COLUMBIA UNIVERSITY SENATE

RULES
OF UNIVERSITY CONDUCT
Rules of University Conduct

Chapter XLIV of the Statutes of Columbia University

The Rules of University Conduct (Chapter XLIV of the Statutes of the University) provide special disciplinary rules applicable to demonstrations, rallies, picketing, and the circulation of petitions. These rules are designed to protect the rights of free expression through peaceful demonstration while at the same time ensuring the proper functioning of the University and the protection of the rights of those who may be affected by such demonstrations.

The Rules of University Conduct are University-wide and supersede all other rules of any school or division. Minor violations of the Rules of Conduct are referred to the normal disciplinary procedures of each school or division (“Dean's Discipline”). A student who is charged with a serious violation of the Rules has the option of choosing Dean's Discipline or a more formal procedure provided in the Rules.

All University faculty, students, and staff are responsible for compliance with the Rules of University Conduct. The text of the Rules of University Conduct is reproduced here.

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§440. Demonstrations, Rallies and Picketing

Demonstrations, rallies, picketing, and the circulation of petitions have an important place in the life of a university. They are a means by which protests may be registered and attention drawn to new directions possible in the evolution of the University community. But in order to protect the rights of all members of the University community and to ensure the proper functioning of the University as an institution of teaching and research, it is necessary to impose reasonable restraints on the place and manner in which picketing and other
demonstrations are conducted and on activities of counter
demonstrators or self-appointed vigilantes. This is the intention of the
Rules of University Conduct: to protect the concurrent rights of both the
University community as a whole and demonstrators.
While the University as a private institution is not subject to the
Constitutional provisions on free speech and due process of law, the
University by its nature is dedicated to the free expression of ideas and
to evenhanded and fair dealing with all with whom it conducts its
affairs. The Rules of University Conduct are thus enacted by the
University to provide as a matter of University policy the maximum
freedom of expression consistent with the rights of others and a fair
and speedy hearing to any person charged with a violation of these
Rules.
A violation of these Rules is an offense against the entire University
community. However, such violations are not here considered as
crimes, and University disciplines should not carry the same stigma as
a criminal conviction. All members of the University community are
assumed to be innocent until proven guilty of a violation of the Rules.
The University shall publicize the existence of the Rules and make
them readily available to persons who may be affected by them. Such
persons are responsible for being aware of all provisions contained in
the Rules.

§441. Definitions
Terms used in this Chapter XLIV shall have the following meanings:
(Comment: While gender-neutral language is employed in these Rules
whenever possible, "he," "him," or "his" occasionally appear. They are
used to avoid awkward locutions and are not intended to perpetuate
gender stereotypes.)
a. University means Columbia University in the City of New York.
b. University facility means that place where a University function
occurs.
c. University function means any charter or statutory operation or
activity of the University, including instruction, research, study,
administration, habitation, social life, space allocation and control, food
supply, and other functions directly related thereto. Specifically
included are both functions of fixed-time duration (e.g., classes,
examinations, lectures) and functions of continuing duration (e.g., the
operation of libraries, research laboratories, maintenance shops,
computers, business offices). Also included are functions ancillary to
directly educational purposes such as meetings, disciplinary
proceedings, and athletic and social events sponsored by any
University-approved organization.
d. Deans mean persons appointed by the President, and approved by
the Trustees, either as Dean, Acting Dean, or Director of one of the
divisions or schools of the Columbia Corporation or such staff persons
as they may assign to administer disciplinary affairs.
e. Delegates. A "Presidential delegate" is appointed by the President,
and a "divisional delegate" is appointed by the Dean or Director of a
division or school. Delegates have principal authority for the
enforcement of these Rules. They shall warn individuals and groups
whose actions may violate these Rules and may declare their belief
that the demonstration is illegal under Sections 443a (18), (19), and
(20). They shall, when facts known to them or brought to their attention
warrant, file a complaint with the Rules Administrator against alleged
violators.
f. Dean's Discipline means in the case of students the normal
disciplinary procedure of a school or division that would ordinarily apply
but for these Rules; in the case of faculty and staff, Dean's Discipline
means the normal disciplinary procedure that would ordinarily apply
but for these Rules.
g. Day means a calendar day, regardless of whether the University is
in academic session except for purposes of the appeal procedures set
forth in §448. Whenever any time limit expires on a nonworking day, it
shall be extended to the next working day.
h. Students mean any persons registered in any division of the
University, whether for courses or research, and whether or not they
are candidates for a degree or certificate. It also includes persons who
are on leave or suspended or continuing matriculants for any degree or
certificate. It includes persons registered during any preceding terms
and who have not since that time earned the degree or certificate or
withdrawn from the University.
i. Faculty means officers of instruction or research appointed to any
division, school, or other department of the University, including
officers on leave.
j. Staff means members of the administration, administrative staff,
research staff, library staff, or supporting staff.
k. Violation means the commission of an act proscribed by these
Rules. However, inadvertent or accidental behavior shall not be
considered to be the substance of a violation.
l. Sanctions comprise the following penalties for violation of these
Rules:

1. Disciplinary Warning. A disciplinary warning states that
future violations will be treated more seriously. It in no way limits
consideration for, or receipt of, financial aid or compensation for
which the individual may be eligible. The period of warning shall
be for not less than the remainder of the term in which the
warning occurs nor for more than three regular terms, including the term in which the warning occurs. Upon notification by the proper authority, there shall be entered on the individual's transcript or personal record the notation: "Disciplinary Warning, from (date) to (date)." This notation is removed when the disciplinary warning has been terminated.

2. Censure. In addition to the provisions listed under disciplinary warning, censure remains on students' records until completion of the degree or certificate for which they are candidates. For faculty and staff this notation remains on the record for a maximum of four years. It in no way limits consideration for, or receipt of, financial aid or compensation for which the individual may be eligible. Subsequent conviction for a simple offense requires suspension for a term or dismissal from the University; subsequent conviction for a serious offense requires dismissal from the University.

3. Suspension. Individuals who have been suspended are not permitted to continue their association with the University or reside in one of the University residence halls during the period of suspension, nor may they receive a leave of absence of any kind. The period of suspension shall be for not less than one regular term nor for more than three regular terms, not counting the Summer Session, but including the term in which the suspension occurs. The period of suspension shall be determined by the Hearing Officer; it may not be adjusted except under the appellate procedures set forth in these Rules or by an act of Presidential clemency. Upon notification by the proper authority, there shall be entered on the individual's record the notation: "Suspended, from (date) to (date)." Upon termination of the period of suspension, the individual may apply for reinstatement. The notation on the record is permanent.

4. Dismissal. Unlike suspension, when an individual is dismissed, no time period is specified, nor is reinstatement anticipated, but in no case shall reinstatement occur less than one year after the imposition of the sanction except by act of Presidential clemency. Upon notification by the proper authority, there shall be entered on the individual's record the notation: "Dismissed, (date)." Should the individual be subsequently readmitted or reemployed, upon notification from the proper authority, there shall be entered on the individual's record the notation: "Readmitted or reemployed (date)." The notations on the record are permanent.

m. Respondent means a person against whom a charge for violation of these Rules has been filed.
o. Hearing Officer means a Hearing Officer appointed under §445d.
p. University Judicial Board means the appellate review board appointed under §445e.

§442. Jurisdiction
The Rules of University Conduct shall apply to all members of the University community: administrators, administrative staff, research staff, library staff, supporting staff, faculty, and students. Also visitors, licensees, and invitees on a University facility shall be subject to the Rules of University Conduct. Violations by such persons may result in the revocation of their invitation or license to be on a University facility and their subsequent ejection.

The Rules of University Conduct apply to any demonstration, including a rally or picketing, that takes place on or at a University facility. Such facilities include, but are not limited to, all University campuses, research laboratories, maintenance shops, business offices, athletic fields, dormitories, classrooms, and meeting halls. The Rules of University Conduct do not apply to participation in a demonstration, including a rally or picketing, by full-time employees of the University represented by a collective bargaining agent, where the demonstration arises in the course of or is incident to a labor dispute involving the University.

§443. Violations and Sanctions
a. Violations.
A person is in violation of these Rules when such person individually or with a group, incident to a demonstration, including a rally or picketing:
(1) (simple violation) engages in conduct that places another in danger of bodily harm;
(2) (serious violation) causes or clearly attempts to cause physical injury to another person;
(3) (simple) uses words that threaten bodily harm in a situation where there is clear and present danger of such bodily harm;
(4) (serious) uses words in a situation of clear and present danger that actually incite others to behavior that would violate Sections 443a (2) or (6);
(5) (simple) causes minor property damage or loss, or endangers property on a University facility;
(6) (serious) misappropriates, damages, or destroys books or scholarly material or any other property belonging to the University, or to another party, when that property is in or on a University facility, and by such action causes or threatens substantial educational, administrative, or financial loss;
(7) (simple) interferes over a very short period of time with entrance to, exit from, passage within, or use of, a University facility but does not substantially disrupt any University function;
(8) (serious) continues for more than a very short period of time to physically prevent, or clearly attempt to prevent, passage within, or unimpeded use of, a University facility, and thereby interferes with the normal conduct of a University function;
(9) (serious) enters or remains in a University facility without authorization at a time after the facility has been declared closed by the University; (Comment: The University shall make all reasonable attempts to publicize this declaration to the fullest extent possible.)
(10) (simple) enters a private office without authorization;
(11) (serious) holds or occupies a private office for his own purposes; (Comment: Persons may not enter a private office unless invited and then not in excess of the number designated or invited by the occupant. Anyone so entering must leave on request of a recognized occupant of such office or on request of another authorized person. Passage through reception areas leading to private offices must not be obstructed. Clear and unimpeded passageway through lobbies, corridors, and stairways must be maintained at all times. For this purpose, the delegate may advise demonstrators as to the permissible number of participants in such restricted areas and regulate the location of such participants. Persons may use rooms in which instruction, research, or study normally take place only when such rooms are assigned to them through established University procedures.)
(12) (simple) causes a noise that substantially hinders others in their normal academic activities;
(13) (simple) briefly interrupts a University function;
(14) (serious) disrupts a University function or renders its continuation impossible;
(15) (serious) illicitly uses, or attempts to use, or makes threats with a firearm, explosive, dangerous or noxious chemical, or other dangerous instrument or weapon;
(16) (serious) fails to self-identify when requested to do so by a properly identified delegate;
(17) (serious) prevents a properly identified delegate from the discharge of his official responsibilities under these Rules, except through a mere refusal to self-identify;
(18) (simple) fails to obey the reasonable orders of a properly identified delegate regulating the location of demonstrators or others within the vicinity of a demonstration to assure unimpeded access to or use of a facility or to avoid physical conflict between demonstrators and others; (Comment: This regulation gives the delegate authority to regulate
assemblies. The check against abuse of such authority is provided by the test of reasonableness imposed by the Hearing Officer in such disciplinary proceedings as may result from noncompliance. Should a delegate in the exercise of discretion fail to disperse an assembly in which some or all of the participants are violating or have violated the Rules, this should in no way be construed as excusing the violators, who remain liable for their acts under these Rules.)

(19) (simple) fails to disperse from an assembly upon order of a properly identified delegate when such order results from repeated or continuing violations of these Rules by members of the assembly and the delegate has by verbal directions made reasonable effort to secure compliance before ordering dispersal;
(20) (serious) fails to disperse from an assembly upon order of a properly identified delegate when such order results from serious violations of these Rules by members of the assembly and the delegate so states in his order to disperse;
(21) (simple) aids and abets others or other groups in a simple violation of these Rules;
(22) (serious) aids and abets others or other groups in a serious violation of these Rules.

b. Reserve Clause.
Disciplinary matters not specifically enumerated in these Rules are reserved in the case of students to the Deans of their schools or their delegated authorities and to the regulations and mechanisms they have established, and in the case of faculty and staff to the President of the University or his delegated authority and to the regulations and mechanisms that have been established to deal with such matters.

c. Sanctions.
(1) A respondent who is found guilty of a simple violation of these Rules shall be sanctioned by: Disciplinary Warning or Censure. Censure is the most severe penalty that may be imposed for a simple violation.
(a) For repeated violations of a simple nature, or for a simple violation by a respondent already on Disciplinary Warning, the respondent shall be subject to Censure or Suspension; if already under Censure, the respondent shall be subject to Suspension. In especially extreme cases, Dismissal may be imposed.
(2) A respondent who is found guilty of a serious violation of these Rules shall be sanctioned by Censure, Suspension, or Dismissal.

§444. Enforcement
a. Summoning a Delegate.
Should any member of the University community believe that participants in an assembly or other demonstration are violating the
Rules of University Conduct, he or she should notify the appropriate delegate(s) by calling the Office of Public Safety. The delegates shall proceed to the site of the demonstration and gather information for possible transmission to the Rules Administrator. This includes the identities of any participants who the delegate feels are violating the Rules and the facts surrounding the demonstration.

b. Warning and Advice.
Properly identified delegates shall warn those parties whose actions they consider to be in violation of these Rules. However, a member of the University community may be charged with a violation of these Rules even if no prior warning has been given or perceived. The Hearing Officer (or Dean or other person conducting the proceedings in the case of Dean's Discipline) shall in either case determine whether the actions of the accused were in violation of these Rules.

c. Creating Separate Areas for Demonstrations Believed to Be in Violation of These Rules and for Permissible Demonstrations/Observation.
Delegates believing that an assembly or other demonstration is violating Sections 443a(7), (8), (9), or (14) of these Rules should, to the extent practicable in their sole judgment, immediately make all reasonable efforts to create separate areas for demonstrators whose actions are believed to violate the Rules and for those wishing to demonstrate permissibly or to observe. There should be a reasonable distance between these areas, with a presumption in favor of allowing unobstructed view and observation, and they should be graphically delineated without creating barriers, to the extent feasible. Failure by a delegate to create these areas shall not excuse a violation of these Rules.

d. Distribution of a Flier Conveying Pertinent Information to Demonstrators and Observers.
Whenever an assembly or other demonstration believed to be in violation of these Rules continues for more than a very short period of time, the Presidential delegate shall consider preparing a flier for distribution to persons in the area of the demonstration. The flier should repeat any previous warning by a delegate concerning the violation or violations of these Rules that are believed to be taking place, describe the location of any areas cordoned off under Section 444c, and identify the locations where full copies of these Rules are available. Failure by the Presidential delegate to prepare and distribute such a flier shall not excuse a violation of these Rules.

e. Self-identifying.
A properly identified delegate may request individuals believed to be violating these Rules to identify themselves through production of their University ID cards. Their cards will be returned immediately after the
delegate has recorded the individual's name and ID number. Members of the University community who do not self-identify may be charged with serious violation of these Rules under Section 443a(16).

f. Treatment of outsiders.
In accordance with the jurisdiction of these Rules (Section 442), any visitor, licensee, or invitee who the delegate determines is violating these Rules, and who does not comply with the delegate's warning and advice, may be ejected from a University facility without regard to the procedures set forth in Sections 446-448 herein. Delegates also have a responsibility to protect the rights of lawful demonstrators. Counterdemonstrators or vigilantes may be warned by delegates if they consider their actions to be in violation of the Rules. The same procedure of information gathering shall be initiated by delegates for all suspected violators. Members of the University community should not take enforcement of these rules into their own hands, since such action may result in violations of these rules.

If the President, upon consultation with a majority of a panel established by the Executive Committee of the University Senate, decides that a demonstration poses a clear and present danger to persons, property, or the substantial functioning of any division of the University, he shall take all necessary steps to secure the cooperating of external authority to bring about the end of the disruption. The President shall make public his decision to the fullest extent possible as soon as it is feasible. Nothing in the above shall be construed to limit the President's emergency authority to protect persons or property.

§445. Administrative and Judicial Personnel
a. The Delegate.
   1. The Dean or Director of each division or school shall appoint one or more divisional delegates.
   2. Divisional delegates may be called upon to enforce these Rules by anyone subject to them; or they may proceed to enforce them on their own initiative.
   3. Whenever feasible, a divisional delegate is obliged, upon the request of another delegate, to assist that delegate.
   4. There shall be one or more Presidential delegates who shall have the powers and responsibilities of divisional delegates but who shall, in addition, be kept informed of all actions and charges undertaken by the divisional delegates.

b. Rules Administrator.
The Rules Administrator, whose office shall be in the University Senate offices, shall have primary responsibility for the administration of these
Rules. He shall maintain and have custody of the records of proceedings under these Rules; shall prepare and serve notices and other documents required under these Rules; shall accept and investigate complaints, file charges, organize informal settlements, and present evidence in support of charges to the Hearing Officer. The Rules Administrator shall be appointed by the President after consultation with the Executive Committee of the University Senate and shall serve at the pleasure of the President. The Rules Administrator may appoint one or more assistant administrators, who may act in his stead. Persons otherwise concerned with the disciplinary procedures of a particular school or division may not be appointed as the Rules Administrator or an assistant administrator.

c. Deans and Supervisors.
The dean of a school or division or the dean's designee shall hear all charges of simple violations of these Rules brought against students of that school or division, applying the substantive law of these Rules (including sanctions) in accordance with the procedure for Dean's Discipline of the school or division. Charges of simple violations of these Rules brought against faculty and staff shall be heard by the respondent's supervisor or other person who would normally conduct disciplinary proceeding against the respondent but for these Rules, applying the substantive law of these Rules (including sanctions) in accordance with the procedure of the Dean's Discipline applicable to the respondent.

d. Hearing Officer.
The Executive Committee of the University Senate shall at its first meeting each year appoint or fill vacancies in a panel of not less than three Hearing Officers, each of whom shall serve for a term of two years. It shall also designate the order in which persons on the panel shall serve as Hearing Officers. A Hearing Officer shall conduct hearings on charges of a serious violation of these Rules. Hearing Officers shall be lawyers appointed from without the University and shall be chosen for their professional competence and experience in the conduct of hearings. A person with a full- or part-time affiliation with the University as faculty, student, or staff shall be considered from within the University for the purposes of these Rules; a person whose only direct affiliation is as an alumnus shall be considered from without the University. The Executive Committee of the University Senate may appoint additional persons to the panel of Hearing Officers should the need arise. Persons otherwise concerned with disciplinary procedures may not be appointed as Hearing Officers.

e. University Judicial Board.
The Executive Committee of the University Senate shall at its first meeting each year appoint or fill vacancies in a University Judicial
Board consisting of five members, one of whom shall be a student, one of whom shall be a faculty member, and one of whom shall be from administration, administrative staff, research staff, or library staff. The Executive Committee shall designate the Chairman of the Board and shall make appointments to the Board, which shall ordinarily be for a term of three years, so as to provide for staggered terms to ensure continuity in the Board. The members of the University Judicial Board shall be persons from within the University, and no person otherwise concerned with disciplinary procedures may be appointed to the Board.

§446. Pre-Hearing Procedures

a. Filing Complaints.
Any member of the University who believes a violation of the Rules has been committed may file a written complaint with the Rules Administrator. The complaint shall state with particularity the person(s) involved, the nature of the offense, and the circumstances under which the offense may have been committed.

b. Investigation of Complaints.
Upon receipt of a complaint, the Rules Administrator, after such investigation as he deems advisable, shall determine whether there is reasonable cause to believe an offense has been committed. The Administrator may interview any person, including a prospective respondent.

c. Complaints Dismissed.
If the Rules Administrator determines that there is no reasonable cause to believe an offense has been committed, he shall so inform the complainant.

d. Informal Settlements; Charges Filed.
If the Rules Administrator determines that there is reasonable cause to believe an offense has been committed, such Administrator shall interview the prospective respondent(s). The Rules Administrator shall notify the respondent(s), during the interview, of the substance of the charges that may be filed. On the basis of the complaint investigation and the interview, the Rules Administrator shall:

1. attempt an informal settlement of the matter with the respondent(s), either alone or in conjunction with the Dean(s) of such respondent(s)’ division(s); with the written consent of the respondent, the Rules Administrator may accept an admission of guilt of a simple or a serious violation and impose the sanction the Rules Administrator deems appropriate, without the necessity of formally filing charges; or
2. prepare charges for filing. The charges shall be in writing, stating with particularity the offense alleged, and shall charge one or more simple violations or one or more serious violations;
the charges may not include both simple and serious violations against any one respondent based on the same conduct (similar conduct occurring at clearly different times is not considered "same conduct"); in case of serious violation, the charges shall state the witnesses likely to be called in support of the charges. The Rules Administrator may file charges against a prospective respondent who has attempted and failed to achieve informal settlement with the appropriate dean or with the Rules Administrator.

e. Duties of the Rules Administrator after Deciding to Prepare Charges.

Promptly after deciding to prepare charges of a violation of the Rules, the Rules Administrator shall either:

1. In the case of charges of a simple violation (subject to §446h), file the charges with the respondent's dean or supervisor (or other person referred to in §445c), as the case may be, sending a copy by hand delivery to the respondent's campus address or by hand delivery or regular mail if the respondent has an off-campus address; or
2. in the case of charges of a serious violation,
   i. notify the Hearing Officer next available to serve in the order designated by the Senate Executive Committee as provided in §445d.
   ii. in consultation with the Hearing Officer, set a time and place for a hearing. The hearing may not be held less than 10 days after notice is given to the respondent.
   iii. file the charges with the Hearing Officer.
   iv. give notice to the respondent(s) by hand delivery or by registered mail. Notice shall be considered given when delivered or, if mailed, five days after being deposited in the mail. The notice shall include:
      A. a copy of the charge;
      B. the name of the Hearing Officer;
      C. the time and place of the hearing;
      D. a copy of these Rules; and
      E. any other information the Rules Administrator thinks relevant.

f. Procedural Motions Prior to the Hearing on Charges of a Serious Violation.

Not less than five (5) days prior to the hearing, the Rules Administrator and the respondent may each file with the Hearing Officer, in writing and stating the reasons therefor, the following procedural motions:

1. motion to postpone the hearing;
2. motion to consolidate this hearing with that of another respondent;
3. motion to sever this hearing from that of another respondent;
4. motion to dismiss the charges.
The Hearing Officer shall decide whether to grant a motion set forth in (1)-(4) above and shall communicate this decision to the Administrator and to the respondent. Not less than two (2) days prior to the hearing, the respondent may file with the Hearing Officer a request for a closed hearing. The Hearing Officer shall automatically grant such a request. The Hearing Officer may in his discretion receive and rule upon other pre-hearing motions.

g. Respondent's Right to an Adviser.
A respondent may be assisted in his or her defense of charges of a serious violation by an adviser of his or her choice from within or without the University; the adviser may be a lawyer. In the case of charges of a simple violation, the respondent may be assisted by an adviser only to the extent provided under the procedure of the relevant Dean's Discipline.

h. Procedure for Charges of a Simple Violation by a Respondent under Censure.
Charges of a simple violation brought against a respondent for conduct while under Censure (where a finding of guilty requires the sanction of suspension) shall not be heard under Dean's Discipline but shall be filed with a Hearing Officer and treated for all procedural purposes as if they were charges of a serious violation. If a respondent is found guilty of a simple violation under Dean's Discipline for conduct not while under Censure, only the sanction of Disciplinary Warning or Censure may be imposed; any prior discipline for an offense not related to these Rules shall not be taken into account. Multiple charges of simple violations against a respondent for conduct while not under Censure shall be heard under Dean's Discipline as herein provided, and the dean or other person imposing a sanction after one or more findings of guilty may impose only the sanction of Disciplinary Warning or Censure.

i. Interview of a Respondent under Dean's Discipline.
Notwithstanding anything to the contrary in the procedures of the Dean's Discipline applicable to a particular respondent, in the case of charges of a simple violation of these Rules to be heard under Dean's Discipline, the dean or other person conducting the proceedings shall schedule an interview with the respondent, such scheduling to occur within 48 hours of the filing of the charges by the Rules Administrator. At the interview the respondent shall be informed of the evidence against him or her and shall have the opportunity to be heard in his or her defense. Failure to attend the interview unless excused for cause may be taken into account in considering the charges against the respondent.
§447. The Hearing on Charges of a Serious Violation

a. Presentation by the Rules Administrator.
The Rules Administrator, who may be assisted by a lawyer from within or without the University, shall produce all evidence and call all witnesses in support of the charges. The respondent and his adviser may examine any evidence and cross-examine any witness.

b. Presentation by the Respondent.
Following presentation by the Rules Administrator, the respondent and his adviser may produce evidence and call witnesses in his defense. The Rules Administrator may examine any evidence and cross-examine any witness.

c. Role of the Hearing Officer.
The Hearing Officer shall have broad discretion in the conduct of the pre-hearing procedures and the hearing, subject only to the express provisions of these Rules and to the principle that these Rules are intended to provide to the respondent a speedy and a fair hearing. The Hearing Officer will normally rely primarily on the Rules Administrator and the respondent and his adviser to present the case for and against the charges, but the Hearing Officer on his motion may call and examine witnesses and invite the submission of additional evidence.

d. Record of the Hearing.
The Hearing Officer shall provide for a verbatim record of the hearing, which may be by court reporter, tape recording, or such other means as the Hearing Officer shall determine. Unless the hearing has been closed at the request of the respondent, the verbatim record of the hearing shall be a public record.

e. Open Hearing.
Unless a closed hearing is requested by the respondent, the hearing shall be open to members of the University community and to the University news media, except that the Hearing Officer may impose reasonable limits on the number of persons admitted, may exclude witnesses from attendance at the hearing, and may close the hearing as provided in §417g if it is disrupted by disorderly behavior of the participants or spectators.

f. Attendance of Witnesses; Testimony by Respondent.
Members of the University community subject to these Rules are compelled, under penalty of disciplinary action under these Rules, to appear as witnesses if summoned by the Hearing Officer. Failure to appear shall constitute a simple violation, provided there is proof of notice. The respondent is compelled to attend the hearing under penalty of suspension. He may be a witness only if he freely consents to be; failure to testify may not be weighed against him; however,
failure to answer any question on the part of a respondent who agrees to testify may be weighed against him.

g. Contempt Procedures; Disruptions.
The Hearing Officer may find a person in contempt of the Rules who fails to obey a proper order of the Hearing Officer during the hearing. If any person present at a hearing continues seriously to interfere with or substantially disrupt the orderly functioning of the hearing, after being given proper warning by the Hearing Officer, the Hearing Officer may find the person in contempt of the Rules. The Hearing Officer may hear and decide cases of contempt by summary proceedings during the hearing.

If the person found in contempt is a respondent, he shall be subject to either Disciplinary Warning or Censure and shall be warned that any further contempt, including further disruption, will lead to his Suspension. The penalty for being twice found in contempt shall be Suspension, in accordance with Section 441.1(3) of these Rules.

If the person found in contempt is not a respondent, he shall be subject to either Disciplinary Warning or Censure and shall be asked to leave the hearing. The Hearing Officer will warn the party that if he does not leave he will be suspended. Failure to leave at this time shall mandate a suspension in accordance with Section 441.1(3) of these Rules. If a disruption occurs, the Hearing Officer may:

1. order a recess and reconvene;
2. reconvene at an alternate place;
3. reconvene and limit the number of spectators;
4. reconvene and exclude designated spectator participants in the prior disorder;
5. reconvene in a closed hearing, provided that members of the University news media shall be excluded only on request of the respondent, save when an individual reporter acts obstreperously, in which case the Hearing Officer may admit a replacement for him.

h. Respondent's Right to Elect Alternate Procedures in the Case of Charges of a Serious Violation.

At any time up to the day of the hearing, student respondents may elect Dean's Discipline in lieu of these Rules; faculty and staff respondents may elect the disciplinary procedures to which they would ordinarily be subject but for these Rules.

A respondent who has once elected the alternate procedure shall not thereafter be subject to these Rules with respect to the violations with which he was charged.

i. Status of Respondent during Proceedings.

Any respondent granted a leave of absence during the pendency of proceedings shall not, on that account, be granted a postponement or
deferment. If, however, a respondent, having been notified of charges brought against him, voluntarily withdraws from the University permanently or indefinitely, the charges shall be dropped and proceedings shall be terminated. Upon any subsequent application for readmission to the University by a respondent who has withdrawn under such circumstances, the dean shall decide whether the applicant shall be subject to further discipline as a requirement for readmission.

Whether degrees or certificates shall be withheld from candidates charged with violations of these Rules pending hearings is a matter of administrative discretion to be exercised by the appropriate dean. The decision should take into account the seriousness of the charge, the degree of punishment likely to be given, and the extent to which the plans of the respondent will be disrupted.

A student's transcript shall not be withheld during the pendency of hearings, but the transcript shall be issued with a notation thereon of the pendency of the hearing and the possibility of sanctions if the respondent is found guilty of a violation of the Rules. The requirement of the notation may be waived in the discretion of the appropriate dean.

If the respondent is charged with a violation of these Rules and criminal or civil charges are brought against the respondent for the same occurrence as the result of police action or civil proceedings, the University may proceed with disciplinary action, with the understanding that the respondent's response to the criminal charge shall take precedence should a conflict in hearing times occur.

j. Conduct of Hearings after the End of an Academic Term.

Except for the appeal procedures set forth in §448, the processes of these Rules shall go forward notwithstanding the end of an academic term. The University shall provide housing free of charge for up to seven days to all student respondents who remain at the University to participate in a hearing on charges against them after their room contracts with the University expire; the Hearing Officer in his discretion may extend the University’s obligation to house respondents free of charge. The Hearing Officer in his discretion may excuse any student respondent from attendance at a consolidated hearing on a showing of hardship, provided the respondent agrees to be bound by the Hearing Officer's decision made on the basis of the consolidated hearing conducted during the respondent's absence.

k. Decision of the Hearing Officer.

The Hearing Officer promptly after the conclusion of the hearing shall prepare and send to the Rules Administrator and the respondent and such respondent's adviser, by hand delivery or registered mail, a written decision with an explanation of the reasons therefore, either acquitting the respondent of the charges or finding the respondent guilty of the charges on the basis of the clear preponderance of the
evidence. The Hearing Officer may not find a respondent guilty of a simple violation subsumed under charges of a serious violation. If the Hearing Officer finds the respondent guilty, the Hearing Officer shall in his or her decision impose the sanction of Suspension or Dismissal, giving due regard to the circumstances of the offense and the offender, the seriousness of the offense, and offender’s prior disciplinary record, except that the sanction of Suspension shall be imposed if the Hearing Officer finds the respondent guilty of charges of a simple violation based on conduct occurring while the respondent was under Censure.

§448. Appeal Procedures

a. In cases of charges of a simple violation, the appeal procedure shall be as provided in the relevant Dean’s Discipline. Only the respondent may appeal in the case of charges of a simple violation.

b. In the case of charges of a serious violation, the appeal procedure shall be as follows:

1. Right to Appeal; Notice of Appeal. Either the Rules Administrator or the respondent may appeal the decision of the Hearing Officer by filing a notice of appeal with the Chairman of the University Judicial Board within 10 days after the sending of the decision by the Hearing Officer. A person found in contempt by the Hearing Officer may appeal the Hearing Officer’s decision by filing a notice of appeal with the Chairman of the University Judicial Board within 10 days after the Hearing Officer’s decision. A notice of appeal shall be in writing and shall include a brief statement of the reasons therefor. For purpose of this §448, only those days shall be counted that occur during the University’s fall or spring term; any action taken between those terms shall be considered as having occurred on the first day of the next following fall or spring term.

2. Arrangements for the Appeal Hearing. Promptly after the filing of a notice of appeal, the Chairman of the University Judicial Board shall:

i. designate a time and place for the appeal hearing, which shall not be less than 10 nor more than 14 days after the filing of the appeal;

ii. notify the other members of the University Judicial Board and the Rules Administrator and the respondent and his adviser, or the person appealing a contempt decision, of the time and place of the appeal hearing;

iii. designate, in consultation with the Rules Administrator and the respondent and his adviser, or the person appealing a contempt decision, the portions of the hearing record to be
considered by the University Judicial Board. The record will normally consist of the record of the pre-hearing procedures, the verbatim record of the hearing, and the Hearing Officer’s decision.

3. Appeal Hearing; Scope of the Review of the University Judicial Board. At the appeal hearing, the Rules Administrator and the respondent and his adviser, or the person appealing a contempt decision, shall present the case for and against the appeal to the University Judicial Board. In the case of an appeal of a contempt decision, the Rules Administrator shall present the case against the appeal. The case presented shall consist of reasoned argument based on the hearing record; the University Judicial Board shall not hear the testimony of witnesses and shall not consider any evidence not considered by the Hearing Officer. In its review the Board shall consider if requested:
   i. whether the Hearing Officer erred in the interpretation of these Rules;
   ii. abuse of discretion by the Hearing Officer;
   iii. the reasonableness of the Hearing Officer’s decision on factual matters in light of evidence presented;
   iv. the reasonableness of the sanction imposed.

4. Decision of the Board. Within 14 days after the conclusion of the appeal hearing, the chair of the University Judicial Board shall prepare and send to the Hearing Officer, the Rules Administrator, and the respondent and his adviser, or the person appealing a contempt decision, by hand delivery or registered mail, the Board's written decision, with an explanation of the reasons therefor. The Board’s decision may affirm or reverse the Hearing Officer’s decision in whole or in part, including reversing an acquittal and imposing sanctions, and may remand to the Hearing Officer or the Rules Administrator for such further proceedings as the Board may direct, but the Board may not increase the sanctions imposed by the Hearing Officer. The Board's decision shall be by majority vote, including the chair.

§449. Presidential Action

A final appeal may be made to the President for clemency or review, which the President may hear in his discretion in the case of charges of a serious violation, and in the case of charges of simple violation only if provided by the relevant Dean's Discipline.

§450. Additional Judicial Boards
Should further University Judicial Boards be needed, the Executive Committee of the University Senate may appoint additional University Judicial Boards and shall seek to divide the original University Judicial Board as equitably as possible to ensure maximum continuity of experience.

§451. Committee on Rules of University Conduct
a. The University Senate Committee on Rules of University Conduct shall prepare any material that will facilitate the functioning of the procedures.
b. Persons otherwise connected with the disciplinary procedures shall be excluded from the University Senate Committee on Rules of University Conduct.
c. All changes in these Rules shall be passed by the University Senate for approval and acceptance by the Trustees in accordance with the Statues of the University.

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