for Academic Affairs will investigate, including meeting with the student to determine the nature of the offense and the student's involvement, and then will determine the appropriate sanction under the circumstances. The reasons for the decision shall be put in writing and given within 10 days of the decision to the student and/or faculty member involved.
4. A student or faculty member may appeal a decision by requesting a hearing in accordance with the University's procedures.

#### Academic Grievance Process

Students who feel that an academic decision affecting them should be re-examined may present their case according to the following grievance process. These steps are followed until the concern is resolved:

1. A student confers with the instructor/faculty concerned.
2. If the student believes the matter has not been satisfactorily resolved, the student confers with the department chair or department director.
3. If the student believes the matter has not been satisfactorily resolved, the student confers with the college dean to seek assistance in resolving the concern.
4. If the student believes the matter has not been satisfactorily resolved, the student requests a meeting with the Provost/Vice President for Academic Affairs to seek assistance in resolving the concern.
5. The student or the Provost/Vice President for Academic Affairs may request a hearing committee to review the matter.
6. The Provost/Vice President for Academic Affairs communicates the decision of the hearing committee to the concerned student.

#### Personal Integrity

##### *Aiding and Abetting in Prohibited Activity*

Students attempting, or aiding in the commission of, any prohibited act shall be disciplined. While a lesser breach, conspiring to commit a violation will still be considered an infringement of the Code of Conduct.

##### *Directives from University Employees and Local Law Enforcement*

Students must comply with the direction of University employees or law enforcement enforcing policies at the request of the University. Aggressive, abusive, or non-compliant behavior is prohibited.

### *University Policies*

Students and organizations must comply with University-wide policies, procedures, and rules. A complete list of [Heritage University Policies](http://www.heritage.edu/About-Heritage/University-Policies) can be found at:

<http://www.heritage.edu/About-Heritage/University-Policies>

### *Misrepresentation*

Students shall not provide false information to University officials, faculty members, or offices. Misrepresentation includes but is not limited to forging or altering any University documents or records, falsifying information verbally, or providing false information on documents.

### *Academic Program Expectations*

Some academic and extracurricular programs have additional expectations and requirements that, if not met, may result in a range of interventions or sanctions up to final dismissal from the program and/or the University.

### *Records and Notification*

While Heritage University does not place disciplinary records on student transcripts, disciplinary records do become part of students' files and are subject to FERPA. In order to support and reinforce expectations for the student or to be warned of a potentially dangerous student, any advisors, faculty, and program staff who are determined to have a "legitimate educational interest" under FERPA may be notified of specific steps taken within the entire student discipline process. Heritage University may also collect and review criminal records or request that a student participate in a background check as part of the academic process, and retain those records in a student's official file.

We promote good citizenship by educating students on behavioral expectations at Heritage University. When student misconduct occurs, we oversee impartial judicial procedures and opportunities for personal development and improvement. We aim to develop responsible, conscientious adults who are committed to maintaining a safe and respectful campus environment. A student may request, as part of this process, that a member of the University serve as his or her SAFE Mentor (see Student Rights and Responsibilities). Requests must be made in writing and sent to the Office of Student Affairs.

### *Failure to Comply*

Students must comply with the directions of those University officials involved in the judicial process. This includes responding to requests and completing imposed sanctions in a timely manner.

1. Falsification
  - a. Students must not provide false or distorted information. Knowingly causing the commencement of judicial proceedings without just cause (fair and honest and based on reasonable grounds) is prohibited.
2. Interference

- a. Attempting to influence others within the judicial process is prohibited. This includes, but is not limited to, harassment, intimidation, or attempted intimidation of the members of the judicial proceedings.
3. Disruption
    - a. Students may not disrupt the orderly proceedings of judicial hearings or processes.

#### *Non-Academic Disciplinary Procedures- Standard of Review*

As a learning process, rather than a criminal proceeding, Heritage University uses the “preponderance of evidence” standard for disciplinary proceedings. This means that a final determination is based on whether the accused is more likely than not to have committed the act. There is no requirement of physical evidence, nor does the alleged violation have to be witnessed. Congruent with classroom participation, this process focuses on student learning and the development of rigorous critical reflection and self-advocacy skills. Therefore, it is not intended to include direct participation or intervention by parents or other external parties.

Heritage University may exercise its right to review video surveillance, key card access information, or network access as part of the investigation.

#### *Authority*

The Office of Student Affairs is responsible for the oversight of this policy. The Vice President for Student Affairs may serve as the Judicial Officer or delegate another appropriate official to serve in this capacity, especially in cases where he or she is the investigating officer. Each member of the University community is responsible for communicating and enforcing behavior expectations and for reporting violations. Heritage University reserves the right, depending on the severity of the allegations, to remove a student through the process of expulsion until further notice, and may request a student remain off campus until an investigation can be completed.

#### *Hearing Process*

The typical hearing process is as follows for allegations that are not criminal in nature:

##### *Concerns Raised and Investigation*

The student will be informed by the Judicial Officer that a concern has been raised and a response by the student is necessary. The University then conducts an initial review of the facts to determine how to proceed.

##### *Student Conduct Meeting*

Student Conduct Meetings are held after an investigation has been conducted, if evidence and/or allegations warrant further action. The student conduct meeting serves the same purpose as a hearing but is less formal. A Student Conduct Meeting will be held at the earliest mutually agreeable time for the student and Judicial Officer, but will not be unreasonably delayed. The meeting is held with only the student and the Judicial Officer present, unless the student requests in writing that a member of the University community serve as a SAFE Mentor (see Student Rights and Responsibilities).

During the meeting, the student will be informed of the concern and provided an opportunity to respond and discuss the matter. The student may present additional evidence during the meeting. At any time during the disciplinary process, the student may choose to accept responsibility for his or her involvement in the incident involving a code violation.

This informal method is the preferred intervention for the University because it allows for resolution in a more productive and less adversarial manner. Within 10 normal business days of the Student Conduct Meeting, if a student denies any involvement in the incident, or chooses not to accept any responsibility and subsequent actions, s/he must formally request, in writing, for the University to hold a Student Conduct Hearing. A student may request a SAFE Mentor (see Student Rights and Responsibilities).

If a Student Conduct Meeting results in a mutually-agreed upon resolution to the concern, the Judicial Officer should document the outcome and share it with the student. Student Conduct Meetings that do not end with a mutual agreement are then moved through the Student Conduct Hearing process.

#### *Student Conduct Hearing*

A Student Conduct Hearing will be scheduled for a student who denies any involvement in the incident, or chooses not to accept any responsibility and/or respond to any subsequent actions or disciplinary sanction imposed by the Judicial Officer. The student will be notified in advance of the date, time, and location of the hearing. If the student chooses not to attend the hearing, it may be held in his or her absence, and any decisions made are not eligible for appeal.

Student Conduct Hearings are formal administrative hearings attended by a minimum of three University officials as designated by the Chief Judicial Officer.

Students will be given reasonable time to prepare a case and review related documentation. A student may request a SAFE Mentor (see Student Rights and Responsibilities) to attend the hearing. Parents may attend the Student Conduct Hearing. However, parents and mentors may not participate in the process. If the parent happens to be an attorney, he or she must disclose that information, and may attend the meeting but may not act as legal counsel. Support persons may not speak or participate directly in the hearing unless invited to do so by the hearing officer.

Requests for a SAFE Mentor (see Student Rights and Responsibilities) to attend the meeting must be made in writing to the Judicial Officer 24 hours prior to the meeting. Any additional documentation or information related to the allegations should also be shared in advance of the hearing.

A student may have an opportunity to present written information or witnesses with relevant information to present his or her side of the story. During the hearing, the committee will hear the case, ask questions, and review relevant information. The Judicial Office is responsible for answering questions or responding to inquiries about the proper process. The student will be

informed of the committee's decision and any actions imposed within five normal business days following the Student Conduct Hearing, unless an extension of time is determined appropriate by the Judicial Office.

Victims of a crime will be notified of the outcome of the hearing.

### *Disciplinary Actions*

Disciplinary actions are generally used as a developmental and educational tool in an effort to redirect student behavior toward compliance with community expectations, if such redirection is feasible, to protect the University community, to allow students the opportunity to reconcile with the campus community or specific individuals, and to allow students the opportunity to learn about the impact of their attitudes and behavior toward others.

Representatives from the Office of Student Affairs may impose the following:

- Warning: notice to the student, either verbally or in writing, that he or she has failed to meet the University's Student Code of Conduct. A warning is tracked in the University student database system.
- Reprimand: notice in writing of the student's failure to meet the University's conduct standards. The written reprimand will be dated and signed and acknowledged as received by the student and placed in the student's file.
- Probation: in response to a serious, escalating, or repeated level of violation, the probation will be imposed for a specified period of time, and will outline expected behavior and the repercussions of noncompliance.
- Suspension: suspension from the University involves exclusion from participation in academic and/or extracurricular activities for a specified period of time. Written notification of suspension will be provided to the student. This action includes the following:
  - The student will be withdrawn from all courses.
  - The student will forfeit fees according to the normal refund schedule of the University.
  - The student will be restricted from visiting all University premises and locations (which may include a criminal trespass warning) except when engaged in official business approved by the University in writing.
  - When a student has concluded the suspension and completed any expected conditions for return, the student must submit a letter to the Vice President for Student Affairs requesting reinstatement, and provide evidence that he or she has satisfied the terms of the suspension. The student may only return after approval by the Vice President for Student Affairs.
- Dismissal is a permanent expulsion from the University. It may be for a very serious offense or for repeated offenses. In addition to forfeiting all tuition paid, the student suffers all losses as indicated in the suspension status above. Students in this status are not allowed

to be readmitted to the University. The student will be restricted from visiting the University, which may include a criminal trespass order.

- In addition to the above, the Office of Student Affairs may require actions such as:
- Facilitated discussion: a neutral third party may be brought in to help with conflict resolution. Ground rules will be discussed and agreed upon by all parties. For this process to be successful, all involved parties must be willing to participate.
- Positive actions are required activities that are intended to engage the student in a learning process related to the behavior of concern. They may include, but are not limited to, engaging in campus or community activities, participating in short courses, and writing a report.
- Restorative actions are opportunities to repair or heal some of the damage to the University community inflicted through the student's code violation behavior. Restorative actions include, but are not limited to, writing a sincere letter of apology, restitution, fines, and non-paid work.
- Loss of privileges may include restrictions on participation (including leadership and University events), eligibility for employment, internships, communication, financial aid, facility access, student accounts, or record holds.

### *Appeals*

A decision by a Judicial Officer or hearing committee regarding a non-academic violation of the Student Code of Conduct may be appealed within five business days from the date of the outcome letter or the findings of the student hearing committee. Appeals must be made to the Vice President for Student Affairs & Enrollment and that person may assign a designee to receive/review/render a decision on that appeal.

Academic appeals must be in writing and must be received by the Office of the Provost within five business days from the date of the outcome letter.

Any non-academic or academic appeal is limited to one or more of the following purposes:

- To determine whether the original conduct meeting was conducted in conformity with the procedures outlined in the Student Code of Conduct.
- To determine whether the decision reached regarding the Respondent student was based on substantial information; that is, whether there was evidence sufficient to establish that a violation of this code and/or University policy occurred under the "more likely than not" standard.
- To determine whether the sanction(s) imposed were appropriate for the violation the student was found to have committed.
- To consider if new information and/or other relevant facts not known to the person appealing at the time of the original conduct meeting are sufficient to alter a decision.

If the Vice President for Student Affairs & Enrollment or the Provost, or their designee, upholds an

appeal, the written decision will be communicated to the original conduct body for action, if appropriate. All appeal decisions by the Vice President for Student Affairs & Enrollment or the Provost or their designee are final.

Updated: 8/2018

### **Student Assistant Faculty or Educator Mentor (SAFE Mentor)**

Heritage University encourages students to seek out guidance from faculty or educators to help them navigate their student journey. If at any time a student finds him or herself in need of additional support or guidance, that student may enlist the support of a Heritage University SAFE Mentor.

- A SAFE Mentor is a full-time employee of the University, chosen by the student.
- A SAFE Mentor may decline to serve in that capacity and redirect the student to the Office of Student Affairs. University employees are not obligated to serve as a SAFE mentor if asked.
- To request a SAFE Mentor, students must make a formal request, either verbally or in writing, to the faculty or educator/staff they choose.
- The Role of the SAFE Mentor:
  - The SAFE Mentor is designated to help and support a student or students as they navigate their student journey. SAFE Mentors may:
    - Attend meetings at the request of the student.
    - Assist students in understanding and navigating any processes that affect their student journey.
    - Provide guidance to students on how to effectively deal with conflict.
    - Assist students with identifying other resources on campus.
    - Assist in preparing students for meetings, review information, and in general help students process options and foster a sense of self-advocacy.
    - Use prudent judgment to ensure conversations are confidential.

*SAFE Mentors will not act on behalf of a student, argue or articulate arguments on behalf of a student or students in formal meetings, or take any other formal actions on behalf of a student.*

### **FERPA**

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records on file. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records that

they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.

- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student’s education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR § 99.31):
  - School officials with legitimate educational interest.
  - Other schools to which a student is transferring.
  - Specified officials for audit or evaluation purposes.
  - Appropriate parties in connection with financial aid to a student.
  - Organizations conducting certain studies for or on behalf of the school.
  - Accrediting organizations.
  - To comply with a judicial order or lawfully issued subpoena.
  - Appropriate officials in cases of health and safety emergencies.
  - State and local authorities within a juvenile justice system, pursuant to specific state law.

Schools may disclose, without consent, “directory” information such as a student’s name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information, and must allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA.

For questions about FERPA, parents or students are welcome to contact the Family Policy Compliance Office  
U.S. Department of Education 400 Maryland Avenue, SW Washington, DC 20202-8520

Visit the HU Policy on FERPA at <http://www.heritage.edu/About-Heritage/University-Policies/65-Family-Educational-Rights-and-Privacy-Act-FERPA>.

#### *Disclosure to Parents*

The parents of Heritage University students, generally, have no right to access their child's education records. However, FERPA makes certain exceptions for disclosing information on an eligible student.

#### *Tax Dependent*

Exceptions to FERPA allow disclosure of education records to parents who claim the student as a dependent on their tax return. Heritage University may require parents to provide proof, such as an affidavit of dependent status with a copy of the relevant portion of the parents' most recent tax return.

If a student is a dependent of one parent but not the other (e.g., the parents are divorced), information may be shared with either parent unless the school has evidence that parental rights have been revoked by court order, statute, or other legally enforceable document.

#### *Substance Violations*

When a student under age 21 violates any law or University policy regarding the use or possession of alcohol or a controlled substance, the University may disclose these violations to the student's parents.

#### *Americans with Disability Act Records and Treatment Records*

Treatment records are maintained by the Mental & Social Health Counselor/ADA Specialist in the Office of Ability Services as a separate entity. Any medical documentation, entry notes, or information collected from the student are not considered an education record; they are made, maintained, and used only for the purpose of helping a student receive accommodations for a documented disability or for coping with a mental disorder. For granting accommodations requests, the University will only disclose the minimum amount of information necessary for the intended purpose. For example, certain school officials may have a legitimate educational interest in a student's education records that indicate test-taking accommodations are required. In such cases, a release of information is necessary for the exchange of this information.

#### *Emergency Exception*

FERPA allows disclosures of a student's personally identifiable information if necessary to address an "articulable and significant" health or safety emergency, such as a natural disaster, a terrorist attack, a campus shooting, or an outbreak of an epidemic disease.

An emergency provision allows for the sharing and accessing of student information in a specific situation that presents an imminent danger to students or other members of the University community, or that requires an immediate need for information in order to avert or defuse serious threats to the safety or health of a student or other individuals.

The Department of Education explains that an “articulable and significant threat” means a University official can explain why available information leads to a reasonable belief that there is a significant threat to the health or safety of a student or others that requires immediate action.

For example, if a Mental & Social Health Counselor/ADA Specialist who is treating a University student has information that leads to a reasonable belief that the student or someone else is in imminent danger, the University official may disclose information from the student’s files housed in the Office of Ability Services. These include intake records, notes, medical records, treatments, etc., and they may be disclosed to appropriate persons who can assist in preventing harm (law enforcement, public health officials, and parents).

#### *FERPA and Academics*

Instructors who post grades must use a code known only to the instructor and the student to identify the student.

Students are not allowed to remain anonymous in physical or electronic classrooms by opting out of directory information disclosures.

#### *Law Enforcement*

Heritage University may share information with law enforcement to report criminal activity, either known or suspected. However, if the records are created or maintained *solely* for a university to conduct an investigation and proceedings, the information may not be considered necessary for law enforcement. Records created and maintained by campus security authorities for a law enforcement purpose, which include information about criminal conduct that also involves a Student Code of Conduct violation, are protected under FERPA, again unless the University chooses to press charges or report criminal activity.

#### *Outside Organizations*

FERPA also makes an exception to the consent rule for disclosing personally identifiable information to outside organizations that:

- perform institutional services or functions;
- conduct studies of predictive tests, student aid programs, or ways to improve instruction; or
- audit and/or evaluate educational programs.

#### *Sex and Violence*

There are exceptions to FERPA’s confidentiality rule that allow disclosures of information in disciplinary records relating to violent crimes and sex offenses. Information about registered sex

offenders may also be disclosed.

### *Disciplinary Proceedings*

If a student is found responsible for a violent crime or sex offense, the following information may be disclosed:

- responsible student's name,
- findings,
- sanctions imposed, and
- the rationale for the decision.

The victim of a violent crime or sex offense may be notified of the final results, regardless of the findings, and the final results may be disclosed if the accused student is found responsible for committing a sexual offense.

### *Employee Harassers*

If a student accuses a University employee of harassment, FERPA allows the school to inform:

- the accused employee of the complainant's identity, and
- the complainants of any disciplinary action taken against the employees found responsible for harassing them.

### *Other Exceptions*

Disclosures are also permitted in connection with:

- a student's requested transfer to another school;
- a student's application for or receipt of financial aid;
- the institution's accreditation; and
- compliance with a court order or subpoena.

### *Student Access to records/limitations*

Students have the right to access their education records within a reasonable time, but not more than 45 days after they request access. However, students do not have the right to inspect the following:

- financial records of their parents, and
- confidential letters of recommendation for admission, employment, or honorary recognition if the student waived the right to access them (but students are still entitled to see the names of individuals who provided recommendations).

In addition, if one student's education records contain information about another student, the right of access is limited to only the portion that relates to the student making the request, or the University may inform the student of the relevant content of those records.

### *Right to Challenge*

Students may challenge information in their education records they believe is inaccurate or misleading.

If a student asks the University to change or correct the record and the school declines, the student has a right to a formal hearing. If the school determines that a change or correction is not required, the student has a right to put a statement in with the education record.

The school must disclose that statement whenever it discloses the information to which the statement relates. This challenge does not apply to final grades.

### *Requests and Access*

Eligible students have a right to know who has accessed or is accessing their education record, including the purpose of that request. Students have a right to:

- inspect their education records;
- challenge the contents of their education records;
- consent to the disclosure of their education records, except as the law permits disclosures without their consent; and
- report violations of FERPA to the Department of Education.