STUDENT CODE

INTRODUCTION
The purpose of the Student Code is to provide all University Students with guidance and to promote standards of personal integrity that are in compliance with the mission of the institution. Students attending the University automatically accept the application of the University’s Student Code and its judicial process. Any questions regarding the interpretation or application of the Student Code and its judicial process will be answered by the Executive Director of Student Affairs.
The following is the official policy of the University regarding Student rights, responsibilities, and disciplinary procedures, including the hearing process, appeal process, and the application of sanctions.
The disciplinary procedures used by the University are considered part of its educational process and its philosophy to produce graduates who are ethically and professionally oriented. Hearings or reviews conducted as part of this process are not courts of law and they are not subject to many of the rules of civil or criminal hearings. Because some of the violations of these standards are also violations of law, Students may be accountable to both governmental authorities and to the University for their actions.
Disciplinary action at the University will proceed at the discretion of the Executive Director of Student Affairs, notwithstanding any related civil or criminal proceedings.
The University reserves the right to alter, change, or modify these policies and procedures at any time as deemed best for the safety, security, and benefit of the University community. Any such changes will be published by the University.

DEFINITIONS
“Campus Designee” refers to a University appointee who is responsible for initiating the judicial process at the local level.
“Complainant” refers to a member of the University community, a Student Organization, or the University who is bringing charges against a Student Organization or a Student. When the Complainant is a Student Organization or the University, a single person may be appointed by that body to represent it.
“Executive Director of Student Affairs” means the University’s Executive Director of Student Affairs, or his or her designee.
“Hearing Council” refers to the group of individuals that may be selected to administer the formal judicial process, as outlined later in this document, to determine whether there has been a violation of the Student Code and to determine appropriate sanctions.
“Member of the University community” includes any person who is a Student, Faculty member, University official, or other person employed by the University.
“Respondent” refers to a Student Organization or Student charged with a violation of University policy, not the University itself.
“Student” includes all persons enrolled at the University, either in a full-time or part-time capacity, pursuing undergraduate or graduate studies in any delivery format.
“Student Code” is defined as the written regulations of the University applicable to Students and Student Organizations as found in, but not limited to, the Student Handbook, the University Catalog, University Residence Hall publications, the University web site, and any other official publications of the University.
“Student Organization” includes all Athletic teams and club teams, Student-based
organizations, including fraternities and sororities, registered with the University through the local campus office.
“University” means Davenport University.
“University Official” includes any person employed by the University who performs assigned administrative or professional responsibilities.
“University property and University premises” include all land, buildings, facilities, and other property in the possession of the University or owned, used, or controlled by the University, including adjacent streets and sidewalks.
“Witness” refers to an individual who was present at the time of the alleged misconduct or who can provide information relevant to the case during a judicial hearing.

STUDENT RIGHTS
Each Student is afforded the following rights:
1. Freedom from unlawful discrimination or harassment on the basis of race, sex, age, religion, national origin, disability, or sexual orientation under federal or state laws.
2. The right to information pertaining to academic standing, graduation requirements, and course requirements.
3. The freedom to Student Organizations to pursue common educational interests.
4. The right to confidentiality of Student records to the extent provided for under applicable federal or state laws. Information will be released only as allowed by federal and state laws.
5. The right to initiate a complaint that may bring about an investigation and/or disciplinary action involving another member of the academic community.
6. The right to a disciplinary hearing as outlined in this document.

STUDENT RESPONSIBILITIES
Each student accepts the following responsibilities:
1. Students are expected to respect and value the rights of others, support the academic environment, and encourage the proper use of University facilities.
2. Students are also expected to observe federal, state, and local laws, as well as University rules, regulations, and policies, including the use of existing procedures to resolve disputes.
3. Students are expected to make themselves aware of the regulations governing them as members of the University community.
4. Students are expected to conduct themselves as mature individuals at all times consistent with the institution’s values, beliefs, and highest standards of ethics. This encompasses all conduct while on campus, off campus, and during all University-related endeavors including, but not limited to, internships, practicums, clinicals, or other University-related experiences.
5. Students are expected to maintain a current local and permanent address with the University. Addresses may be updated through the Davenport.
6. It is the Student’s responsibility to regularly check his or her email and respond to University notices appropriately.

MISCONDUCT
Any Student or Student Organization found to have committed any of the following types of misconduct while on or off University premises, including virtual communications, is subject to disciplinary action by the University. The University also reserves the right to investigate and take judicial action for any off-campus behavior of a Student, group of Students, or Student Organization, if such behavior is deemed inconsistent with the values of the institution.
Participation in off-campus events that involve students or student organizations at which this Student Code has been violated, the University community or University operations are jeopardized, or at which participation has negatively impacted the reputation of the University. It also includes participation in an event that relates directly to the student’s or student organization’s continued suitability for enrollment or continued registration. The following is not a complete listing of potential misconduct that may lead to discipline, but serves as a guideline to Students and Student Organizations.

1. ACADEMIC DISHONESTY
   The university may discipline a student for academic dishonesty, which is defined as any activity that tends to undermine the academic integrity of the institution. Academic dishonesty includes, but is not limited to, the following:

   A. Cheating
   A student may not use or attempt to use; give or attempt to give unauthorized assistance, materials, information, or study aids in any academic exercise, including but not limited to, the following:
   1. A student must not use or give external assistance on any “in-class” or “take-home” examination, unless the instructor has specifically authorized external assistance. This prohibition includes, but is not limited to, the use of tutors, books, notes, and calculators.
   2. A student must not use another person as a substitute in the taking of an examination or quiz.
   3. A student must not steal examinations or other course materials.
   4. A student must not allow others or offer to conduct research or to prepare work for him or her without advance authorization from the instructor for whom the work is being submitted. Under this prohibition, a student must not make any unauthorized use of materials obtained from commercial term paper companies or from files of papers prepared by other persons.
   5. A student must not collaborate with other persons on a particular project and submit a copy of a written report, which is represented explicitly or implicitly as the student’s individual work.
   6. A student must not use or give any unauthorized assistance in a laboratory, at a computer terminal, or on fieldwork.
   7. A student must not submit substantial portions of the same academic work for credit or honors more than once without permission of the instructor to whom the work is being submitted.
   8. A student must not alter a grade or score in any way.

   B. Fabrication
   A student must not falsify or invent any information or data in an academic exercise including, but not limited to, records or reports, laboratory results, and citations of the sources of information.

   C. Facilitating Academic Dishonesty
   A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct.
   A student is responsible for taking reasonable precautions to ensure his or her work is not accessed by or transferred to another individual wherein it may then be used to commit an act of academic misconduct.

   D. Interference
1. A student must not steal, change, destroy, or impede another student’s work. Impeding another student’s work includes, but is not limited to: the theft, defacement, or mutilation of resources so as to deprive others of the information they contain.

2. A student must not give or offer a bribe, promise favors, or make threats with the intention of affecting a grade or the evaluation of academic performance.

E. Plagiarism
A student must not adopt or reproduce words, or statements of another person without appropriate acknowledgement. A student must give credit to the originality of others and acknowledge indebtedness whenever he or she does any of the following:

1. Quotes another person’s actual words, either oral or written;
2. Paraphrases another person’s words, either oral or written;
3. Uses another person’s idea, opinion, or theory; or
4. Borrows facts, statistics, or other illustrative material, unless the information is common knowledge.

F. Violation of Course Rules
A student must not violate course rules as contained in a course syllabus which are rationally related to the content of the course or to the enhancement of the learning process in the course.

2. ALCOHOL. The use or possession of alcoholic beverages is prohibited by Davenport University on all University property regardless of age.

a. In any residence hall where any official resident or guest(s) of that room is not 21 years of age or older.

b. In any residence hall where the official resident(s) or guest(s) of that room are of legal drinking age.

c. When possession or use creates a danger to self or others, including but not limited to the sale, gift or transfer of alcohol to minors.

d. Public intoxication, defined as being under the influence of alcohol or other drugs regardless of age, in circumstances where such behavior causes a disturbance or other concern to the University.

e. In the course of a University activity or student organization activity, when the possession or use is contrary to law and/or university policy.

3. COMPUTER ABUSE. Theft or other abuse of computers, related computing equipment or data, including but not limited to the following:

a. Unauthorized entry into or use of a file;

b. Unauthorized transfer of a file;

c. Unauthorized use of another individual’s identification and/or password, or unauthorized provision of a

   Student’s identification and password to another;

e. Use of computing facilities to interfere with the work of another Student, faculty member, University official or other entity;

f. Use of computing facilities for personal gain or profit;

g. Use of computing facilities to send obscene or abusive messages;

h. Use of computing facilities to send or view pornographic material;

i. Use of computing facilities to interfere with normal operation of the University computing system; or
j. Use of computing facilities to threaten, intimidate, or otherwise violate University anti-harassment or anti-violence policies.

4. DISHONESTY. Acts of dishonesty, including but not limited to the following:
   a. Furnishing false information to any University official, faculty member, or office; this includes, but is not limited to, false information on an admission application or any other document submitted to the University;
   b. Forgery, alteration, or misuse of any University document, record, or instrument of identification;
   c. Tampering with the election of any University-recognized Student leader or Student Organization;
   d. Falsification of University records; each Student is expected to complete any University record accurately and honestly; or
   e. Providing false information as part of the judicial process.

5. DISORDERLY CONDUCT. Engaging in intentional expression or conduct that substantially disrupts or interferes with the University’s normal functions, the rights of others or causes substantial disorder. Disorderly conduct may include any of the following:
   a. Taking action that threatens or endangers the safety, health, or life of self or others, or behavior that creates the impression of such endangerment;
   b. Obscene conduct or behavior;
   c. Lewd, indecent, or vulgar conduct or expression;
   d. Abusive or offensive language inherently likely to provoke an immediate violent reaction, whether or not it actually does so or is grossly indecent or offensive to a reasonable member of the University community;
   e. Acting as an accessory to any unlawful act or the violation of any University policy. Students are responsible for the behavior of their guests and visitors to the University premises;
   f. Conduct which adversely affects the Student’s suitability as a member of the University community, as defined by the Office of Student Affairs; or
   g. Damage to University property or the property of another.

6. FAILURE TO COMPLY. Failure to comply with reasonable directives of University officials when such officials are acting in the performance of their duties.

7. FIRE AND FIRE SAFETY EQUIPMENT. Possession of fireworks, incendiary devices, or other dangerous explosives or chemicals; the ignition of a fire or attempting to ignite a fire; or the improper use or disablement of safety or firefighting equipment, such as fire extinguishers, fire alarms, exit signs, or smoke alarms is prohibited.

8. HAZING. Hazing is defined as any action or situation that recklessly or intentionally, on or off University property, endangers the mental, emotional, psychological, or physical health or safety of a Student or willfully causes the destruction or removal of public or private property for the purpose of initiation or admission into, affiliation with, or as a condition for continued membership in any Student Organization, including fraternities/sororities, athletic teams, and other organizations.
   The term shall include, but not be limited to, any brutality of a physical nature such as whipping, beating, tattooing, branding, paddling, forced calisthenics, exposure to the elements, treasure hunts, scavenger hunts, quests and road trips, forced consumption of food, liquor, drugs, or other substances, and any forced activity that would subject the individual to mental stress, such as sleep deprivation, forced exclusion from social contact, or forced
conduct that results in embarrassment or ridicule. For the purpose of this definition, any activity described in this definition upon which the initiation or admission into, affiliation with, or continued membership in an organization is directly or indirectly conditional, shall be presumed to be “forced” activity, the willingness of an individual to participate in such activity notwithstanding.

9. ILLEGAL DRUGS. The term “controlled substance” is defined by Michigan law, and includes, but is not limited to, substances such as marijuana, cocaine, narcotics, certain stimulants and depressants, and hallucinogens. The following actions are prohibited:
   a. Use or possession of any drug or controlled substance, or of drug paraphernalia, contrary to law or without a valid and legal prescription for such drugs or controlled substances.
   b. Production, manufacture, distribution or use of any drug, controlled substance or any substance used as a drug contrary to law.
   c. Sale, gift or transfer of drugs, controlled substances, or drug paraphernalia, whether or not such sale, gift, or transfer occurs on or off campus.

10. MISREPRESENTATION. Representing or acting on behalf of the University or another individual when not authorized to do so.

11. OBSTRUCTION OR DISRUPTION. Acts of obstruction or disruption, including but not limited to the following:
   a. Obstructing or disrupting teaching, research, disciplinary procedures, and/or other University activities;
   b. Participation in a demonstration that disrupts the normal operations of the University, infringes on the rights of other members of the University community, or violates reasonable time, place, and manner restrictions;
   c. Leading or inciting others to disrupt scheduled and/or normal activities within any building or area; or
   d. Obstruction of the free flow of pedestrian or vehicular traffic on University premises.

12. SEXUAL ASSAULT/ATTEMPTED SEXUAL ASSAULT. Physical contact of a sexual nature by one person against the will of or without the consent of another.

13. SMOKING. All buildings at all Davenport University are designated as smoke free. Smoking is prohibited in all indoor spaces; including, but not limited to, student centers, educational, housing and dining locations. Smoking is prohibited within a minimum twenty-five (25) feet of any Davenport building. Per Michigan law, there is no smoking at the Alma campus.

14. THEFT. Unauthorized possession or use of University property or the property of another.

15. UNAUTHORIZED ENTRY. Unauthorized entry, occupancy, or use of physical or virtual University premises or property.

16. USE OF UNIVERSITY PROPERTY, INCLUDING ONLINE PROPERTY. Students are authorized to use University property only as consistent with their coursework and related educational activities as provided for under this Student Code. Students enrolled in online classes and Students using online learning tools or services agree to accept the terms and conditions placed upon the use of these materials. Specifically, online materials (including syllabus documents, lectures, discussion threads, and other course- and University-related materials found online) are the property of the University; and the only authorized use is for the purposes of completing University-related course work and related educational activities. University online materials shall not be disclosed, directly or indirectly, to any person or entity outside of the University, and (in the case of online classes) to anyone otherwise not involved in teaching or who is enrolled in the particular class.
17. VIOLATIONS OF CAMPUS, PROGRAM AND OTHER UNIVERSITY POLICIES. Outlined in University publications, including but not limited to those related to University supported housing, the Residence Hall Handbook, those related to Athletics, the Student Athlete Handbook, those related to the School of Health Professions, and the School of Health Professions Manual, and those related to Student Employment, and the Student Employee Handbook.

18. VIOLATION OF LAWS. Violation of federal, state, or local laws is prohibited. This also includes any conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace.

19. VIOLATION OF THE UNIVERSITY ANTI-HARASSMENT POLICY. As outlined in the University Catalog.

20. VIOLATION OF THE UNIVERSITY ANTI-VIOLENCE POLICY. As outlined in the University Catalog.

21. WEAPONS. Possession, use, control, or distribution of any firearms, or any other weapons on University premises or at a University function. Prohibited firearms and weapons include, but are not limited to, rifles; shotguns; handguns; tasers and stun guns; BB and pellet pistols and rifles that are spring, gas, or air powered; sling shots; whips; hunting knives; throwing stars; swords; and bows and arrows. Illegal or unauthorized possession of firearms, explosives, other weapons or dangerous chemicals on University premises or use of any such item, even if legally possessed in a manner that harms, threatens, causes fear to others, or concern to members of the University.

STUDENT ILLNESS STATEMENT
As permitted by law, the University reserves the right to require Students who contract a contagious disease to withdraw from the University until they present a doctor’s statement that they are no longer infectious to others.

STUDENT MENTAL HEALTH INCIDENT STATEMENT
The University desires to respond to challenges created by a Student mental health crisis promptly and with compassion. Regardless of any misconduct, the University reserves the right, as determined by the Executive Director of Student Affairs, to take such steps as it determines to be necessary or appropriate to respond to any reported Student behavior suggesting or indicating a psychological emergency and/or an inability of the Student to appropriately manage his or her behavior. Such steps may include, but shall not be limited to, the following:
- Requiring the Student to adhere to a behavioral contract;
- Requesting that the Student seek and receive appropriate health care and/or counseling;
- Requiring that the Student move to a new environment, either in another residential area or off-campus, as determined by the Executive Director of Student Affairs;
- Notifying the Student’s parent or legal guardian regarding the identified behaviors and requesting participation in the development of a plan of assistance for resolving these issues.

Regardless of any potential misconduct, a Student may be placed on Interim Suspension by the Office of Student Affairs, or its designee, if there is any report indicating that a Student may be suffering from a mental health crisis or if the Student’s behavior poses a current or imminent danger in any of the following ways:
- Potentially causing physical harm to the Student or others;
- Causing significant property damage;
- Directly and substantially impeding the lawful activities of others; or
- Creating an environment that severely compromises an individual’s ability to be an
appropriate Student and/or campus community member. A Student who is placed on an interim suspension, in whole or in part due to a mental health incident, shall be notified in writing of the reasons for the Interim Suspension. In cases also involving misconduct, Students who have received an Interim Suspension for mental health crisis or other health and safety reasons may also be required to participate in the normal judicial process, as determined by the Executive Director of Student Affairs.

JUDICIAL PROCESS

INCIDENT REPORTING PROCESS
Anyone wishing to report Student misconduct shall document all relevant information via an incident report, which shall be provided to a member of the campus administration. When a written incident report is filed, it shall be forwarded to Student Affairs personnel, or their designee, at the campus where the incident occurred. Following review of the incident report (which may include, without limitation, any and all research deemed appropriate by the Campus Designee regarding the underlying incident), a determination will be made by the Campus Designee (in possible consultation with other campus and/or University leadership) whether charges of misconduct should be filed in response to the incident.

INTERIM SUSPENSIONS AND NO-CONTACT ORDERS
In certain circumstances, the Executive Director of Student Affairs or Campus Designee may impose a University or residence hall suspension prior to a judicial hearing. Interim suspension may be imposed if the Student poses a threat of disruption of, or interference with, the normal operations of the University or in order to ensure the safety and wellbeing of members of the University community; to preserve University property; to ensure the Student’s own physical or emotional safety and the well-being and physical or emotional safety and well-being of others. During an interim suspension, a Student shall be denied access to the residence halls and/or University campuses (including classes) and/or all other University activities or privileges for which the Student might be otherwise be eligible, as specified by the Executive Director of Student Affairs or Campus Designee. A Student may request a meeting regarding an interim suspension with the Executive Director of Student Affairs within five (5) days of the date of the notice of the interim suspension. The purpose of this meeting will be to determine the duration of the interim suspension. The decision of the Executive Director of Student Affairs is final and is not subject to review.
A Student’s tuition, fees, and residence hall room and board will neither be refunded nor remitted, in whole or in part, due to an interim suspension. At times, in the interest of public safety, it becomes necessary to restrict a Student’s privileges and prohibit contact with specified individuals by issuing a “ban” or “no contact” order that prohibits entry to a specific location/s or contact with a specific individual/s. Unlike a court order, a University “ban” or “no contact” order is issued by the Executive Director of Student Affairs or Campus Designee. This order may be issued when it is believed necessary to protect safety and to preserve a peaceful environment in which all Students can work, study, or live on campus. This action may be based upon a complaint or report of dangerous behavior filed with Campus Safety or Student Affairs.
Violation of a “ban” or “no contact” order is considered misconduct and will result in disciplinary action that could include immediate suspension from the University.
INITIATION OF PROCEEDINGS
If the University files misconduct charges against a Student, a hearing shall be conducted to review the alleged misconduct. The Executive Director of Student Affairs shall determine, at his or her sole discretion, whether the hearing shall be conducted before a single judicial officer or a Hearing Council. Formal notice of judicial proceedings will be sent to the Student via the Student’s University email account, certified mail, or other manner to inform the Student that a hearing date has been set and charges are pending. The notice shall inform the Student of the following:

- The misconduct alleged to have been committed;
- The date, time, and place of the alleged misconduct and other relevant circumstances;
- The date, time, and place of the hearing, which shall not be earlier than three (3) business days after the date of notice;
- That if the Student desires to present one or more Witnesses, the Student must prepare a list of the persons whom the Student may present as Witnesses and/or whose statements may be offered as evidence at the hearing and submit the list to the Executive Director of Student Affairs no later than two (2) business days before the hearing; and
- That the hearing will be closed to the public.

OVERVIEW OF HEARINGS
The purpose of a hearing is to provide the opportunity for the Campus Designee or Complainant and the Respondent to present all relevant information and evidence with regard to the alleged misconduct. It is the responsibility of the judicial officer or Hearing Council, as applicable, to consider impartially all relevant information and evidence, determine the facts, apply University policy, and impose appropriate sanctions if the Respondent is found responsible for the alleged violation.

University judicial hearings are administrative hearings that allow flexibility and are not courts of law. The judicial process is separate and independent from any civil or criminal action and may proceed even if a related matter is anticipated or pending in other forums. Rules of evidence and the criminal standard of proof do not apply. A judicial officer or Hearing Council, as applicable, is expected to find a Student or Student Organization responsible for violations of University policies only if the information shows that it is more likely than not that misconduct occurred.

HEARING CONDUCTED BEFORE A JUDICIAL OFFICER
A hearing conducted before a judicial officer is often called an individual hearing as the respondent meets with a singular judicial officer designated by the Executive Director of Student Affairs. A hearing conducted before a judicial officer occurs with more frequently than a hearing held before a hearing council. During a hearing conducted before a judicial officer, the judicial officer will review with the respondent the report that led to the misconduct charges. The respondent will have an opportunity to admit or deny the charges and present any summary information he or she may have in response to the charges. If appropriate, the respondent may present witnesses or provide witness statements to the judicial officer for review. The judicial officer, after reviewing all information presented, will determine responsibility and, as appropriate, any sanctioning. A written decision will be generated within five (5) business days of the meeting.

HEARING CONDUCTED BEFORE A HEARING COUNCIL
If a hearing is held before a Hearing Council, the Hearing Council shall consist of one faculty
member, one staff member, and one Student from Davenport University. The members of the Hearing Council will be chosen by the Executive Director of Student Affairs from the available pool of current employees/students at the time of the hearing. The Executive Director of Student Affairs will identify individuals who, in his or her opinion, have no personal interest in the outcome of the hearing and can serve in a fair and impartial manner. If a potential member of the Hearing Council feels that he or she cannot render an impartial decision, he or she shall disqualify himself or herself. A person shall not serve on the Hearing Council if he or she is a Witness who may testify in the matter, if he or she has a personal interest in the outcome of the matter, or if there is sufficient reason to believe that he or she could not serve in a fair or impartial manner. The Chair of the Hearing Council will be appointed from the identified members of the Hearing Council by the Executive Director of Student Affairs.

HEARING COUNCIL PROCEDURES
Whenever a hearing in front of a Hearing Council is to be held regarding an allegation of misconduct, the Campus Designee or Respondent and the Complainant shall be given at least three (3) business days’ notice of the charges and of the date, time, and place of the hearing. Failure of the Respondent to attend the hearing will result in the case being heard in his or her absence. The order of presentation of the hearing will normally be as follows:
1. Introductions and reading of the charge(s) by the Chair;
2. Opening statements by the Campus Designee or Complainant and Respondent;
3. Presentation of Witnesses/documentation by the Campus Designee or Complainant;
4. Questioning of Witnesses/documentation by the Respondent;
5. Presentation of Witnesses/documentation by the Respondent;
6. Questioning of Witnesses/documentation by the Campus Designee or Complainant; and
7. Closing statements.
The Hearing Council may ask questions of Witnesses at any time and also facilitate the presentation of the case. The Hearing Council may call additional witnesses or seek further evidence relating to a case if the Hearing Council desires clarification or further information. All hearings shall be closed to everyone except the Hearing Council, appropriate University staff, the Respondent, the Campus Designee or Complainant, the observer/recorder selected by the University, and Witnesses during the actual time of their testimony. The proceedings of the Hearing Council are presumptively confidential. Unauthorized disclosure of information by any party or Witness involved during the hearing process may lead to disciplinary action.
The Respondent is entitled to be present at the hearing, to hear and respond to evidence regarding the charges, to present Witnesses, and to question Witnesses and other evidence. Witnesses must be members of the University faculty, staff, or Student body, unless the chair of the Hearing Council rules that others may appear in the interest of the case. The Respondent and Complainant must give names of all relevant Witnesses to the Campus Designee at least two (2) business days before the hearing. The Respondent and Complainant will have access to the names of all Witnesses. It is the responsibility of the Respondent and Complainant to notify all Witnesses of the date, time, and place of a hearing. If a Witness fails to appear, the hearing shall be held in his or her absence.
All relevant information will be admissible. The chair, in consultation with the Council, will determine relevance.
All evidence and information presented to the Hearing Council is expected to be truthful, accurate, and complete. Failure to give truthful and complete information at a hearing may result
in disciplinary action for a Witness.
Following the proceedings, the Hearing Council will meet in private session to deliberate
whether the Respondent is responsible or is not responsible for the charges based on the Hearing
Council’s judgment of whether it is more likely than not that misconduct has occurred. Decisions
shall be based only on evidence presented at the hearing. The observer/recorder will remain
in the session as a resource person, but will not participate in the deliberations. The Hearing
Council must reach consensus, with all members of the Council giving input. If the Respondent
is found responsible for the misconduct, the Hearing Council will set a sanction and will take
into consideration any prior violations and the Student’s or Student Organization’s overall
record.
The Council Chair will send the Respondent and the Complainant, if applicable, written
notification of the decision of the Hearing Council and attach the Hearing Council’s written
decision within five (5) business days after the close of the hearing. This notification will also
include information on the appeal process.

APPEAL PROCESS
Decisions of the judicial officer or the Hearing Council, as applicable, may be appealed to the
Executive Director of Student Affairs. Appeals must be filed in writing with the Executive
Director of Student Affairs within three (3) business days of receipt of the written notification
of the decision. The Complainant or the Respondent, including the Campus Designee in case of
University charges, may appeal the decision based on one or more of the following:
   New evidence not reasonably available at the time of the original hearing, the absence of
which can be shown to have had a detrimental impact on the outcome of the hearing;
   Procedural error that can be shown to have had a detrimental impact on the outcome of the
hearing;
   Errors in the interpretation of University policy; or
   Appropriateness of the sanction.
The Executive Director of Student Affairs will decide whether or not there is a basis for an
appeal and, if there is, upon consideration of the appeal may, using his or her discretion, change
any determination and any sanction levied by the judicial officer or Hearing Council or remand
the matter back to the original judicial officer, the original Hearing Council, or a new Hearing
Council for further consideration.
The decision of the Executive Director of Student Affairs is final. Should a case be remanded
back to a new Hearing Council, a Student is entitled to an additional appeal consistent with the
University’s standard appellate procedures.

SANCTIONS

SANCTIONS FOR INDIVIDUALS
Any combination of the following sanctions or other sanctions may be imposed through the
judicial process. Multiple and/or repeated violations typically result in increased sanctions.
The sanctions listed are not inclusive, but merely serve as guidelines.

Primary Sanctions:
1. Formal warning: a written reprimand that expresses disapproval of the Student’s actions and
warns against any potential violations of University policy in the future.
2. Probation: a period of observation and review. Misconduct warranting probation will result
in a minimum of four weeks’ and maximum of six months’ probation. If found responsible
for violating any University policies or failure to comply with other requirements stipulated
during this period, the Student may be immediately suspended from the University and/or its events pending further disciplinary review.

3. Suspension: results in immediate dismissal from classes and activities at the University for at least the remainder of the session/semester in progress and/or a specified period of time thereafter. Any additional violations or failure to comply with other requirements stipulated during this period of suspension may result in expulsion. During suspension, the Student is not permitted to visit the University premises or attend any University functions without prior written permission from the Executive Director of Student Affairs. Any Student who is suspended due to misconduct will not be entitled to any refund of tuition or other fees and may incur additional charges and fees after financial aid is adjusted.

4. Expulsion: The most severe sanction for violation of University policy is expulsion, which results in immediate dismissal and permanent separation from the University. Any Student who is expelled due to misconduct will not be entitled to any refund of tuition or other fees and may incur additional charges and fees after financial aid is adjusted.

Additional Sanctions:

5. University property restrictions: restriction from certain University facilities or property, either physical or virtual, for a definite period of time.

6. Housing unit suspension: separation of the Student from the University housing unit for a definite period of time, after which the Student is eligible to return. Conditions for readmission may be specified.

7. Housing unit expulsion: permanent separation of the Student from the University housing units.

8. Fine: a monetary penalty for property damage, theft, or other violations that result in inconvenience or cost to others.

9. Parental Notification: as permitted by law, the University reserves the right to disclose to parents or legal guardians information about a Student’s violation of University regulations and policies and federal, state and/or local laws governing the use of alcohol or a controlled substance. The University may notify parents/legal guardians of alcohol or a controlled substance violation if the Student is under the age of 21. The Office of Student Affairs determines the circumstances under which parental notification takes place.

10. Restitution: compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

11. Educational sanctions: require a Student to write a paper, plan and present a program, attend a class or seminar, or complete other educational requirements.

12. Loss of privileges: denial of specified privileges for a designated period of time.

13. Disqualification from receipt of institutional financial aid while the sanction is imposed or possibly thereafter.

SANCTIONS FOR STUDENT ORGANIZATIONS

Any combination of the following sanctions or other sanctions may be imposed through the judicial process. Multiple and/or repeated violations typically result in increased sanctions. The sanctions listed are not inclusive but merely serve as guidelines.

Primary Sanctions:

1. Formal warning: a written reprimand that expresses disapproval of the Student Organization’s actions and warns against any future violations of University policy.

2. Probation: includes the loss of all group and campuswide social privileges, except philanthropy. A probationary period may range from four weeks to one full academic year, with a mandatory review before the Student Organization can be released from probationary
status. Any additional violations or failure to comply with requirements stipulated during this period may result in suspension pending further disciplinary review.

3. Suspension: results in a loss of all meeting and activity privileges for a minimum of one full academic year and a maximum of four full academic years. Any additional violations or failure to comply with other requirements stipulated during this period will result in expulsion. Any Student Organization that is suspended due to misconduct will not be entitled to any refund of member dues or other fees.

4. Expulsion: the most severe violations of the University judicial code by a Student Organization will result in dismissal and permanent separation from the University. Any Student Organization that is expelled due to misconduct will not be entitled to any refund of member dues or other fees.

Additional Sanctions:

5. University property restrictions: restriction from certain University facilities or property, either physical or virtual, for a definite period of time.

6. Housing unit suspension: separation of the Student Organization from the University housing unit for a definite period of time, after which the members are eligible to return. Conditions for readmission may be specified.

7. Housing unit expulsion: permanent separation of the Student Organization from the University housing units.

8. Fine: a monetary penalty for property damage, theft, or other violations that result in inconvenience or cost to others.

9. Restitution: compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

10. Educational sanctions: require a Student Organization or individual to write a paper, plan and present a program, attend a class or seminar, or complete other educational requirements.

11. Loss of privileges: Denial of specified privileges for a designated period of time.

12. Disqualification of Registered Student Organization officers and members from receipt of institutional financial aid, including but not limited to the DU Club Scholarship program.

STUDENT ARBITRATION POLICY
It is the policy of Davenport University (the “University”) to encourage whenever possible the use of internal dispute resolution processes to resolve student disputes and to utilize arbitration to resolve such disputes where internal processes are unsuccessful.

The University believes that arbitration of student disputes is an effective alternative to litigation for all concerned. The arbitration process offers several advantages to both students and the University. Binding arbitration is normally much faster and simpler than court proceedings. Because of this, it is also less costly.

It is vital to understand that this Student Arbitration Policy (the “Policy”) does not create or destroy any legal rights; it changes only the forum in which those rights will be resolved. In other words, neither party may go to court to resolve a dispute subject to this Policy; rather, the dispute will be resolved by arbitration, which will be final and binding. Both the University and the student will be obligated to pursue exclusively through arbitration any and all claims which they might otherwise bring in a court of law or before an administrative agency.

1. Relationship to the Complaint Resolution Process. The Student Code, together with the University policies and procedures (collectively, the “Internal Process”) as identified in the Undergraduate Catalog, contains the University’s dispute resolution procedure for students. The Internal Process uses different techniques, ranging from discussions with a student’s
professor or faculty member to a more formal review, to resolve disputes. This Policy is not part of the Internal Process. It is, instead, a separate and freestanding University policy. If applicable, the student must first utilize and exhaust the Internal Process before a demand for arbitration can be made under this Policy, unless the University agrees in writing to bypass one or more of the steps of the Internal Process.

2. **Arbitration Proceedings.** Any and all disputes or disagreements between the student and the University relating to any Covered Claim (as defined below) shall be resolved by arbitration conducted pursuant to the Commercial Arbitration Rules of the American Arbitration Association (the “AAA”). The arbitration process shall be administered by the AAA. The arbitrator shall issue a written decision that shall include a rationale supporting the decision, findings of fact, and conclusions of law. The decision shall be final and binding on the parties, and judgment may be entered on the arbitrator’s decision in a court of competent jurisdiction. The arbitration proceedings shall be conducted in a confidential manner. Arbitration shall constitute the sole and exclusive forum for resolution of any and all disputes relating to Covered Claims.

3. **Waiver of Judge or Jury Trial.** By virtue of a student’s acceptance of this Policy on the Application for Admission and becoming enrolled or continuing to attend the University, the student and the University mutually agree to submit to final and binding arbitration all Covered Claims which they have against each other that would otherwise be brought in state or federal court or in an administrative agency. Consequently, both the student and the University expressly waive any right to have any Covered Claim resolved in a court of law by a judge or through a jury trial or before an administrative agency.

4. **Time for Filing Claims.** To demand arbitration of a Covered Claim, the demanding party must provide written notice to the other party no later than one hundred and eighty (180) calendar days from the date when the Covered Claim first arose or within the time period provided by law, if that time period is less than one hundred and eighty (180) calendar days. A student’s demand for arbitration must be directed to the University’s Provost. The University’s demand will be directed to the Student’s last known address. A party’s failure to make a timely written demand for arbitration means that the party’s claims have been forever waived and can no longer be pursued against the other party in any forum.

5. **Covered Claims.** A “Covered Claim“, for purposes of this Policy, means any claim that could be brought in state or federal court or administrative agency arising out of, or relating to, the student’s attendance at the University.
   a. **Covered Claims include, but are not limited to, claims involving laws against discrimination, including discrimination based upon sex, race, color, national origin, religion, disability, age, or any other category protected by state or federal law; claims based on admission, enrollment, class participation, suspension, expulsion, academic standards, or other academic matters; contract claims; tort claims; failure to educate claims; claims against current or former University Trustees, officers, employees, or contractors related in any way to Covered Claims; and claims for an alleged violation of any federal, state, or other governmental law, common law, statute, regulation, or ordinance.**
   b. **All procedural issues and questions of arbitrability relating to a Covered Claim shall also be submitted to the arbitrator, not the court, for resolution.**
   c. **Each party may request such remedies, damages, or other relief allowable by the state and/or federal law applicable to their Covered Claim.**

6. **Miscellaneous.** This Policy constitutes the sole method for the resolution of Covered Claims. If any provision of this Policy is found to be void or is otherwise unenforceable, in whole or
in part, it shall not affect the validity of the remainder of this Policy, which will remain in full force and effect. The Student understands that this Policy also is binding on any individual or entity claiming by or through the Student or on the Student’s behalf.