

HOWARD UNIVERSITY POLICY

POLICY NUMBER:	600-001 STUDENT CODE OF CONDUCT
RESPONSIBLE OFFICERS:	Vice President for Student Affairs AVP for Student Affairs Director of Student Conduct & Community Standards
RESPONSIBLE OFFICE:	Office of Student Conduct & Community Standards
EFFECTIVE DATE:	April 17, 2015 (Approved by Board of Trustees) Conforming Amendments: February 2022, September 2022

Howard University affirms that the central purpose of a university is the pursuit of truth, the discovery of new knowledge through scholarly research, the teaching and overall development of students, and the transmission of knowledge and learning to the world at large. However, the establishment and maintenance of a community where there is freedom to teach and to learn is dependent on maintaining an appropriate sense of order that allows for the pursuit of these objectives in an environment that is both safe and free of invidious disruption.

Rules and regulations are necessary to mark the boundaries of this needed order. However, the rights of the individual demand that honesty, integrity, responsibility, and respect for persons and property must form the core values upon which those rules and regulations are based. All members of the University community share a mutual responsibility to practice the values that inform the rules and regulations.

It is expected that student conduct will be in concert with, and supportive of, the University's mission, vision, central purpose, and core values. Examples of prohibited student behavior are described in this *Student Code of Conduct* ("Code"). Behaviors that indicate a violation of any provision contained within the *Code* will immediately be reported and referred to the University's Office of Student Conduct & Community Standards for prompt adjudication in accordance with the University's disciplinary process.

The rules and regulations contained in the *Code* apply to the following categories of individuals: ALL students, including all persons taking courses at the University, either full-time or part-time, undergraduate, graduate, professional and unclassified studies. Additionally, persons who withdraw from the University after allegedly violating the *Code*, those who are not officially enrolled for a particular semester or term, but have a continuing relationship with the University, and those who have been notified of their acceptance for admission are also considered to be students under this *Code*. Finally, persons who are living in university residence halls, although not enrolled in this institution, are also considered students for purposes of the *Code*. These persons include, but are not limited to, new, continuing and transfer students; participants involved in pre-college or dual-enrollment programs; and those attending workshops, seminars, special classes, summer programs, athletic programs/events/activities, and/or camps affiliated with the University. Students living in off-campus housing and students involved in clinical rotations, practicum,

barred from all University-owned and operated property and all University-sponsored events and activities.

The consequences are serious for students who are charged and/or found guilty of misconduct under this *Code*. Therefore, any member of the University Community who knowingly and/or willfully misuses the procedures of the *Code* to harm another member of the University Community shall be subject to disciplinary action.

The University may also take disciplinary action against any student convicted of, or charged with, a felony or misdemeanor, as delineated in Section V under the section pertaining to Students Charged with or Convicted of a Criminal Act. In the event a student is arrested for a felony or misdemeanor charge, it is the responsibility of that student to immediately inform the University's Associate Vice President for Student Affairs (AVP) of the arrest. Failure to do so may result in disciplinary action up, to and including suspension or expulsion.

SECTION II: COOPERATION WITH LAW ENFORCEMENT AUTHORITIES

The University cooperates fully with law enforcement authorities. Therefore, violations of the *Code* that are also violations of federal or local law may be referred to the appropriate non-University law enforcement authority. Proceedings under the *Code* may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under the *Code* shall not be subject to change because criminal charges arising out of the same or similar facts were dismissed, reduced, or resolved in favor of the criminal law defendant.

The Howard University Department of Public Safety (HU-DPS) works closely with local law enforcement agencies, particularly the Washington, DC Metropolitan Police Department (MPD). However, Commissioned HU-DPS Officers have full powers of arrest, search and seizure on all University-owned and operated property and are usually the first to respond to calls for police services on campus. However, complainants may request that MPD respond to any reported offense or incident that may violate the law.

SECTION III: STUDENT RIGHTS, FREEDOMS, AND RESPONSIBILITIES

With appreciation for the tradition of freedom of expression on campus, the University reasserts its commitment to fostering and tolerating different viewpoints. It acknowledges that points of view will diverge and that some students will believe it necessary to express themselves by means of protest. However, the University will not tolerate disruption to its academic mission and does not condone any means of protest that interferes with the legitimate rights of others. Additionally, in the event a student is arrested during a protest, the University will not be responsible for securing their freedom or providing the student with legal services or advice.

1. General Rights and Freedoms

Students shall have the following rights and freedoms:

- F. To have a fair and impartial hearing before an appropriately appointed hearing board, appeal board, or Administrative Hearing Officer.

3. Responsibilities

All students share the following responsibilities:

- A. To read, become familiar with and adhere to the *Code*, the *University's Code of Ethics and Conduct*, the *Title IX Policy*, the *Student Reference Manual*, the *H-Book*, the relevant academic Bulletin of the school or college in which the student is enrolled and any and all other relevant and pertinent University policies.
- B. To respect the personal and property rights of others and to act in a responsible manner at all times.
- C. To protect and foster the intellectual, academic, cultural, social, and other missions of the University.
- D. To observe the laws of local, state, and federal governments.

SECTION IV: PROCESS FOR ENFORCEMENT OF THE CODE

1. Filing a Complaint

Any student who has been charged with committing a violation of the *Code* will be subject to the judicial process upon receipt of the filing of a complaint through submission of an *Allegation of a Violation of the Howard University Student Code of Conduct* form, a referral of a student by a member of the University administration, a *Request for Resolution of an Alleged Violation of the Student Code of Conduct* form, a written Incident Report taken by the Department of Public Safety.

If a student wishes to file a complaint against another student for a violation of the *Code*, the Complainant must review the *Code* to determine the specific provisions the Accused Student violated. The Complainant must then obtain, complete, and submit to the Director of Student Conduct & Community Standards or AVP either an *Allegation Violation of the Howard University Student Code of Conduct* complainant form or an *Alleged Violation of the Student Code of Conduct* respondent form. More than one provision of the *Code* may be cited in the complaint form. The forms are available in the Office of Student Conduct & Community Standards (OSC).

The appropriate form must be submitted within five (5) calendar days of the date upon which the incident and/or interaction with the Accused Student occurred or within five (5) calendar days of when the Complainant knew or had reason to know about the alleged Code violation. Alleged *Code* violations supplied on forms submitted after this five (5) calendar day period

If the Accused Student(s) indicates that he or she is "Not Responsible" for violating the *Code*, the case will automatically be sent to an Administrative Hearing Officer or an Administrative Hearing Panel for a hearing. After the case has been sent to an Administrative Hearing Officer or Administrative Hearing Panel, the Accused Student(s) and the Complainant(s) will receive written notification of the date, time and place of the hearing no more than ten (10) business days after pleading "Not Responsible".

If the Accused Student(s) indicates that he or she is "Responsible" for violating the *Code*, the case will be sent to the Director of Student Conduct & Community Standards for a determination regarding appropriate sanction(s) to be imposed. Once the Director of Student Conduct & Community Standards has determined the appropriate sanctions for the Accused Student(s), both the Complainant(s) and the Accused Student(s) will be notified of the sanction(s), in writing. The Accused Student(s) may appeal the sanction(s) handed down by the Director of Student Conduct & Community Standards by submitting a written notice of appeal to the Associate Vice President of Student Affairs. The appeals process is outlined in Section IV, Paragraph 3 below.

A. Administrative Hearings

An Administrative Hearing may be employed in any of the following circumstances:

- 1) When a student is charged with a *Code* violation that does not merit indefinite suspension, withdrawal, or expulsion.
- 2) When the nature of the case is such that the Director of Student Conduct & Community Standards, the AVP, and the Accused Student believe that the best interest of the student and/or the University would be served by using an Administrative Hearing. If the Complainant or the Accused Student objects to use of an Administrative Hearing, either party may appeal this decision, in writing, to the Associate Vice President for Student Affairs, within five (5) calendar days after receiving written notice of the Administrative Hearing. The Vice President of Student Affairs shall render a decision within three (3) business days after receiving the written notice of appeal.

The Director of Student Conduct & Community Standards or the AVP reserve the exclusive right to determine which cases will be heard through the Administrative Hearing process and whether these cases will be heard by an Administrative Hearing Officer or an Administrative Hearing Panel. In most cases, the adjudication of alleged violations of the *Code* will be conducted by a duly appointed Administrative Hearing Officer. However, in cases that involve charges that may result in a possible indefinite suspension, withdrawal or expulsion, an Administrative Hearing Panel will be convened.

Administrative Hearing Officers shall be selected by the Director of Student Conduct & Community Standards from a pool of qualified and trained administrative staff and faculty members. The Administrative Hearing Officer is responsible for reviewing all of the

notify all parties involved. Further requests for postponement do not have to be considered and a hearing may be held in the absence of either party.

4) Witnesses

Only those persons with direct knowledge of the incident shall be allowed to appear as witnesses. Those attesting to character alone are not allowed to serve as witnesses. A list of any witnesses speaking on behalf of the Accused Student or Complainant must be submitted in accordance with the timeline established herein.

In those situations when an Officer of the Howard University Department of Public Safety takes a report and/or investigates an incident relevant to the proceeding, OSC, the Complainant or the Accused Student may request that the Officer attend and/or participate in a hearing as a witness. Such attendance or participation will be permitted if the Hearing Officer or the Hearing Panel determines that the Officer's presence will facilitate the finding of facts. The Complainant or the Accused Student should contact the Howard University Public Safety Officer directly to make such a request. The student making such a request must also notify the Director of Student Conduct & Community Standards that this request has been made.

5) Document Access

Both the Accused Student(s) and the Complaint (s) shall have reasonable access to all of the relevant case documents that are maintained in the Office of Student Conduct & Community Standards.

Documents shall also be available for review by the Hearing Officer or members of the Hearing Panel prior to a hearing. Any documents prepared by the Director of Student Conduct & Community Standards, all documents submitted during the hearing and any written and/or oral statements related to a matter are considered to be the record and all of these documents will be reviewed by the Hearing Officer or the Hearing Panel in an administrative hearing proceeding.

6) Briefings and Consultations

Prior to the administrative hearing proceeding, Hearing Officers or members of the Hearing Panel will be briefed by the Director of Student Conduct & Community Standards on factual and procedural matters.

7) Failure to Attend

A student who fails to attend a scheduled hearing, after receiving notice that they have been accused of violating the *Code* and after receiving appropriate notification of the hearing, may be subject to further disciplinary action by the Associate Vice President of Student Affairs. Under these circumstances, the Hearing Officer or the

11) Scope of Evidence Considered in a Disciplinary Hearing

The Hearing Officer or the Hearing Panel shall be the sole judge of the relevancy and admissibility of any and all evidence presented for consideration.

12) Role of the Administrative Hearing Officer and Hearing Panel

The Administrative Hearing Officer and the Hearing Panel are responsible for conducting the hearing in a fair and impartial manner and for recommending such action(s) as necessary to sanction, control and prevent disruptive or inappropriate behavior.

13) Steps in the Hearing

Each hearing shall follow a standardized format. Copies of the procedures may be secured from the Director of Student Conduct & Community Standards in the Office of Student Conduct & Community Standards.

14) Deliberation, Decision Making and Reporting Results

- a. The Hearing Officer/Hearing Panel shall consider all information contained within the record.
- b. The Hearing Officer/Hearing Panel shall prepare a written report including any recommended sanctions and submit the report to the Director of Student Conduct & Community Standards no later than five (5) days after the date of the hearing.
- c. Any sensitive information considered by the Director of Student Conduct & Community Standards in determining appropriate sanctions for the Accused Student(s) shall be deemed confidential and will not be shared with students, except upon written request from any alleged victim of a crime of violence or non-forcible sex act. Under these circumstances, the results of the University's disciplinary proceedings as well as any sensitive information regarding the Accused student will be disclosed.

C. Notification of Hearing Outcome

The Associate Vice President of Student Affairs shall review the recommendations of the Administrative Hearing Officer/Hearing Panel and the Director of Student Conduct & Community Standards and shall make a final determination regarding which sanctions to render, when applicable. Both the Accused Student(s) and the Complainant(s) will be notified of the hearing outcome within ten (10) working days of the date the Director of Student Conduct & Community Standards receives the written report. If it is determined that a student is Responsible for violating the *Code*, the Director of Student Conduct &

B. Process for Filing an Appeal of Disciplinary Action

The student found Responsible of violating the *Code* must submit an *Appeal of Disciplinary Action* form to the Director of Student Conduct & Community Standards within five (5) working days of receiving the written notice of hearing outcome. The form should be typewritten or printed very legibly, with an attached statement of no more than five double-spaced pages in length. The statement must clearly specify the grounds on which the appeal request is being submitted and it must be accompanied by any relevant supporting documentation. Each case may be appealed only once.

C. Appeal Review Process

Upon receipt of the *Appeal of Disciplinary Action* form and all supporting documentation, the Director of Student Conduct & Community Standards will forward the appeal request to the Vice President for Student Affairs or designee, who shall serve as the Administrative Appeal Officer. The Officer shall have the authority to determine if the appeal could reasonably be expected to meet at least one of the four stated criteria. If the Officer so rules, they will set up an appeal hearing and notify the parties of its date, time, and location.

D. Appeal Hearing

Appeal hearings will be limited to a presentation of evidence by the appellant that directly addresses the grounds for the appeal. No witnesses may be called. Appeal hearings will follow a standardized format.

E. Remedies on Appeal

Once the appeal requested is granted, the Administrative Appeals Officer may take one of the following actions:

- 1) Affirm the findings of the original Hearing Officer/Hearing Panel.
- 2) Affirm the findings but change the sanction(s) levied.
- 3) Overturn the findings of the original Hearing Officer/Hearing Panel and remand the matter to the original Hearing Officer/Hearing Panel for a new hearing.

F. Notification of Finding

Upon reaching a final resolution regarding the appeal review, the Administrative Appeals Officer will notify the Associate Vice President of Student Affairs of the results of the appeal review within ten (10) working days of the decision. If necessary, the Associate Vice President of Student Affairs may extend this timeline, when an extension is requested by the Administrative Appeals Officer. Within five (5) working days, the Associate Vice President of Student Affairs will inform the Appellant and the Complainant of the appeal

circumstances where the mental, emotional and/or physical welfare of the student is in jeopardy, or where the student's behavior and conduct present an imminent danger or threat to the individual student, other members of the University Community or the University Community at-large, it may become necessary to take emergency action to temporarily or permanently separate a student from the campus community. Further, in these instances, the University reserves the right to contact the student's parent, guardian, and/or next of kin, in accordance with the Family Education Rights and Privacy Act), which provides for the release of normally protected student information when it is believed that the student represents a health or safety risk to self or others.

This policy will be instituted in the event that a student: (a) demonstrates lack of good judgment, suicidal behavior, self-destructive behavior, or has untreated or uncontrollable medical or mental conditions which result in actual or possible imminent danger of injury to self or members of the University Community; (b) demonstrates an inability, without adequate care, to satisfy personal needs, including activities of daily living, nourishment and maintenance of shelter; (c) demonstrates behavior, due to mental, emotional, or medical incapacitation, which poses an imminent danger of causing significant property damage, or directly and substantially impedes the lawful activities of others or interferes with the educational process and/or the orderly operation of the University; or (d) fails to comply with requirements to adhere to the instructions and guidelines of the clinical/medical staff of the University Counseling Service, Student Health Center or Howard University Hospital, as a result of an episode of mental or medical crisis intervention.

During the period of Involuntary Administrative Withdrawal, a student may be barred from the campus and denied access to classes and classrooms, residence halls and University events and activities; student may also be denied other privileges to which they might otherwise be entitled and eligible to receive, as the Associate Vice President of Student Affairs may determine to be appropriate. In making this determination, the Associate Vice President of Student Affairs will consult with appropriate University administrators and health care professionals including, but not limited to, the Director of the University Counseling Service, the Medical Director of the Student Health Center, the Director of the Interpersonal Violence Prevention Program, members of the University's Behavioral Threat Assessment Team and appropriate staff in the Howard University Hospital.

3. Timeline of Process for Emergency Action Suspension and Involuntary Administrative Withdrawal

Howard University will schedule a hearing within thirty (30) days of the student's Emergency Action Suspension or Involuntary Administrative Withdrawal. Once the hearing date has been set, the Associate Vice President of Student Affairs will provide the student with a written notice specifying the reason for the Emergency Action Suspension or Involuntary Administrative Withdrawal as well as the date, time, and place of the hearing. During the hearing, appropriate University personnel may be present and/or consulted. Additionally, parents, spouses and/or any persons who would be of support to the student may, with the express written consent of the Associate Vice President of Student Affairs and the verbal consent of the student, participate in the hearing. As this University hearing is an internal proceeding, attorneys are excluded from

external to the University; the student will then be required to provide the Vice President for Student Affairs or Associate Vice President of Student Affairs with a written report detailing the medical professional's findings. During the appeals process, the Office of the General Counsel may be consulted for legal advice before the Vice President for Student Affairs or Associate Vice President of Student Affairs render a final decision regarding the appeal request.

Once the Vice President for Student Affairs or Associate Vice President of Student Affairs render a decision regarding the appeal, that decision is final and there shall be no further appeal of the decision.

5. Emergency Action Suspension of Students Charged with a Criminal Act

Depending on the nature of the allegations, a student charged with either a misdemeanor or a felony crime by any local, state, or federal entity may be subject to an Emergency Action Suspension by the Associate Vice President of Student Affairs.

In addition, disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the *Code*, without regard to any pending civil or criminal litigation and/or criminal arrest and prosecution. Proceedings under this *Code* may be carried out prior to, simultaneously with, or following any civil or criminal proceedings at the sole discretion of the Associate Vice President of Student Affairs. Determinations made and/or sanctions imposed under this *Code* shall not be subject to change simply because the criminal charges that were also violations of the *Code* were dismissed, reduced or resolved in favor of the criminal defendant.

The Emergency Action Suspension of a student charged with a criminal act will occur only in situations where the University determines that the charged student poses a risk of substantial harm to the health, safety or welfare of the student, other individuals or the University Community or where the University must act to prevent the threat of disruption of, or interference with, the normal operations of the University. This individualized assessment shall be based on a comprehensive assessment of the elements of the crime, the nature of the charge and the best available objective evidence. This assessment shall be conducted by the Office of General Counsel and the Behavioral Threat Assessment Team. Emergency Action Suspension review will consider:

- The nature, duration, and severity of the crime;
- The risk of harm the student charged with the criminal act poses to University property and to other members of the University Community;
- The likelihood that the potential harm will occur; and
- Whether reasonable modifications of University policies, practices, or procedures will sufficiently mitigate the risk.

SECTION VI: PROHIBITED BEHAVIORS

The following is an illustrative list of the types of conduct, including actual conduct and attempts to engage in such conduct that are strictly prohibited by this *Code*. A reasonable suspicion that a student has engaged in, or attempted to engage in, such prohibited conduct will result in the immediate consideration of disciplinary action under this *Code*. The Prohibited Behaviors below are listed in alphabetical order, not in order of severity.

1. Alcoholic Beverages

The University prohibits the unauthorized possession, use or distribution of alcoholic beverages. The University enforces all local and federal laws or regulations that regulate and control the sale or use of alcohol. Howard University is a dry-campus and therefore has a zero-tolerance policy regarding the possession, distribution, or consumption of alcohol, except when possession, distribution or consumption has been explicitly approved, in writing, by the President or their designee. When possession, distribution or consumption is approved, the University limits these on-campus activities to specified areas and to persons of legal age.

At all times and under all circumstance, underage drinking is strictly prohibited; it is not permitted or sanctioned by the University. The University's Alcoholic Beverages Regulations and Guidelines under the *Code* are as follows:

- A.** Under no circumstances will alcoholic beverages be provided to anyone under 21 years of age. The sale, service, possession, or consumption of an alcoholic beverage is expressly prohibited, unless approved, in writing, by the President or their designee for students over 21 years of age.
- B.** Consumption and/or possession of alcoholic beverages in the residence halls is strictly prohibited.
- C.** Aiding or abetting an underage person in the purchase of alcoholic beverages or providing an underage person with alcohol is strictly prohibited.
- D.** Student organizations affiliated with schools and colleges may not serve alcoholic beverages at events without express written approval from the President or the Vice President for Student Affairs. Prior to receiving consent, all organizations must submit a written request to serve alcoholic beverages to the Vice President for Student Affairs. All requests will contain information regarding the event, its location, potential attendees, and the manner in which alcohol consumption will be controlled to prevent underage drinking. If the request is approved, the written approval will clearly articulate all terms and conditions regarding possession and consumption. Approval will be given only for those students over 21 years of age. If approved, alcoholic beverages may not be consumed outside of the designated areas for the event. If violations occur, the student organizational leadership, along with the coordinator(s) of the event, may be charged under the *Code*.

5. Contracts

Students, in their individual capacity or in their capacity as representatives of a student group or organization, are prohibited from entering into verbal or written agreements or contracts that purport to bind, obligate, or create liability of any kind for Howard University. The University will hold all such students individually liable for any financial or legal consequences or damages that may result from such unauthorized actions.

6. Discrimination

- A.** Engaging in verbal or physical behavior that, according to a person of reasonable sensibilities, is likely to create an intimidating or demeaning environment that infringes upon the ability of other students, faculty and/or staff to access or receive the educational benefits available to them as a member of the University Community. The University prohibits such behavior directed at an individual or group based upon a protected class. Protected classes include national origin, race, color, age, gender, ethnicity, disability, creed, religious beliefs, political affiliation, personal appearance, family status sexual orientation, gender identity or gender expression. The Code also prohibits hate crimes, as defined in the District of Columbia Code.
- B.** Wearing articles of clothing with derogatory, racist, discriminatory, patently offensive, profane, sexually explicit, or graphic messages, either in words or pictures, which demonstrate bias or discrimination against any individual or group within the University Community.

7. Disruptive Conduct

- A.** Acting in a manner that impairs, interferes with, or obstructs the orderly conduct, processes, or functions of the University or that interferes with or negatively impacts any person or persons in the classroom or on university owned or operated property or at any University-sponsored event.
- B.** Student behavior, communications, and/or attire may be considered disruptive to the University and/or to members of the University Community. Under this policy, disruptive behavior includes, but is not limited to, use of electronic devices such as pagers, cell phones, video games, iPods, Walkman, personal music players, or computers or tablets for non-educational purposes in the library or computer labs, during class sessions, laboratory or clinical practicums, study hall or clerkships/internships and/or during periods of academic and classroom instruction, testing, remediation, or tutorial assistance. This provision also applies to students who engage in disruptive behaviors or communications with an instructor, such as swearing or cursing, as this type of behavior impedes the ability of the instructor to carry out their professional duties and responsibilities.

- 2) Sexual Abuse - Dating and domestic violence that includes, but is not limited to, forced sex, and forcing someone to have sex without protection, with an object, or with another person.
- 3) Psychological and Emotional Abuse - Dating and domestic violence that includes, but is not limited to, controlling someone's behavior or actions, isolating a person from friends and family; making threats against a person, their family, friends, and pets; using social media to make threats; and verbal abuse.
- 4) Economic Abuse - Dating and domestic violence that includes, but is not limited to, taking a partner's money, and not allowing a person or disrupting a person's ability to work or go to school.
- 5) Sexual Assault – Rape, attempted rape, forced sexual intercourse including forcible sodomy, sexual assault with an object and/or sexual battery; any unwanted sexual contact or threats; and any non-consensual sexual contact, including unwanted touching or forcible fondling.
- 6) Stalking - A course of conduct that is unwanted, unwelcome, and unreciprocated directed at a specific person that would cause a reasonable person to feel fear. Examples of stalking behaviors include, but are not limited to:
 - a. Waiting outside a person's class or residence.
 - b. Sending unwanted letters, phone calls, emails, texts, posts to a person.
 - c. Following the person.
 - d. Sending gifts.
 - e. Sending information to others about the person.
 - f. Threatening the person.
 - g. Vandalizing the person's property
 - h. Tracking the person's computer and internet use.
 - i. Posting improper messages on social media about the person.

9. **Drugs/Controlled Substances**

The University prohibits the possession, use, sale, manufacture or distribution of illegal drugs, controlled substances, and prescription drugs. By reference, the University also requires that students comply with any and all laws within the District of Columbia code that pertain to drugs, drug paraphernalia and controlled substances. However, in the event that the District of Columbia or Maryland legalizes the possession, use, sale, manufacture or distribution of any drug and/or controlled substance, these actions will still be prohibited on any University owned and/or operated

11. Established Policies and Procedures

Failure to observe, abide by or comply with any University policy including, but not limited to, any provision contained within the *Student Code of Conduct*, the *H-Book*, or the appropriate school/college bulletin or manual is a violation of this *Code*.

12. Failure to Comply/Non-Compliance

- A. Failing to immediately comply with or respond to the directions or instructions of an authorized University official, faculty member, or staff member acting in the performance of their duties or any other person responsible for a university facility or off-campus residence during a registered or non/registered function when they is acting in accordance with their responsibilities is strictly prohibited.
- B. The Howard University student identification card shall be carried by students at all times and surrendered upon the request of any University official, faculty member or staff member, and all Residence Hall Personnel, both on and off campus.

Failure to comply with any disciplinary procedure, within the identified time frame, will result in a hearing with sanctions applied, and the forfeiture of the right to the appeal process.

13. Forgery, Fraud, Dishonesty

Forging the name of a University employee, another student or any other person or entity, altering or misusing any official Faculty, Staff or University forms, documents, records, stored data, electronic data bases, websites, webpages, University enterprise systems, or knowingly furnishing false information to University Officers, Officials, Faculty and/or employees or providing such information involving or referring to the University in off-campus organizations, institutions, or individuals is strictly prohibited.

Making false statements in public or private, including knowingly filing false charges under the *Code* is also a violation. Aiding and abetting another individual in any of the conduct referenced above also constitutes a violation of this provision.

Unauthorized and unsanctioned use of the University name, logo and/or seal are also strictly prohibited under this *Code*. The University has registered its name, logo and seal as trademarks; therefore, they are property of the University and protected under applicable federal and local laws. Students may not use the seal, logo(s), motto, trademarks, or other intellectual property of the University without express written permission from the University's Office of General Counsel. Authorized student organizations must be pre-approved by the office of Licensing and Vending to reproduce these marks and/or to have a manufacturer reproduce the University trademarks on merchandise for sale or distribution. The use of the University seal is restricted and can only be used to authenticate the highest level of official University documents and be displayed

websites and other forms of technology to make verbal or written threats, spread rumors, attack someone or marginalize and/or exclude someone from a group, event or activity. It is also the use of the above-mentioned mediums to support deliberate and hostile behavior that is intended to harm others.

15. Harboring

Harboring is knowingly allowing any fugitive from justice, or any student, employee, or other individual who has been barred from the University, to stay in, or to be transported onto, University owned or operated property or facilities. This also includes harboring any individual who is considered to be a fugitive from justice or for whom there is an outstanding warrant. In addition to being a violation of this *Code*, harboring may also be a violation of local, state or Federal law.

16. Hazing

A. Hazing is defined as an act which endangers the mental or physical health or safety of a student. It may include, but is not limited to, the destruction or removal of public or private property, or any activity conducted on or off-campus that causes or intends to cause an unreasonable expenditure of funds; embarrassing, intimidating or demeaning behavior; exposure to situations that could result in physical or emotional harm; or behavior that causes undue stress, for the purpose of initiation, admission into, affiliation with, or as a condition of continued membership in any sanctioned or unsanctioned group or organization at the University. By reference, the University also requires that students comply with hazing laws contained within the District of Columbia code.

B. District of Columbia Law

Hazing is any initiation of applicants to or members of a student or fraternal organization in which a person or people knowingly or recklessly organize, promote, facilitate or engage in any conduct, which places or may place another person in danger of bodily injury. Any person who hazes or takes part in hazing activities on or off the property of any university located within the District of Columbia shall be deemed guilty of a misdemeanor and on conviction, is subject to a fine of up to \$1,000, or imprisonment of up to 6 months. Any fraternity, sorority, or group recognized by any university within the District of Columbia who knowingly or recklessly permits hazing on or off the property of any university located within the District of Columbia shall be subject to a fine of not more than \$5,000.00. The implied or expressed consent of a student shall not be a defense under this section.

C. Examples of Hazing

Depending upon circumstances, these activities have at one time or another been construed as hazing by the courts and/or institutions of higher education. Such actions are often required or implied as conditions of inclusion or exclusion from a group, formal or informal. Thus, hazing may be perpetrated by individual(s), individual against group, or group against individual.

17. Media Contact

Students are expressly prohibited from speaking to any media outlet, organization or publication on behalf of, or as a representative of, Howard University. Similarly, students are expressly prohibited from inviting the same to any University-owned or operated property, facility, or event without the express written permission of the Office of University Communications.

18. Non-forcible Sex Offense

- A. Unlawful, non-forcible sexual intercourse.
- B. Incest – An act committed that involves non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. Statutory Rape – engaging in a sexual act that involves non-forcible sexual intercourse with a person who is under the statutory age of consent.

19. Organization and Event Registration

Failing to comply with policies and regulations governing the registration of student organizations, events on campus, off-campus house parties or the use of University facilities or resources is strictly prohibited. Failing to comply with regulations set forth in any and all applicable policies regarding the recognition of organizations is also strictly prohibited. Disciplinary action may be imposed upon a recognized student organization by the Office of Student Activities for violations of any applicable regulations set forth in University policy, the organization's charter, constitution and/or bylaws or any other policies or procedures regarding the recognition of an organization.

20. Presenting False Testimony

Knowingly making false statements regarding a disciplinary matter before, during or after the disciplinary adjudication process could result in disciplinary action.

21. Property Damage

- A. The attempted or actual unauthorized removal, use of or defacing of University property, property under University custody or control or property of another individual or group that results in its destruction or damage.
- B. Destroying, defacing, removing or damaging the property of others on University premises or at University-sponsored activities.

22. Safety

- A. Causing any experience, condition or environment that jeopardizes the safety of individuals, groups of individuals, or the University Community, both on and off campus; participating in conduct or behavior that explicitly endangers the safety and well-being of yourself or others are strictly prohibited.

Examples of Sexual Harassment

The following examples are illustrative of conduct that, if proven, may be considered by the University to establish sexual harassment in an academic setting:

- 1) Unsolicited, unwelcomed flirtations, advances, and/or propositions of a sexual nature;
- 2) Insults, jokes, or anecdotes that belittle or demean an individual or a group's sexuality or gender;
- 3) Unwelcomed sexually-oriented gestures, verbal expressions, or comments of a sexual nature about an individual's body, clothing, or sexual experience;
- 4) Inappropriate displays of sexually suggestive objects or pictures;
- 5) Unnecessary and inappropriate touching, such as hugging, or brushing against an individual's body; patting, pinching,
- 6) Sexual assault (includes all incidents of "criminal sexual conduct" as defined by the District of Columbia code or the applicable law where the sexual assault takes place); or
- 7) Suggestions that submission to or rejection of sexual advances will affect decisions regarding such matters as an individual's employment, work assignments, status, salary, academic standing, grades, receipt of financial aid, or letters of recommendation.

24. Smoking

Smoking and the use of tobacco are prohibited in all indoor locations, including classrooms, offices, residence and dining halls, balconies, stairwells, common areas, and other private residential spaces that are on University property or maintained by the University for members of the University community.

Smoking and the use of tobacco are prohibited in and on University-owned outdoor spaces, including walkways, the Yard, and sports and recreational areas.

Also, smoking is prohibited in University-owned, leased or rented vehicles, regardless of location.

Smoking and tobacco products, such as cigarettes, electronic smoking devices, cigars, pipes, hookahs, and chewing tobacco, are prohibited from use or sale and distribution on University property.

More information regarding the University's *Smoke-Free and Tobacco-Free Policy* is located on the University's policy website at: <https://secretary.howard.edu/policy-office>

25. Theft

The stealing or attempted theft of property and/or services; knowingly possessing or transporting stolen property; or improperly using or converting the property of another for personal use is a violation of the *Code* and may also be a violation of the law.

SECTION VII: DISCIPLINARY SANCTIONS

The purpose of disciplinary sanctions for violations of the *Code* is to educate students about responsible behavior as members of the Howard University Community, to maintain order and to protect the rights of others.

When students are found to be Responsible for violating the *Code*, they are required to abide by and comply with any and all rendered sanctions. The Office of Student Conduct & Community Standards (OSC) monitors such compliance. There is no set sanction for any particular offense, with the exception of automatic expulsion for a felony conviction. Each individual matter is evaluated separately and independently by the Hearing Officer/Hearing Panel and sanctions should reflect the nature and severity of each individual offense. However, in the event a student has previously been before a Hearing Officer or Hearing Panel for violations of the *Code*, while each individual matter will be evaluated independently, the sanctions imposed upon the student may be based upon the student's entire record of past alleged and/or guilty behavior.

1. General Terms

- A. Parents of minor or dependent students who receive a disciplinary sanction may be notified of that action by the University.
- B. The University reserves the right to apply any sanction for a violation of the *Code* that, in its sole discretion, appropriately addresses the gravity and frequency of the offense. One or more sanctions may be imposed for any offense. Prior offenses are cumulative and any student found guilty of the same offense or a second offense of equal or greater magnitude, may be suspended or expelled from the University. However, evidence of prior violations of the *Code* may be considered after a determination of Responsible has been made as part of the process of determining sanctions.
- C. Sanctions are imposed under the *Code* without regard to student classification, prospective graduation date, scholarship status, the time in the semester, the term in which the violation occurs, or any other factor.
- D. Students who have not completely fulfilled their sanctions may be allowed to participate in General Mandatory Registration for the subsequent semester if all other financial and academic conditions have been met. However, their registration will be canceled if they fail to comply with all the stipulations of the sanctions within the time limit set forth in their hearing outcome notification.
- E. The imposition of sanctions will be a matter of record maintained in the Office of Student Conduct & Community Standards. Any and all violations of the *Code* can and will be reported to other colleges/universities, potential employers, professional licensing agencies or other appropriate entities when the University receives inquiries regarding any administrative actions taken against a student.

H. Disciplinary Probation

Disciplinary Probation may be imposed for a specified period of time, not to exceed two (2) years. A student who is under disciplinary probation will not be permitted to participate in any extracurricular activity, including intramural, intercollegiate or club sports, student clubs, fraternities, sororities, social groups and any other organization that is not directly linked to receiving a grade in a particular course. A student on disciplinary probation is prohibited from representing the University in any public function, competition, or performance, hold office in a student organization, or be eligible to join a fraternity or sorority.

Students receiving scholarships for any activities enumerated above may have that scholarship suspended, terminated or revoked. Decisions regarding scholarship suspension, termination or revocation will be made by the Vice President for Student Affairs, after consultation with the Associate Vice President of Student Affairs and other appropriate University officials.

I. Limited Term Suspension

Suspension is appropriate in cases of serious misconduct or in cases when a student has violated a condition of disciplinary probation or failed to meet the stipulations of lesser sanctions. A student may be suspended from the University for (1) the remainder of the semester or summer session during which the sanction is applied, or any portion thereof; (2) the next semester; or (3) any other additional periods determined appropriate by the University. In the event of a limited-term suspension, tuition and fees will be forfeited if the violation occurs after the refund period as recorded on the University Calendar.

Suspensions are recorded on the student's permanent record (official transcript). Students suspended from the University are required to immediately return all University property, including, but not limited to, their student identification cards, room keys and other University property. Suspended students will also be barred from the campus for the duration of their suspension. Exceptions may be granted to this prohibition by the Associate Vice President of Student Affairs, if it is determined that the barred student must enter University property for the purpose of conducting official business. If a student returns to the campus without permission during the period of suspension, their eligibility to be re-admitted to Howard University is jeopardized and such persons may also be charged with unlawful entry and, thereby, made subject to arrest.

J. Indefinite Suspension

Indefinite suspension includes all conditions described in Limited Term Suspensions above, and an inability to be considered for readmission to the University for a two (2) year period following the suspension. This sanction is used in cases of extremely serious misconduct. Prior to being granted readmission, any student subject to indefinite suspension must present evidence of rehabilitation to the Vice President for Student Affairs. Upon consideration, the Vice President for

recommendations for changes. The pool of those eligible to serve will come from names submitted by university officers, Deans of the schools and colleges, the Faculty Senate, the Howard University Student Association (HUSA), and other authorized and approved undergraduate and graduate student governing bodies using their own internal policies for such selections. In the event that after appropriate notice, names are not submitted, the Associate Vice President of Student Affairs shall unilaterally make appointments.

- B. An open forum for students, appropriately advertised, will be held to allow for discussion of proposed changes to the *Code*. Comments and concerns will be considered in completing the final draft.
- C. After receipt of all recommendations, the draft of the revised *Code* will be completed by the Associate Vice President of Student Affairs and forwarded to the Vice President for Student Affairs and the Provost for review and comment.
- D. The final draft will be submitted for review to the General Counsel.

3. Forwarding for Approval

After review by the General Counsel, the final document will be forwarded through the Vice President for Student Affairs and the Provost, to the President for final review and presentation to the Board of Trustees for final approval.

4. Amendments

Amendments to the *Code* deemed necessary by the Associate Vice President of Student Affairs during periods between formal full reviews and revisions will be prepared by the Associate Vice President of Student Affairs and forwarded through the Vice President for Student Affairs, the Provost and General Counsel, to the President for approval and implementation.

Approved by the Board of Trustees on *April 17, 2015*
Conforming Amendments: February 2020, September 2022