TEMPLE UNIVERSITY
POLICIES AND PROCEDURESMANUAL

Title:	StudentConductCode
Policy Number:	03.70.12
Issuing Authority:	Office of the President
ResponsibleOfficer:	Provost
Date Created:	January1, 2004
Date Last Amended/Reviewed: Date	August2023

"As Temple Owls, we respect all members of our university and local community regardless of: race, ethnicity, sex, gender, identity, sexual orientation, age, religion, socioeconomic status, veteran status, political affiliation, or (dis)ability. By providing a wealth of life experience, this diversity is our greatest strength.

This diversity serves as an avenue to engage in educational discourse. Based on this premise we welcome those who are different from us to challenge and expand our worldview. As an establishment founded on scholastic pursuits, we recognize that there is no place for ignorance or violence on our campus.

We strive to understand all cultures and experiences as well as empower our peers to unite into a cohesive student body that aims to break down socially constructed barriers in order to learn together, grow together, and fly together."

To fulfill its functions of promoting and disseminating knowledge, the university has authority and responsibility for maintaining order and for taking appropriate action, including, without limitation, exclusion of those who disrupt the educational process. University authority should not be used merely to duplicate the function of general laws. Only when the university's interests as an academic community are substantially involved should the special authority of the university be asserted.

Responsibility for the enforcement of the rules of the university rests with all the members of the Temple community. University rules should serve as a guide for high personal standards. It is the student's responsibility to

1. Foster an environment conducive to continued intellectual and educational stimulation within the university free from unlawful harassment by other members of the community;

2. Foster academic honesty and an environment that encourages intellectual growth and the development of independent thought;

3. Foster the maintenance of physical and mental health, the safety and welfare of each member of the community; and

4. Respect the rights of others.

These general behavioral expectations and the university Student Conduct Code ("Student Code") as a whole represent a reasonable regulation of student conduct, but the student should be as free as possible from imposed limitations that have no direct relevance to their education and to their obligations and responsibilities as a member of the university community.

Temple University values the rights of students, faculty, and staff to express themselves. A university, by its very mission of education, provides the space for ideas to be tested, views to be challenged, and established wisdom to be questioned. In doing so, students gain valuable skills, learn to hone their arguments, and think rigorously. This tradition of

passionate discourse is a time-honored one and remains critical to this day. The expression of controversial ideas and differing views is a vital part of this process. A point of view may offend or provoke a strong reaction, but it is not necessarily a violation of the Code.

their advisee formulate questions, and help their advisee understand the Student Code. Accused Students or Complainants may choose to have, but are not limited to faculty, university staff, or an attorney as their Personal Advisor. A list of potential Personal Advisors can be provided by SCCS. The role of Personal Advisors in cases involving alleged violations of the university's Sexual Misconduct Policy is set forth in more detail in Section K(2)(c) of the Sexual Misconduct Policy and in Appendix A, below.

10. "Policy" means the written regulations of the university as found in, but not limited to, the Student Code, Residence Life publications and agreements, the university policies web page at http://policies.temple.edu, and Graduate/Undergraduate Bulletins.

11. "Process Review Meeting" refers to the initial meeting, following the student's receipt of the charge notice, between the Student and a Student Conduct Administrator. This meeting is designed to help the Complainant, other individual(s) directly impacted by the reported misconduct, and the Accused Student, better understand the student conduct process.

12. "Protected Category" refers to one or more of the following categories: age, color, disability, marital status, national or ethnic origin, race, religion, sex (including pregnancy), sexual orientation, gender identity, veteran status and genetic information.

13. "SCCS" means the Office of Student Conduct and Community Standards.

14. "Student" includes all persons taking courses at the university, either full-time or part-time, including but not limited to:

a. Persons who withdraw after allegedly violating the Student Code;
b. Persons who are not officially enrolled for a particular term but who have a continuing relationship with the university;
c. Persons who have been notified of their acceptance to the university;
d. Persons who are living in university residence halls, although not enrolled in this institution; or
e. Persons participating in study abroad or study away programs.

15. "Student Conduct Administrator" means a university official authorized by the University Code Administrator to manage the disciplinary process. The term

with the formal requirements for university recognition. Organizations who have not complied with requirements for recognition may still be found in violation of the Code. Individual Students within a Registered Organization may be charged.

18. "University" means Temple University - Of The Commonwealth System of Higher Education.

19. "University Code Administrator" is that person designated by the university president to be responsible for the administration of the Student Code. The term also includes the University Code Administrator's designee. The University Code Administrator may designate different persons to carry out different functions under the Student Code.

20. "University official" includes any person employed by or acting on behalf of the university, performing assigned responsibilities.

21. "University premises" include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

ARTICLE II: STUDENT CODE AUTHORITY

1. The Student Conduct Administrator shall determine the composition of Student Conduct Boards and Appellate Boards and determine which Student Conduct Board or Appellate Board shall be authorized to hear each matter.

2. The University Code Administrator shall develop policies and procedures for the administration of the student conduct system that are consistent with the provisions of the Student Code.

3. Decisions made by a Student Conduct Board and sanctions imposed by the University Code Administrator shall be final unless an appeal is granted.

ARTICLE III: PROSCRIBED CONDUCT

A. Jurisdiction of the Student Code

1. The Student Code shall apply to conduct that occurs:

A. on university premises;
B. within 500 yards of university premises;
C. on shuttle buses and other vehicles owned, used by or under the control of the university; or
D. at university sponsored activities.

The Student Code may also apply to off-campus incidents or conduct that adversely affect the university community and/or the pursuit of its objectives.

The university's policy on Preventing and Addressing Sexual Misconduct shall apply to

conduct that occurs on campus; on property owned or controlled by the university; at university-sponsored events; and at any building owned or controlled by a university-recognized student organization.

The policy on Preventing and Addressing Sexual Misconduct may also apply to off

C. Conduct—Rules and Regulations

activities occur on university premises.

3. Intentional or reckless bodily harm to another person.
4. Written, verbal, physical, or other conduct that intentionally or recklessly places another person in reasonable fear of:

   A. Bodily harm to that person;
   B. Bodily harm to a third party;
   C. Damage to property; or
   D. Physical harm to a Service or Emotional Support Animal.

5. Violation of the University Policy on Preventing and Addressing Sexual Misconduct 04.82.02 which may be found on the university's policies and procedures webpage at http://policies.temple.edu. Sexual misconduct includes sexual assault, domestic violence, dating violence, stalking, and sexual exploitation, and other forms of sexual harassment, as articulated in Section 6 below. The university has specific processes when investigating and resolving Formal Complaints of: Sexual Assault, Domestic Violence, Dating Violence, Stalking, Quid Pro Quo Harassment, and Hostile Environment, as defined below. A summary of these processes are attached in Appendix A and set forth in further detail in the Policy on Preventing and Addressing Sexual Misconduct.

   a. *Sexual Assault*. Includes any of the following, or threator attempt thereof:
      (i) Any intentional and unconsented touching of the following for the purpose of sexual gratification
         1. an intimate body part of another person, such as a sexual organ, buttocks or breast; any body part of another person with a sexual organ; or
         2. any part of another person's body with the intent of accomplishing a sexual act.
      (ii) Vaginal or anal penetration of another individual, by body part or object, without the other person's consent; or
      (iii) Vaginal, anal, or oral sexual intercourse with another individual without the other person's consent.
      - In accordance with federal regulations, the university prohibits sexual assault that includes conduct defined by federal agencies as rape, sodomy, sexual assault with an object, and fondling.[1]

Consent in sexual activity is defined in Pennsylvania in accordance with its plain and

[1] The U.S. Department of Justice sets forth the definitions of relevant sex offense terms here: https://ucr.fbi.gov/nibrs/nibrs-user-manual

e. *Sexual Exploitation* is conduct where a person takes non-consensual sexual advantage of another individual for the benefit of anyone other than the individual being exploited. Where sexual exploitation rises to the level of sexual harassment as defined by university policy, the reported conduct will be processed through the procedures set forth below in Appendix A and in more detail in the university's sexual misconduct policy. In the event that sexual exploitation does not rise to the level of sexual harassment, this conduct will be addressed through the procedures for other conduct violations. Examples of sexual exploitation include, but are not limited to, the following:

- Live streaming, taking and/or disseminating pictures, video, or audio recording of another person engaged in sexual activity without the consent of all involved in the activity.
- Exposing one's own or another's genitals in non-consensual circumstances, including via online communications.
- Sexual voyeurism, such as watching another engage in sexual activity or undressing without consent in circumstances where there is a reasonable expectation of privacy.
- Disrobing another person without their consent.
- Prostituting another person.
- Knowingly transmitting sexually transmitted infections (STI) or sexually transmitted diseases (STD) without disclosing that one is infected with an STI or STD.
- Intentionally removing, damaging, or lying about use of a prophylactic or contraceptive device (e.g. condom, female condom, or other forms of birth control) when consent has only been given for protected sexual activity.

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b. *Hostile Environment Harassment*. Unwelcome conduct based on sex/gender that is severe, pervasive, and objectively offensive such that it effectively denies an individual from participating in or benefitting from the university's education or employment programs and/or activities.

In evaluating conduct prohibited under Subsection 6 above, the university will consider the totality of the known circumstances.

7. Conduct (including any gesture, written, verbal or physical act), or any electronic communication (which includes, but is not limited to, e-mail, text messaging, and Internet posting on web-sites or other social media) that causes severe or pervasive distress by:

   a. repeated communications that the Student knows or should know are unwanted;
   b. where the Student acts with the intent to harass; or
   c. violations of the University Policy on Preventing and Addressing Discrimination and Harassment 04.81.11.

8. Intentional or reckless damage to or destruction of University property or private property.

9. Theft of University property, private property, or government property.

10. Intentional provision of false or misleading information, verbally

13. Failure to comply with directions of university officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

14. Unauthorized possession, duplication or use of keys or swipe cards that are used for electronic access to a

not limited to, firearms (e.g. guns, pistols, rifles, stun guns, air rifles, pellet guns, etc.), fireworks, knives, weapons, ammunition, gunpowder, explosives, or other material containing flammable substances, as well as replicas of any such articles or substances. The university will confiscate any such articles. Any student found in possession of a firearm will receive an interim suspension from Temple University pending the outcome of the student conduct process.

Firearms and other dangerous weapons are strictly prohibited in university facilities. This prohibition applies to all persons, even those who possess a license to carry such weapons, except for authorized Campus Safety Services and other law enforcement personnel performing official functions.

22. Any lewd or indecent act, including public urination, which the Student knows or reasonably should know, is likely to be observed by others.

23. Disorderly conduct that causes a disruption or a public inconvenience, or creates a risk thereof. Acts that may constitute disorderly conduct are limited to the following:
    a. Engaging in fighting or threatening or violent behavior;
    b. Making unreasonable or excessive noise; or
    c. Creating a hazardous condition.

24. Abuse of the student conduct process, including, but not limited to:

    a. Failure to comply with the notice to appear for any preliminary investigative meeting, Process Review meeting, or hearing as part of the student conduct process;
    b. Attempting to discourage an individual's participation in, or use of the student conduct process, including but not limited to, retaliation of any kind against any individual filing a complaint or participating in a disciplinary proceeding;
    c. Attempting to influence the impartiality of a member of a Student Conduct Board prior to, during, and/or after a Student Conduct Board Hearing;
    d. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board prior to, during, and/or after a Student Conduct Board Hearing;
    e. Failure to comply with the sanction(s) imposed under the Student Conduct Code;
    f. Influencing or attempting to influence another person to commit an abuse of the student conduct process.

25. Operating an unregistered student organization, including fraternities/sororities and sport clubs, or organizing or sponsoring any event or activity that promotes or gives the impression or appearance that the unregistered group is a recognized organization.

or Student Organization that a Personal Advisor can be present at the Process Review Meeting in a non-active role. The Accused Student or Student Organization is required to attend this meeting. If the Accused Student or Student Organization does not attend a Process Review Meeting the disciplinary process will continue.

3. The Accused Student or Student Organization and a Student Conduct Administrator will meet to review the charges, the allegations against the Accused Student or Student Organization, the possible sanctions for the charges, the hearing process options and procedures, and any available information that will be presented at the hearing.

4. The Complainant in a student conduct case is also entitled to a Process Review

C. Student Conduct Board Hearings

Student Conduct Board Hearings shall be conducted according to the following guidelines. Where the conduct matter involves a charge of sexual harassment, which can include sexual assault, domestic violence, dating violence, stalking, or sexual exploitation, as defined under Articles III (C) 5 and 6 of the code, additional processes set forth in Appendix A, below, apply to the proceedings.

1. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Student Conduct Board hearings.

2. Student Conduct Board Hearings shall be conducted in private. The Accused Student, Student Organization, Complainant, and their Personal Advisors, if any, shall be allowed to attend the entire portion of the Student Conduct Board Hearing (excluding deliberations). Admission of any other person to the Student Conduct Board Hearing shall be at the discretion of the Student Conduct Administrator.

3.

8. The Accused Student, Student Organization, and the Complainant have the right to be assisted by any Personal Advisor they choose, at their own expense.[5] The Accused Student, Student Organization, and the Complainant also may have a support person present at all hearings. The Accused Student, Student Organization, and the Complainant are responsible for presenting their own information in any Student Conduct Board hearings. A Student should select as a Personal Advisor a person whose schedule allows attendance at the scheduled date and time for the Student Conduct Board Hearing. Delays will not normally be allowed due to the scheduling conflicts of a Personal Advisor. The Accused Student, Student Organization, and the Complainant must notify the Student Conduct Administrator of the name of any support person or Personal Advisor at least two business days prior to the hearing. If a student fails to notify the Student Conduct Administrator of the name of any support person or Personal Advisor within the parameters outlined above, the individual's participation will be at the discretion of the Student Conduct Administrator.

9. The Accused Student, Student Organization, the Complainant, and the Student Conduct Administrator may present evidence, in (to)( )Tj (of)Tj 1. mdai (to)( )Tj (of)Tj 1. mdc

b. Disciplinary Probation—Disciplinary probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the Student is found to violate any institutional regulation(s) during the probationary period. If the student does not complete any other sanction imposed, the disciplinary probation will extend until that sanction is completed.

While on disciplinary probation, students may be ineligible to participate in certain University programs, e.g. study abroad and student leadership positions such as Resident Assistant positions, Owl Team, Temple Student Government, Main Campus Program Board, Service Immersion Program, , Fraternity and Sorority Council leadership positions, etc.

c. Loss of Privileges—Denial of specified privileges for a designated period of time.

d. Fine—Fines may be imposed upon an individual Student and range from $1 to $1,500. However, the combined fines for multiple violations of this Student Code found at a single hearing will not exceed $1,500.

e. Restitution—Compensation for loss or damage to university property. This may take the form of appropriate service and/or monetary or material replacement.

f. Other Sanctions—Work assignments, psychoeducational sessions, essays, service to the university, community service, meetings with educators/counselors, housing relocation, or other related assignments.

g. University Housing Suspension—Separation of the Student from University Housing for a designated period of time, after which the Student is eligible to return. Conditions for readmission may be specified. When a sanction of suspension from University Housing is imposed, the Student is denied the opportunity to enter, even as a guest, or live in University Housing for a specified period of time. Students removed from University Housing shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.

h. University Housing Expulsion—Permanent separation of the Student from the residence halls. When a sanction of expulsion from University Housing is imposed, the Student is permanently denied the opportunity to enter, even as a guest, or live in University Housing. Students removed from University Housing shall remain liable for all housing and meal plan fees and are not eligible for any refunds for the full occupancy period of the Housing License or Dining Agreement.

i. Withholding Diploma—Permanently withholding a student's diploma for a specified period of time, or revoking a degree previously awarded, in addition to one or more of the sanctions listed above.

First Finding of Responsibility:

- Notification of

and includes the probability of more severe disciplinary sanctions if the organization is found to violate any university policy during the probationary period. If an organization does not complete any sanction, the social probationary period will extend until all sanctions are completed.

2) Suspension of Social Privileges – The loss of all or partial social function privileges for a defined period of time.
3) Loss of University Privileges and Services – The loss of university privileges (e.g. space reservations, etc.) for a defined period of time.
4) Suspension of the Organization – The loss of University recognition for a defined or indefinite period of time. When an organization is not recognized by the University it cannot claim to be affiliated with Temple University and have the rights and benefits that are afforded to recognized organizations. The return of suspended organizations is contingent on and subject to compliance with applicable university processes and policies in effect at the time of return.

2. More than one of the sanctions listed above may be imposed for any single violation. The full range of sanctions is available for any violation depending on the nature and severity of the violation.

3. No Student with outstanding sanctions will be permitted to graduate until the sanctions have been completed.

4. Those sanctions listed above in Article IV D-1a

until all internal appeals have been resolved.

ARTICLE V: RELATED GRIEVANCE PROCEDURES

Temple University has established due process procedures for the resolution of academic, administrative and employment grievances initiated by students against the university.

1. Academic Grievances: A Student who believes that capricious or arbitrary judgment has been used in the evaluation of academic work should follow the Academic Grievance Procedure applicable in the School/ College in which the academic work was performed. Copies of the procedures as well as information on the Academic Ombudsperson are available in the office of the appropriate academic dean and on the respective webpage of each School/College.

2. Additional Assistance: A Student who is unable to resolve an administrative grievance, including incidents involving student employment through regular administrative offices, should consult with the Dean of Students Office.

3. Sexual Harassment Grievances: In addition to reporting the incident to Campus Safety Services, a Student who experiences sexual harassment should contact the Office of Equal Opportunity Compliance, the University's Title IX Coordinator, or a Sexual Harassment Ombudsperson. In matters involving Sexual Harassment as defined by the Sexual Misconduct Policy, the relevant procedures are outlined in the university's Preventing and Addressing Sexual Misconduct Policy 04.82.02, which may be found on the university's policies and procedures webpage at http://policies.temple.edu

4. Sexual Assault, Domestic or Dating Violence, Stalking, and Sexual Exploitation Grievances: In addition to reporting the incident to Campus Safety Services, a Student who experiences a sexual assault, domestic or dating violence, stalking, or sexual exploitation should contact the University's Title IX Coordinator, the Wellness Resource Center, and/or Tuttleman Counseling Services and follow the procedures outlined in the University's Policy on Preventing and Addressing Sexual Misconduct 04.82.02 which may be found on the university's policies and procedures webpage at http://policies.temple.edu.

5. Student and Faculty Academic Rights and Responsibilities: Temple University students who believe that instructors are introducing extraneous matter in class discussions or that their grades are being affected by their opinions or views that are unrelated to a course's subject matter can file a complaint under the University Policy on Student and Faculty Academic Rights and Responsibilities 03.70.02, which may be found on the university's policies and procedures webpage at http://policies.temple.edu.

The policy encourages students to first discuss their concerns with their instructor. If a student is uncomfortable doing so, or discussions with the instructor do not resolve the student's concerns, an informal complaint can be made to the Student Ombudsperson for the student's school or college (http://www.temple.edu/eoc/ombudspersons.htm). Unresolved complaints may be referred to the dean for handling in accordance with the

school or college's established grievance procedure. Final appeals will be determined by the Provost.

ARTICLE VI: INTERPRETATION, REVISION AND STUDENT CONDUCT FILES

A. The Student Code shall be reviewed every three years under the direction of the Student Conduct Administrator and revised as determined by the University Code Administrator.

B.

Notes

1. Dates of official enactment and amendments:

Implemented January 1, 2004; revised July 31, 2006; revised August 31, 2009; revised August 20, 2012; revised October 1, 2013; revised March 2015; revised April 2016; revised May 2016; revised August 2018; revised January 2019; revised August 2023.

2. History:

The historical information for this policy is not available as policy was created before a history requirement was created.

Reviewed By:

Student Affairs professionals and the Office of University Counsel.

The May 2018 amendment addressed the change in #02.10.14, Withdrawal from Classes.
The January 2019 revision addressed the addition of #03.70.14, Hazing Policy.
The May 2020 revision addressed new regulations pertaining to Title IX.
The August 2023 revision improved clarity and incorporated minor changes from the Sexual Misconduct PoTw 1.45 0 Td ( )Tje14, Ants.

APPENDIX A
Sexual Harassment (Title IX) Additional Procedures

1. Sexual misconduct, including Sexual Harassment as defined within the Preventing

Harassment, the university will provide written notice to each party with details about the reported conduct and time to prepare a response before any

has been dismissed from the sexual misconduct process to the Student Conduct procedures as described in Article IV of the Code should the reported misconduct implicate other prohibited conduct of the university.

iii. Written notice of the decision to dismiss a Formal Complaint, along

matter.