

## Student Conduct Code

### Introduction

Brandman University (also referred to as the “University”) is primarily an academic community for working students that seeks to maintain an optimal working and learning environment. It is a community with high standards and high expectations for those who choose to become a part of it, including established rules of conduct intended to foster behaviors that are consistent with a civil and educational setting. Members of the University community are expected to comply with all laws and University policies, conducting themselves in ways that support a positive learning environment.

To achieve this objective, the University exercises, among other things, certain disciplinary and discretionary powers. It protects its educational environment by formulating and maintaining standards of conduct for its students as individuals and as groups. These standards reflect the very nature of a university community and the need to preserve an effective educational environment.

The University is specifically concerned when student conduct directly interferes with the University’s primary educational objectives and functions, its subsidiary responsibilities of maintaining an ongoing institution, or the rights or safety of other members of the university community.

The University’s function with reference to the conduct of working students differs from the community’s function in method as well as in scope. Recognizing its role in developing a sense of responsibility in students, the University uses education, example, counseling and guidance, and formal conduct proceedings. Every Brandman University student is presumed to have sufficient maturity, intelligence and concern for the rights of others and the rights of the institution to help maintain the standards of the academic community. When it appears that a student’s behavior may have been a violation of the Student Conduct Code, the University will be guided by this Code in addressing such behavior.

The conduct of all students at Brandman University is governed by this Code as well as its various related policies and procedures. The Student Conduct Code is reviewed annually. This version of the Code supersedes all previous versions, and will serve as the standard for conduct proceedings.

Brandman University adheres to the Joint Statement on Rights and Freedoms of Students published by the [National Association of Student Personnel Administrators \(NASPA\)](#). This Code is intended to implement the general policies set forth in the Joint Statement. However, in the event of any inconsistency between the Joint Statement and this Code, the provisions of this Code shall control.

### Definition of Terms

- A. **Admission of Responsibility:** A respondent’s willingness to acknowledge and accept responsibility for Code violations as charged, as well as the appropriate corresponding sanctions.
- B. **Brandman University Official:** Any person charged by the University to perform assigned administrative or professional responsibilities for, or on behalf of, Brandman University.
- C. **Brandman University Premises:** All land, buildings, facilities, computer systems, website, portal, and other property used or controlled by Brandman University.

- D. **Campus Director/Site Director:** The senior administrator at each Brandman University campus who is responsible for referring all conduct matters to the Regional Conduct Board.
- E. **Complainant:** The individual(s) who brings forward a complaint or files a report alleging a violation of this Code.
- F. **Conduct Hold:** A registration hold which prevents a student from registering for classes, adding or dropping classes, having transcripts released and/or receiving a diploma (in the case of graduating students), and may further affect a student's ability to conduct other official University business.
- G. **Cumulative Conduct:** Multiple violations of this Code which will result in increasingly severe sanctions.
- H. **University Sanctioned Event:** Any program, activity, function, or social gathering held on Brandman University Premises, or organized by Brandman University students, faculty or staff to further a University purpose or interest, shall be deemed a University Sanctioned Event for purposes of this Code. The Regional Conduct Board shall determine whether a program, activity, function or social gathering held off-campus is a University Sanctioned Event.
- I. **Executive Vice Chancellor of Enrollment and Student Affairs:** Position designated by the Chancellor of Brandman University to be responsible for the administration of this Code.
- J. **Faculty Member:** An individual identified by Brandman University to conduct classroom instruction, both on ground and online.
- K. **Guest:** Any person(s) who visits a Brandman campus or business office who is not a student or employee of the University.
- L. **Member of the University Community:** Any person who is a student, a student's family members/significant other, faculty member, alumnus, regent, University official or any other person employed by the University (or spouse or dependent thereof), or any other third-party contracted by the University. A person's status in a given situation shall be determined by the Regional Conduct Board.
- M. **Policy:** Written rules or policies of the University contained in this Brandman University Student Conduct Code and its various appendices, in Brandman University Catalogs, and in any Brandman University policies.
- N. **Regional Conduct Board (RCB):** A board made up of Brandman University Officials appointed by the Executive Vice Chancellor of Enrollment and Student Affairs or designee, to consider alleged violations of this Code, other than Dishonesty, which are considered by the University Conduct Board.
- O. **Respondent:** The student(s) alleged to have violated this Code.

- P. **Sanction:** Assignment given, action taken, and/or status placed on a student found responsible for violation of this Code.
- Q. **Standard of Proof:** Factual determinations required under this Code shall be subject to a “preponderance of the evidence” standard (i.e., whether evidence establishes that a fact is more likely than not to be true).
- R. **Student:** The following persons shall be considered Students for purposes of this Code:
- a. anyone currently taking a course at or through Brandman University (including practica, internships and off-site study trips) both full-time and part-time, admitted to and pursuing undergraduate, graduate, or professional studies;
  - b. persons who are not officially enrolled for the current session but who have an academic relationship with Brandman University, e.g. satisfying incompletes, practicum requirements etc., as well as students formerly enrolled for previous sessions;
  - c. persons who are currently enrolled in classes but are not officially admitted to Brandman University, aka ‘Permit to Register’ and/or persons who are enrolled in continuing education courses and workshops; or
  - d. persons who are either applicants, admits, or Permit to Register persons not enrolled for the current session but with intent to enroll in future sessions.
- S. **Behavioral Assessment:** An assessment of an individual who is determined by the Executive Vice Chancellor for Enrollment and Student Affairs or designee to have engaged in behavior which may pose a threat to the safety of one or more members of the campus community, including themselves.
- T. **Behavioral Assessment Specialist:** Provides professional expertise and leadership to the Behavioral Intervention Team and assists in operational assessment and intervention with individuals whose behavior may pose a threat to the safety one or more members of the University Community, including themselves.
- U. **Behavioral Intervention Team (BIT):** A team composed of representatives from various areas within the University responsible for identifying individuals whose behavior may pose a threat to the safety of one or more members of the University Community, including themselves, and for responding to threats of violence or other behavior that may be reasonably construed as threats of violence.
- V. **University:** Brandman University and its affiliated sites and programs, which include all Brandman University on ground and online campuses.
- W. **University Appeals Board (UAB):** A Board charged to consider appeals of rulings made by the Regional Conduct Board and University Conduct Board. This board shall consist of 3 members:
- a. Dean from the School of the respondent’s current academic program (if there no current or acting Dean, then the next-highest University official in the respondent’s academic program)
  - b. Executive Vice Chancellor of Enrollment and Student Affairs or designee
  - c. Provost and Executive Vice Chancellor of Academic Affairs

- X. **University Conduct Board (UCB):** A Board charged to consider alleged violations of Dishonesty. The University Conduct Board shall consist of 3-5 members depending upon whether the respondent's academic program has a Professional Code of Conduct.
- a. Professional Code of Conduct: 5 members, 3 from the School of the respondent's academic program appointed by the academic dean, and 2 additional members appointed by the Executive Vice Chancellor of Enrollment and Student Affairs or designee. The School designees will vote on Professional Conduct. All five members will vote on matters related to the Student Conduct Code.
  - b. No Professional Code of Conduct: 3 members, 1 from the School of the respondent's academic program appointed by the academic dean, and 2 additional members appointed by the Executive Vice Chancellor of Enrollment and Student Affairs or designee. All members vote.

The University Conduct Board has the authority to assess professional program sanctions, school sanctions, and University sanctions, including but not limited to probation, suspension, expulsion, and recommendation to the School for rescinding of awarded academic degrees and/or certificates.

### **Conduct Authority**

1. The Executive Vice Chancellor of Enrollment and Student Affairs or designee and designated staff shall develop policies for the administration of the Student Conduct Code and procedural rules for the adjudication of student conduct cases.
2. Decisions made by the University Appeals Board, in regards to matters of the Student Code of Conduct, shall be final.
3. For matters related to Academic Integrity, please refer to the [Academic Integrity Policy](#).

### **Jurisdiction of the University and Conduct Regulations**

Brandman University shall have jurisdiction over student behavior which occurs on Brandman University premises, Brandman University virtual sites, at Brandman University sponsored events, or other off-campus/virtual locations if it adversely affects the one or members of the University Community and/or the pursuit of University objectives, as determined by Brandman University officials. If an incident that occurs off campus is determined to fall under the jurisdiction of the University, it will be handled according to the policies and procedures of this Code.

Students may also be subject to conduct charges if it is brought to the University's attention that they placed or distributed material via electronic media (e.g., emails, text messages, on-line social media such as Facebook, SnapChat, Twitter, Instagram, etc., web sites, blogs, online course sites such as Blackboard, e-mails, IM, CDs, DVDs, etc.) that violates this Code. In other words, students can be held responsible for inappropriate electronically-conveyed behavior.

### **Interpretation and Revision**

1. Any question of interpretation regarding the Student Conduct Code shall be referred to the Executive Vice Chancellor of Enrollment and Student Affairs or designee for final determination.
2. The Student Conduct Code shall be reviewed annually under the direction of the Executive Vice Chancellor of Enrollment and Student Affairs or designee.
3. This Brandman University Student Conduct Code supersedes any and all previous versions of the Code which are identifiable by the date code below, and shall serve as the official reference for all student conduct matters.

## **Student Conduct Policies**

Any student found to have committed any of the following misconduct is subject to the sanctions outlined in the [Hearing Outcomes](#) section of this policy. While it is not possible to define each and every act which may give rise to a finding of misconduct, wherever possible, the University has provided examples below. Any examples provided should be considered illustrative only, and not a comprehensive list of all potential prohibited acts.

1. **Abusive Behavior:** Abusive behavior will not be tolerated. While it is not possible to define each and every type of abusive behavior, the following behavior, including any like or related behavior or behavior which may be perceived by the complainant as abusive, are examples of what is prohibited:
  - a. Verbal & Written Abuse – Behavior including bullying and cyberbullying (the use of electronic communication to bully, tease, threaten, embarrass, demean, insult, humiliate, or taunt), defamation (an intentional false communication that injures another person’s name or reputation), threats, intimidation (which may include shouting at another individual or acting in a hostile or aggressive manner), disruption, coercion, use of fighting words, profanity which is derogatory and inflammatory directed at another individual or group, and harassment, including, but not limited to, sexual harassment behavior which threatens or endangers the health, well-being, or safety of any person(s). Violations of verbal & written abuse also include abusive dialog taking place within the on ground or virtual classroom environment.
  - b. Stalking – Repeated unwanted contact by a person toward another. Such conduct may cause the other person emotional distress or reasonable apprehension of imminent physical harm to the other person or their immediate family members, and/or cause substantial impairment of the other person’s ability to perform activities of daily life. Contact includes, but is not limited to, communication with (either in person, by proxy, by phone, or by any electronic means), following, or remaining in the physical presence of the other person (e.g., following, monitoring, threatening, communicating to or about the victim, or interfering with the other person’s property).
  - c. Hate Behavior – any occurrence that involves a verbal, written, electronic or physical action that is intended to create emotional suffering, physical harm, or property damage to a person(s) because of their perceived or actual race, ethnic background, national origin, religious belief, gender, gender identification, sexual orientation, or physical or mental disability. This may include, but is not limited to comments, slurs, symbols, posting, circulating demeaning jokes, leaflets, or caricatures; defacing, removing or

destroying buildings, structures or posted materials; distributing or posting hate literature.

Depending on the severity of the behavior, the Behavioral Assessment process may be triggered. In addition, an Interim suspension may be imposed upon the approval and discretion of the Executive Vice Chancellor of Enrollment and Student Affairs or designee

2. **Violence and Threats/Perceived Threats of Violence** – Brandman University is committed to maintaining a campus environment that is free from violence. Any acts or threats of violence which involve or affect Brandman University, its employees or property will not be tolerated. This includes, but is not limited to, direct or indirect suggestion, intimidation or coercion. Individuals who commit such acts may be subject to sanctions including, but not limited to, removal from the premises; exclusion from the premises; criminal prosecution; corrective and/or disciplinary action; immediate suspension or expulsion.

Violence and threats of violence, or perceived acts or threats of violence, may initiate the Brandman University Behavioral Assessment process. The Behavioral Intervention Team may require a mandatory behavior evaluation (refer to Section C) and/or recommend an interim suspension.

- a. **Definition of Terms**

- i. **Assault:** When a person 1) tries to or does physically touch another where the person knows or should know such touching is not invited or welcomed, or 2) acts in a threatening manner to put another in fear of immediate harm. Aggravated assault is defined as a completed or attempted attack with a weapon and/or an attack without a weapon in which the victim is seriously injured.
- ii. **Bullying:** Unwanted and aggressive behavior that involves a real or perceived power imbalance; the behavior is repeated, or has the potential to be repeated, over time.
- iii. **Credible Threat of Violence:** A statement, action or course of conduct\* which causes the University to determine that a significant and articulable threat of serious bodily injury or death to a member of the University Community may exist. The expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the party communicating the threat has the present intention or ability to carry it out, and without regard to whether the expression is contingent, conditional, or future. Comments alleged to be made in a “joking manner” can be considered a threat if they are perceived by an individual who is aware of the comment as being threatening.

\*A course of conduct is any series of acts over a period of time, however short, that evidences a continuity of purpose, such as following or stalking an

individual to or from the workplace/campus; telephone calls to the student, employees or other individuals; and correspondence with the student, employees, or other individuals, whether by public or private mail, email, interoffice mail, fax, social media posts, or other means of correspondence.

- iv. **Cyberbullying:** The use of social media or electronic communication to bully, tease, threaten, humiliate, or taunt others. This includes, but is not limited to, posing as another person, spreading lies and rumors, disclosing personal or embarrassing information, posting private photos and forwarding personal messages.
  - v. **Intimidation/Perceived Intimidation:** Engaging in actions that include, but are not limited to, stalking or behavior intended to frighten, coerce, or induce duress.
  - vi. **Physical Attack:** Unwanted or hostile physical contact such as hitting, fighting, pushing, shoving or throwing objects.
  - vii. **Verbal Behavior:** Verbal behavior includes the use of any method of communication such as in-person, telephone, text message, email, comments posted on websites or social media, or on paper.
  - viii. **Violence:** Any physical assault, threatening behavior, or verbal abuse occurring on University Premises or at University Events committed by employees, students, clients, customers, relatives, acquaintances or strangers, but does not include lawful acts of self-defense or the defense of others. Violence includes, but is not limited to, assault, physical attack, beating, stabbing, suicide or attempted suicide, shooting, sexual assault, domestic violence, and threats.
- b. **Prohibited behaviors include, but are not limited to:**
- i. Intentionally injuring another person physically
  - ii. Engaging in verbal or physical behavior that creates a reasonable fear of injury to an identifiable person
  - iii. Engaging in verbal or physical behavior that subjects an identifiable individual to extreme emotional distress
  - iv. Engaging in behavior that includes oral, written or electronically communicated statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or intimidation to persons or harm to property, even in jest
  - v. Engaging in threatening or violent behavior based on race, ethnicity, nationality, gender, gender identification, sexual orientation, disability or other protected status
  - vi. Defacing or damaging property

- vii. Committing injurious or threatening acts related to sexual assault, stalking, dating or sexual harassment; refer to the University [Title IX Policy](#) for more information.
- viii. Brandishing a weapon or firearm
  - ix. Retaliating against any individual who, in good faith, reports a violation of this Code or seeks help in addressing concerns arising under this Code
  - x. Engaging in bullying and/or cyberbullying
  - xi. Committing or threatening acts related to domestic violence; which include, but are not limited to:
    - 1. Disputes between spouses, family members, domestic partners, significant others, parents, children, or individuals that result in a breach of peace, possible abusive behavior policy violations, or violence. Anyone, including but not limited to, family members, spouses, parents, or any invited or uninvited individuals who are guests of Brandman University students, and who cause any disturbance/disruption, will be immediately escorted from the campus. Invited and uninvited guests may be arrested for trespassing; such guests will be forbidden from returning to Brandman University property.
    - 2. Any act of violence or threat of violence;
    - 3. All physical abuse including physical assault and/or battery as well as any domestic disputes, hate crimes and/or child abuse.

**c. Behavioral Assessment and the Behavioral Intervention Team**

For immediate emergencies, dial 911.

Brandman University is committed to maintaining an environment that is free from violence, and members of the University Community are expected to comply with all laws and University policies, including the Campus Violence Prevention Policy.

Brandman University has a trained Behavioral Intervention Team. This team develops, implements, and monitors the campus violence prevention program and will respond appropriately to concerning behavior, which may include consulting a Behavioral Assessment Specialist for evaluation and/or assessment.

Possible Behavioral Assessment outcomes include, but are not limited to:

- i. Intervention with designated professionals
- ii. Disciplinary action, as indicated in the [Hearing Outcomes](#) portion of this policy
- iii. Engagement of law enforcement agencies

**3. Alcoholic Beverages** – The following behaviors are prohibited:

- a. The sale, possession, use, consumption, production, purchase, or provision of alcoholic beverages to or by any person under the age of 21.

- b. Public intoxication, displaying intoxicated behavior, requiring assistance due to intoxication, and/or causing University or law enforcement officials to respond due to the consumption of alcohol, even if the subject is over the age 21.
  - c. Possessing open containers or consuming alcoholic beverages in any outside location or in public areas inside University buildings, except for events pre-approved by the designated Executive Vice Chancellor or designee.
  
- 4. **Breach of Peace** – In addition to the above prohibitions on conduct, the University also prohibits the following behaviors:
  - a. Any conduct which, in the University’s discretion, is disorderly and/or disruptive, as defined by applicable laws or by University policy.
  - b. Aiding, abetting, or procuring another person to breach the peace.
  
- 5. **Business & Private Enterprise** – Students may operate a business (e.g., sales/services, advertisements provided through the mail, telephone/fax, Internet, or other means of mass communication) and/or complete employment requirements on University property as long as it:
  - a. Is not disruptive to other students;
  - b. Does not create health and safety concerns;
  - c. Does not violate a contract the University has with a vendor;
  - d. Is not deemed indecent or inappropriate for association with the University’s name/reputation;
  - e. Does not use University resources for commercial purposes;
  - f. Does not seek to use the University’s name for commercial gain;
  - g. Complies with the Computer Network Acceptable Use Policy.
  - h. Is officially approved by the appropriate University department
  
- 6. **Computer and Network Violations** – A violation of the University’s [Acceptable Use and Copyright Infringement Policy](#) shall be considered a violation of this Code.
  
- 7. **Conduct System Abuses** – Students may be separately disciplined for abusing the Student Conduct Code system. The following behavior is prohibited:
  - a. Falsification, distortion, or misrepresentation in a conduct hearing or with a University official;
  - b. Disruption or interference with the orderly conduct of a conduct proceeding (including the behavior of support persons and witnesses);
  - c. Instituting a conduct proceeding in bad faith (i.e., primarily for the purposes of embarrassing or harassing another party);
  - d. Attempting to discourage an individual’s proper participation, or use of, the conduct system;
  - e. Retaliating against any person based on their participation in any investigation of a violation of this Code or in any conduct proceeding;
  - f. Attempting to influence the impartiality of a member of a conduct board prior to, and/or during the course of, the conduct proceeding;
  - g. Harassment (verbal or physical) and/or intimidation of a member of a conduct board or University official prior to, during, and/or after a conduct proceeding;

- h. Failure to comply with or complete the sanction(s) imposed under the Student Conduct Code;
  - i. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code;
  - j. Plagiarism of reflective assignment conduct sanctions;
8. **Dishonesty** – Students are prohibited from misrepresenting or obscuring the truth, including but not limited to:
- a. Failure to submit all transcripts and/or failing to report any academic work from another college or University\*
  - b. Falsifying data to fulfill course requirements\*
  - c. Presenting forged or altered academic forms to fulfill course requirements or receive academic credit\*
  - d. Cheating and/or plagiarism\*
  - e. Furnishing false information or identification, whether written or oral, to any Brandman University official, faculty member or office
  - f. Forgery, alteration, or misuse of any University document, record, or instrument of identification
  - g. Fraud – receiving, or attempting to receive, payment, services, or academic credit under false pretenses

\*These allegations will be managed in accordance with the [Academic Integrity Policy](#).

9. **Disruption/Demonstration** – Conduct which disrupts learning or the normal campus operations will not be tolerated. The following behavior is prohibited:
- a. Behavior which, in the University’s discretion, interferes with teaching, research, administration, conduct proceedings, other University activities or other authorized non-Brandman University activities, including all University Events;
  - b. Participation in a campus demonstration which disrupts the normal operation of the Brandman University and infringes on the safety of other members of the Brandman University community;
  - c. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area or at any University Event;
  - d. Intentional obstruction which unreasonably interferes with freedom of movement.
10. **Electronic Media Violations** – Brandman University prohibits the misuse of electronic media devices, including but not limited to: camera and/or video enabled cell phones, data storage devices, cameras, printers, computers, computer lines/networks or computing facilities. This includes, but is not limited to:
- a. Disruption of classroom or any other academically related proceedings;
  - b. Engaging in any form of academic dishonesty;
  - c. Sending, viewing or obtaining illegal or abusive messages, photos, video, or viewing obscene or pornographic material in a public area, University office or classroom setting;
  - d. Engaging in cyberbullying;

- e. Engaging in any form of harassment and/or discrimination in violation of this Code or University policy;
  - f. Unauthorized access to or entry into a website, computer, server or file, to use, read, or change the contents, or for any other purpose;
  - g. Unauthorized deletion, copying or transfer of a file, data, or software;
  - h. Use of another individual's identification or password without their permission and knowledge;
  - i. Use of computing facilities to interfere with the work of another student, faculty member or University official;
  - j. Use of computing facilities and/or resources to interfere with the normal operation of the University computing facilities;
  - k. Engaging in any infringement upon another's copyright;
  - l. Any violation of the University [Acceptable Use and Copyright Infringement Policy](#).
11. **Endangerment of Others** – The following behaviors are prohibited and may trigger the Behavioral Assessment process: Conducting oneself in a manner that, intentionally or accidentally, endangers, or threatens to endanger, the health or safety of members or visitors within the University Community or at a University Event.
12. **Failure to Comply** – Students are required to comply with directions of University officials, including but not limited to faculty members, office staff and administrators, law enforcement officers, or contract service vendors acting in performance of their duties. Failure to do so will be referred to conduct review. Further, students who willfully resist, delay, or obstruct University officials in the discharge or attempts to discharge the duty of their office or employment will also be referred to conduct review.
13. **Fire Safety and Equipment** – The following behaviors are prohibited:
- a. Causing a false alarm, tampering with the fire alarm system, smoke detectors, sprinkler system, emergency exits, carbon monoxide detectors, fire extinguishers, exit signs, and other equipment. Such conduct may also result in criminal prosecution.
  - b. Failing to evacuate a University building or event during fire and/or emergency alarms or re-entering the building before the all clear sign is given.
14. **Guests** – Having guests on University Premises is a privilege. Guests must comply with Brandman University policies at all times. Any person(s) who comes onto University Premises to visit a student or students (whether or not they were specifically invited) is considered a guest of that student. Students are responsible for the behavior of their guests; this includes any possessions that the guest brings onto University Premises which violate Brandman University policy (e.g., weapons, drugs, alcohol, paraphernalia, or other contraband). Students must accompany their guests during their stay on University Premises. Students may be held fully responsible for and will be subject to conduct review for the behavior of their guests.
- a. Guests who violate Brandman University policy will be immediately removed from University Premises; they may be forbidden from entering on to Brandman University property and may be cited for trespassing if they are found on University Premises or at University events.

- b. Guests are required to provide their name and show appropriate identification to a Brandman University Official upon request. If guests do not have identification, they may be required to leave.
- c. Any Brandman University official has the right to request a guest to leave.

15. **Identification** – All students and guests on University Premises are required to provide their name and show appropriate identification (e.g., Driver’s License or Military ID) to a Brandman University official upon request or, if a minor, be in the company of someone who can provide appropriate identification.

- a. If guests or others responsible for minors do not have identification, they may be required to leave.
- b. Falsely identifying oneself or other failure to comply with this policy may result in a violation of this Code.

16. **Illegal Substances** – The following behaviors are prohibited:

- a. Use, possession, sale, distribution and/or production of narcotic or other controlled substances (including marijuana), or acting as an accessory, liaison, or facilitator for any of the above, except as expressly permitted by law.
- b. Illegal or improper use of prescription medicines. All prescription medicines must be kept in their original bottle and must have the prescription from the doctor noted on the bottle. Prescription medicines found without their prescription attached may be confiscated until such time as the prescription can be produced. All prescription medications must be prescribed to the person in possession of the medication. The use or possession of medicinal marijuana is prohibited on campus, and may be treated as illegal drug use.
- c. Possession of drug paraphernalia, including but not limited to: water pipes, scales, needles, syringes, clips, rolling papers, bongs etc.; or any other device that may be associated with illegal drug use, regardless of whether it is purchased or handmade.
- d. Use of a legal substance in an improper manner (e.g. use of a prescription drug without a prescription, ingesting a cleaning chemical, inhaling other chemical substances for the purpose of intoxication).
- e. Providing or administering drugs with the intent of taking advantage of another.

17. **Keys and Unauthorized Entry** – The following behaviors are prohibited:

- a. Unauthorized/improper possession, duplication, or use of Brandman University keys and/or keycards.
- b. Unauthorized/improper entry to or use of University Premises.
- c. Tampering with any locking device on campus.

18. **Lewd/Indecent Behavior** – The following behaviors are prohibited:

- a. Urinating in areas other than toilets and urinals (including lawns, lounges, elevators, stairwells, balconies, parking lots, etc.)
- b. Public nudity

- c. Engaging in intimate sexual contact in common or public areas
  - d. Public viewing of pornography
19. **Posting Policy** – All posting must be reviewed and approved by the Campus Director.
20. **Property Damage/Vandalism** – The following behaviors are prohibited: Destruction, damage, misuse, and/or defacing of University, personal or public property.
21. **Retaliation** - Adverse action taken against a person because he/she has, or is believed to have 1) reported a possible violation, which includes both formal and informal reports, and/or 2) made a complaint, testified, or participated in an investigation or proceeding.
22. **Sexual Offenses** – Sexual offenses fall under the Brandman University Title IX Policy. Please refer to the University [Title IX Policy](#) for further information. The University reserves the right to investigate and adjudicate sexual offenses under this Student Conduct Code if the conduct does not rise to the level of an offense under the Title IX Policy.
23. **Smoking** – Smoking is prohibited in all Brandman University buildings and within 20 feet from the entrance of the buildings (within 25 feet in the state of Washington), unless otherwise specified by applicable law.
24. **Soliciting** – Solicitation and door-to-door sales on campus is prohibited.
25. **Theft** – Theft is defined as taking or possessing the property of another without right or permission. Students shall respect the property of the University, its guests, and all members of the University community. The following behaviors are prohibited, but are not limited to:
- a. Attempted or actual removal of property without prior permission. This includes but is not limited to lounge furniture, office furniture and equipment, classroom furniture and equipment, and outdoor furniture owned by Brandman University.
26. **Weapons, Explosives, and Hazardous Materials** – The University prohibits the use or possession of all weapons on campus. It is not possible to list all prohibited weapons, however for the purpose of this policy, a weapon includes any implement that is intended to inflict harm upon another or any other implement that, in the University’s discretion, could be used to harm another. This includes, but is not limited to:
- a. Any type of firearm (for example, revolver or automatic firearm, BB/pellet gun, paint gun, realistic facsimile of a weapon or any counterfeit item, taser or stun gun)
  - b. Ammunition of any kind
  - c. Any type of knife that is not intended or designed for cooking
  - d. Bows and arrows with the exception of archery classes
  - e. Martial arts weapons
  - f. Slingshots and water balloon launchers
  - g. Explosive devices and fireworks
  - h. Dangerous chemicals or other hazardous materials
  - i. All other weapons listed in California Penal Code section 12020, and/or other weapons considered dangerous on University Premises or at University Events.

27. **Other Violations** - Violation of any other published University policies, rules or regulations, including those implemented during the academic year.

*Note: Responsibility is not diminished for acts in violation of the Student Conduct Code that are committed under the influence of any illegal drugs or controlled substances including alcohol.*

### **Violation of Law and University Conduct**

1. Brandman University conduct proceedings may be instituted against a student charged with violation of a law in connection with conduct which is also a violation of this Code; for example, if both violations result from the same factual situation, without regard to the pending status of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may, in the University's discretion, be carried out prior to, simultaneously with, or following any related civil or criminal proceedings.
2. When a student is charged by federal, state or local authorities with a violation of law, Brandman University will not request or agree to special consideration in the criminal proceeding for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding under this Code, however, the University may advise off-campus authorities of the existence of this Code and of how matters will be handled internally within the University community. Brandman University will cooperate as fully as is legally possible within *Family Educational Rights and Privacy Act (FERPA)* or any other appropriate federal or state guidelines with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Students acting in their personal capacities remain free to interact with governmental representatives as they deem appropriate.

### **Elements of the Conduct Policy**

#### **Conduct Correspondence**

All conduct letters will be emailed to the student's Brandman email account. If there is not an established Brandman email account, conduct letters will be mailed certified via USPS at the address listed in the University's database. It is the responsibility of the student to maintain current address information available via Self Service on the [MyBrandman](#) Student site. Correspondence delivered to the student's Brandman email account will be deemed to have been received by the student for all purposes. Click [here](#) for information regarding Brandman student email.

#### **Interim Suspension**

In certain circumstances, the University may suspend a student's enrollment with Brandman University pending the student's conduct hearing. Interim suspensions may be initiated for any violation at the discretion and approval of the Executive Vice Chancellor of Enrollment and Student Affairs or designee.

- a. During an interim suspension, a student may be denied access to all University Premises (including on ground and online classes) and/or all other University Events, activities or privileges for which the student might otherwise be eligible. Students may be

withdrawn from current coursework as well as dropped from future coursework falling within the interim suspension period.

- b. A Notice of Interim Suspension will be sent to the student and the hearing process will be initiated as soon as possible from commencement of suspension. The conduct hearing typically will take place within seven (7) days of the imposition of the interim suspension. From time to time circumstances may prevent the hearing from commencing within seven days; however the University will endeavor at all times to move forward with the conduct hearing as expeditiously as possible in light of the circumstances.
- c. The decision to impose an interim suspension is final pending the student conduct hearing. Students do not have the right to appeal the imposition of an interim suspension.

### **No-Trespassing Order**

In certain circumstances, the University may initiate a no-trespassing order which prohibits the student from entering onto campus or other University Premises pending the student's conduct hearing. No-trespassing orders may be initiated for any violation at the discretion and approval of the Executive Vice Chancellor of Enrollment and Student Affairs or designee. A no-trespass order can be applied with both an interim suspension and a conduct sanction.

### **Reports and Charges**

1. Anyone may report an alleged violation of the Student Conduct Code by a student or group of students. Reports shall be prepared in writing and directed to the Executive Vice Chancellor of Enrollment and Student Affairs or designee.  
*Note: To file a report concerning a faculty or staff member, or to obtain information about doing so, consult with the Campus Director.*
2. Documentation of Reports - Any of the following types of documentation may be acceptable as a form of reporting considered for possible conduct review:
  - a. Note to File/Letter of Concern
  - b. Letter of Complaint
  - c. Email
  - d. Police Report
  - e. Report of Academic Integrity Violation
3. Aside from highly exceptional circumstances, any report should be submitted as soon as possible after the alleged violation(s) takes place, but not to exceed six (6) months following discovery of the incident. Exceptions include:
  - a. There are no time constraints restricting the reporting of violations of academic integrity.
  - b. Alleged sexual assault or other behavior which may pose a serious threat to any member of the University Community may be reported at any time. Conduct proceedings involving sexual assault or other very serious matters, will be initiated by the University so long as the alleged respondent remains enrolled or has standing with

the University. Standing is determined in accordance with the Catalog. For those respondents who are no longer enrolled with the University, the complaint will be placed into abeyance until such time as the student seeks re-enrollment with the University. Alleged violations of federal, state, and/or local laws will be reported to the appropriate authorities. Please refer to the University [Title IX Policy](#) for further information.

- c. Students, faculty, and/or staff who believe they have been subject to sex/gender discrimination, sexual misconduct, harassment, domestic violence, dating or other related inappropriate behavior or violence should freely and without fear of retaliation report such misconduct or file a complaint under Title IX with Brandman University's Title IX Coordinator(s).
4. The Executive Vice Chancellor of Enrollment and Student Affairs or designee may conduct an investigation to determine if the charges may have merit, and/or request additional support for the charges. This initial investigation is not an exhaustive examination of the facts. It is intended to allow a determination of whether there is some credible evidence, which if true, supports an allegation that would constitute a violation of this Code.
  - a. If it is determined there is no credible evidence to support a violation of this Code, such determination shall be final and there shall be no subsequent proceedings.
  - b. If it is determined there is credible evidence to support a violation of this Code, the Executive Vice Chancellor of Enrollment and Student Affairs or designee will arrange a conduct hearing by the Regional Conduct Board.
5. If the charges are deemed to have potential merit, the specific charges to be brought will be determined by the Executive Vice Chancellor of Enrollment and Student Affairs or designee who will notify the respondent(s) in writing of the policies they are alleged to have violated.
6. Students will receive notification of the charges and will be notified a hearing will be scheduled. The University will endeavor to make every effort to schedule the hearing as soon as possible after the student is notified of the charges.
7. Once a hearing date has been set, students will receive notification of the hearing date, along with all evidence to be used in the prosecution of charges. The names of other individuals involved in the incident may be omitted, at the University's discretion, in order to protect their privacy, so long as doing so does not impede an accused student's ability to defend him or herself. If there is a dispute about whether information should be disclosed to the accused, it will be resolved by the Regional Conduct Board, whose decision shall be final.

Note: Depending upon individual circumstances, the university may, at its discretion, place a Student Conduct Hold on the student's account, pending the outcome of the hearing and/or the satisfaction of any resulting sanctions.

## Hearings

1. Hearings shall be conducted by the Regional Conduct Board according to the following guidelines:
  - a. The Regional Conduct Board will make the final decision.

- b. Hearings are not open to the public. Admission of any person to the hearing shall be at the discretion of the Regional Conduct Board.
- c. In hearings involving more than one respondent, the Regional Conduct Board at their discretion, may permit the hearings concerning each student to be conducted together with the signed consent of all respondents.
- d. The parties involved (respondent/complainant) may request the opportunity to face each other and to direct appropriate questions through the Regional Conduct Board. If the request is approved and the parties have consented to appear, they must maintain professional decorum in the hearing or they will be separated.
- e. The complainant and the respondent have the right to be accompanied by a “support person” (but not one involved in the incident in question) if they so choose, at their own expense. The presence of attorneys at hearings is not permitted as the conduct proceeding is not meant to function as a court of law, this includes any current or former practicing attorneys. The complainant and/or the respondent each is responsible for presenting his or her own case and, therefore, the “support person” is not permitted to speak unless directly questioned by the Regional Conduct Board or designee, nor to participate directly in any hearing before a Regional Conduct Board or designee other than quiet communication with the respondent that does not interfere with the conduct process. Failure to comply with these rules may result in the removal of the “support person.” One 5 minute recess may be requested during the course of a hearing if the complainant and/or the respondent wish to consult with their “support person.”
- f. Upon reasonable notification to the Executive Vice Chancellor of Enrollment and Student Affairs or designee (at least two working days prior to the hearing), the complainant and the respondent shall have the privilege of presenting written witness statements, no more than 5 double spaced pages each. The Executive Vice Chancellor of Enrollment and Student Affairs or designee may grant permission for witnesses to attend a hearing if the request is received at least two working days prior to the hearing. While in-person appearances are preferred, witnesses may appear in person, by telephone, or by videoconference, in the discretion on the Regional Conduct Board. The Regional Conduct Board and the other party shall have the right to ask questions of attending witnesses.
- g. Any pertinent materials or other written statements (10 double-spaced pages, maximum\*) must be submitted for consideration to the Executive Vice Chancellor of Enrollment and Student Affairs or designee at least 2 working days prior to the hearing. Documents initially submitted at the hearing may be accepted or rejected as evidence by the Regional Conduct Board, in its discretion.  
\*For good cause, the Regional Conduct Board may accept evidence in support of or opposition to charges that exceed 10 pages in length, if the Regional Conduct Board determines such information is relevant and helpful to a determination of the charges.
- h. All procedural questions are subject to the final decision of the Regional Conduct Board or designee.
- i. After the hearing, the Regional Conduct Board or designee shall excuse all parties, engage in deliberation and determine (by consensus or if necessary by majority vote) whether it has been demonstrated that there was a violation of the Student Conduct Code, and if so, what provision(s) the respondent violated.
- j. The determination shall be made on the basis of whether it is **more likely than not** that the respondent violated the Student Conduct Code. All decisions of a conduct body shall

be based solely upon the factual material presented at the hearing, including all witness testimony and written material submitted prior to and in connection with these procedures.

- k. Should new charges surface as a result of, or during, a conduct process, a separate written notification and hearing may occur unless the respondent consents to an admission of responsibility or submits the determination to the Regional Conduct Board based on the evidence presented at the hearing.
  - l. With the exception of the deliberation phase, hearings before a Regional Conduct Board or designee shall be recorded. In certain circumstances, written notes may serve as a substitute to a recorded record. This record shall be the property of the University. Student respondents or complainants to the hearing are free to take their own notes but may not use an electronic recording device. At the discretion of the Regional Conduct Board, student respondents or complainants may request the opportunity to review the recording of the hearing under the supervision of the Regional Conduct Board. Hearing records are confidential.
2. No student may be found to have violated the Student Conduct Code solely because the student failed to appear to the hearing. However, the Regional Conduct Board or designee may, at their discretion, proceed to conduct a hearing in the absence of any respondent or complainant who fails to appear. Should there be a hearing, the material in support of the charges shall be presented and considered regardless of whether or not the student(s) attended the conduct hearing. In addition, failure to appear, without approved documented proof supporting extenuating circumstances preventing such appearance, will result in the loss of the right to request an appeal.
  3. Students may opt to waive their hearing and make an admission of responsibility. In such situations, students must accept full responsibility for violations for the Code as charged, as well as any sanctions determined to be appropriate for the violation(s).
  4. An individual's cumulative conduct history will not be considered until the sanction phase of the deliberations.

### Hearing Outcomes

1. **Student Responsibility:** A student charged with any violation(s) of the Student Conduct Code will be found either **Responsible** or **Not Responsible** for each individual charge.
  - a. **A Student Found Not Responsible** - In each case in which it is determined that a student(s) is not responsible for a violation of the Student Conduct Code, a record of the finding will be kept on file with the Regional Conduct Board and in the Brandman University central office. The outcome of *not responsible* will not impact the student or student group's standing within Brandman University, no sanctions shall be imposed and the matter will not be reported to any external agency.
  - b. **A Student Found Responsible** - In each case in which it is determined that a student(s) is responsible for a violation of the Student Conduct Code; the sanction(s) shall be determined and imposed by the Regional Conduct Board. The student or student group will normally be advised in writing of the determination and of the sanction(s) to be imposed, if any, within 9 working days of the hearing. Failure to complete sanctions as

required will result in a Conduct Hold being placed on the student's academic record. Conduct Holds may prohibit such actions as course registration, transcript processing, and/or diploma release.

2. **Cumulative Conduct:** A student's prior conduct history will be taken into account during the determination of appropriate sanctions for a violation of the Code. Multiple violations of the Code during a student's tenure at Brandman University will result in increasingly severe sanctions.
3. **Conduct Sanctions:** Any of the following disciplinary actions may be imposed upon any student found responsible for violating the Student Conduct Code. There is no requirement that conduct sanctions be progressive in nature. The University may, at its discretion, impose severe discipline for a student's first code violation. Each case should be evaluated based upon its individual circumstances.
  - a. **Formal Warning** – This is a written reprimand to the student that he/she is violating or has violated the Student Conduct Code and that any future violation(s) may result in more serious sanctions.
  - b. **Interim Suspension** – A temporary separation of the student from Brandman University during the investigation and Student Conduct Hearing process.
  - c. **No-Trespassing Order** – The student will be prohibited from entering onto campus or other University Premises and/or attending University Events, and can be applied to any probation, suspension or expulsion status.
  - d. **Probation** – This reprimand is in effect for a prescribed period of time and includes the probability of more severe sanctions for any future violation(s) of the Student Conduct Code. Additional education sanctions may be issued in conjunction with probationary status.
  - e. **Suspension** – Separation of the student from Brandman University for a defined period of time, after which the student is eligible to return. Conditions for re-admission will be specified. Students may be held responsible for meeting their financial obligations to the University and may be required not to be present on University Premises and/or at University Events while under suspension. **Suspension will be noted on the student's transcript.**
  - f. **Deferred Suspension** – A suspension may be deferred by the Regional Conduct Board allowing the student to remain at Brandman University provided specified conditions are adhered to by the student. Failure to meet those conditions or further violations of the Student Conduct Code will result in automatic suspension or possible expulsion from Brandman University.
  - g. **Expulsion** – Permanent surrender of all rights and privileges of membership in the University Community and exclusion from the campus, from any University Premises and from all University Events. Students may be held responsible for meeting their financial obligations to Brandman University. **Expulsion will be noted on the student's transcript.** Students who have been expelled from the University are not eligible for readmission at any time.
  - h. **Sanctions for students not yet enrolled.** May include but are not limited to:

- i. Admission and/or enrollment under a probationary status, additional requirements possible
  - ii. Temporary denial of admission and/or enrollment for a period to be determined
  - iii. Permanent denial of admission and/or enrollment
- 4. **Educational Sanctions:** In addition to any conduct status, one or more of the following educational sanctions may be imposed. These include, but are not limited to:
  - a. **Academic Sanctions** – revocation of degree, holding transcripts, removal from classroom/courses.
  - b. **Reflective assignments** – apology letters, research paper on an assigned topic, written responses to posed questions.
  - c. **Restitution** – compensation for loss, damage or injury (may take the form of appropriate service and/or monetary or material replacement).
  - d. **Service** benefiting the surrounding community.
  - e. **Workshops** – decision-making skills workshops, anger management, alcohol and/or drug education or other formal coaching or counseling.

5. **Other Considerations Related To Sanctions**

- a. There is no limit to the number of educational sanctions that may be imposed for any single violation.
- b. Other than expulsion and/or suspension, sanctions will not be made part of the student's permanent transcript, but will become part of the student's confidential conduct record.
- c. Failure to complete or comply with all sanctions as prescribed:
  - i. May result in an administrative hold.
  - ii. May result in further sanctions and/or more severe sanctions, until such time as full compliance of sanctions is obtained.
- d. Unless otherwise specified, all sanctions take effect upon notification of results of the hearing outcome; however, sanction deadlines may be altered pending outcome of a potential appeal. Sanctions will be tracked by the office of the Executive Vice Chancellor/Designee/Designee for Enrollment and Student Affairs.

6. **Notification and Confidentiality**

- a. **Financial Aid Notification** – As required by federal law, drug violations may be reported to the Office of Financial Aid, which may have repercussions on the student's future federal aid eligibility.
- b. **Complainant Notification** – At the discretion of the Regional Conduct Board, Complainants may be notified of the outcome of the case.

**Appeals**

- 1. No party may request an appeal of a decision made by the University Appeals Board (UAB).

2. Failure of the respondent to appear at the initial hearing involving the original charges without approved documented proof supporting extenuating circumstances preventing such appearance will result in the loss of the right to request an appeal.
3. There is only one appeal available for any and all sanctions imposed per incident.
4. Any party may request an appeal of a hearing outcome, but not of an appeal outcome. Appeals are not granted automatically. Appeals will be considered when the respondent demonstrates that at least one of the following grounds exists:
  - a. That there was a substantive procedural error (i.e., noncompliance with the hearing procedures set forth in this Code) that may have prohibited the hearing from being conducted fairly and that contributed to the adverse outcome being appealed. This will be reviewed by the UAB.
  - b. The facts in the case were insufficient to establish that a violation of the Student Conduct Code occurred. This will be reviewed by the UAB.
  - c. The sanction(s) imposed was not appropriate for the violation of the Student Conduct Code for which the student was found to be responsible. This will be reviewed by the UAB.
  - d. New evidence that was not available at the time of the hearing has become available, and is potentially sufficient to alter a decision or other relevant facts not brought out in the original hearing. This will be reviewed by the Regional Conduct Board.
5. A request for appeal shall be submitted in writing to the office of the Executive Vice Chancellor of Enrollment and Student Affairs or designee within 5 working days of the receipt of the written hearing outcome, must clearly demonstrate the grounds for appeal, and is not to exceed 5 double-spaced pages in length.
6. Upon receipt of the request for appeal, it will be referred for review to the University Appeals Board. A request for appeal shall be limited to review of the request for appeal, documentation associated with the initial hearing, new supporting documents and testimony (as indicated above, in 4.d.) . If the UAB determines that none of the criteria for appeal have been met, the UAB shall sustain the decision of the original hearing. If however, the UAB determines any of the conditions are found to exist or further information is needed to decide whether any of the conditions are met, the UAB may:
  - a. Hear the full appeal;
  - b. Hear only a portion of the appeal; or
  - c. Render a decision without a hearing involving the parties.
7. If deemed warranted by the UAB, the Regional Conduct Board may be requested to appear in an appeal hearing.
8. In determining whether to modify any given sanction(s), the UAB has the option to take either of the following actions:
  - a. Elect not to change any of the sanctions imposed by the Regional Conduct Board; or
  - b. Reduce the severity of the conduct sanction (the conduct sanction cannot be increased.)

9. At the discretion of the Executive Vice Chancellor of Enrollment and Student Affairs or designee, the non-appealing party may receive the appeal documentation of the appealing party. This shall occur only in the event that an appeal hearing is deemed appropriate. In this case, the non-appealing party will be offered the opportunity to submit a statement to the UAB in opposition to the request for appeal.
  
10. At the discretion of the Executive Vice Chancellor of Enrollment and Student Affairs or designee, the non-appealing party may be notified of the outcome of the appealing party's appeal of the case.

After review by the Executive Vice Chancellor of Enrollment and Student Affairs or designee, all appeal decisions will be final and binding on all parties and shall be given to the respondent in written form in approximately 5 working days from the date of decision.

Brandman University's Student Conduct Code was adapted from Student Conduct Practice, The Complete Guide for Student Affairs Professionals, edited by James M. Lancaster and Diane M. Waryold, 2008