## 6.6 Student Code of Conduct and Conduct Review

### *6.6.1 Student Code of Conduct*

Lynn University uses technology and policy enforcement in its efforts to provide a safer and more secure environment for all students, faculty, and staff. Although Lynn University has established its own Student Code of Conduct, the University adheres to all federal, state and local laws and incorporates these statutes into the Student Code of Conduct system. Code of Conduct concerns are addressed according to the Student Code of Conduct Review Process and Procedures section below. During times of campus emergency, additional campus safety and security policies may be implemented.

The Higher Education Amendments developed the Student Right-To-Know and Campus Security Act of 1990. This act requires disclosure of data on crimes committed on campus and campus safety policies and procedures. This information is available in the Lynn University publication Campus and Security Safety Guidelines available in the Office of Student Life.

The following alphabetized list describes expected community conduct, as well as prohibited behaviors relevant to the safety and security of the entire University. If a University-sponsored event is held at an off-campus location, the University views any act of conduct inappropriate to the event as a violation of University policy. Students who violate policy will be held accountable through the University's Conduct Review Process and may be subject to arrest by local or state agencies.

Members of the Lynn University community are expected to make good decisions and should refrain from activities that compromise individual integrity and/or the integrity of the University. We believe that it is in students" interest to respect the rights of others and take action to preserve order on campus. The following items/actions lack value in the educational process and should serve as a guideline for appropriate decision making:

#### 6.6.1.1 Acts of Dishonesty

Individuals are expected to represent themselves in an honest and forthright manner within the university community. It is expected that members of the university community refrain from actions that may be deemed dishonest including, but not limited to:

1. Providing false information, withholding relevant information, or supplying misleading information to a University official;

2. Forgery, alteration, or use of University documents or instruments of identification with the intent to defraud;

3. Tampering with the election process of any University recognized student organization;

4. Refusing to provide identification, misidentifying oneself or presenting a false identification.

5. Making a false or misleading oral or written statement that misrepresents the character, qualifications, or reputation of another;

6. Possessing any form of false identification.

### 6.6.1.2 Alcohol and Other Drugs

#### *6.6.1.2.1 Philosophy Statement*

Every academic and social program at Lynn University is based on an educational and developmental philosophy recognizing and celebrating the diverse individuals who matriculate here. In keeping with this, our alcohol and other drug policies are reviewed annually.

It is imperative that we recognize the educational partnership between administrators and students in regard to policies in all areas including the issues related to consumption of alcohol or the use of illegal psychoactive drugs.

Students share responsibility for choices they make and Lynn University shares responsibility for creating and managing an environment that supports reasonable and responsible choices. This notion of shared responsibility and the balancing of university authority and student freedom emerges from the philosophy set forth in The Rights and Responsibilities of the Modern University, by Robert D. Bickel and Peter F. Lake. We are taking reasonable steps to reduce risks from alcohol and other drug related activities. We are invested in the prevention and reduction of risk. We do know shared responsibility enhances student accountability.

The spirit of this policy is to educate and to prevent harm due to alcohol or illegal drug use. It is designed to promote the growth of student personal accountability by facilitating conditions of order and safety. Our students will be treated and respected as young adults and are expected to act responsibly while enjoying the freedom that comes with the university experience.

Lynn University students must acknowledge their critical role in protecting their own safety. Students and campus administrators must both always attempt to do the right, reasonable, and safe thing.

#### *6.6.1.2.2 Amnesty Policy*

As partners with the University in promoting health and safety, all students have a responsibility and obligation to seek immediate assistance for any student known to be experiencing a serious health crisis, including one resulting from high risk drinking or the abuse of other drugs.

As such, students who seek assistance on behalf of a peer and are themselves under the influence of alcohol, will not receive a Code of Conduct sanction for this action. Additionally, the student who is the subject of the report will not receive a code of conduct sanction for this action.

It is the University' s intention to partner with students in promoting health and safety. The university will provide students with the assistance needed to respond to high risk drinking and other drug abuse. Students may seek such assistance by contacting security at 561-237-7226.

After the crisis is resolved, the student who experienced the health crisis, as a result of alcohol intoxication or other drug consumption, will be referred to the substance abuse prevention and treatment specialist. The substance abuse prevention and treatment specialist will provide further assessment, substance abuse education, counseling, recommendations and/or referral as applicable to the individual student' s need.

#### *6.6.1.2.3 Lynn University Policy on Alcohol*

Lynn University does not consider the use of alcoholic beverages as necessary to the process of higher education. Students of legal drinking age may consume alcoholic beverages in a responsible manner in the privacy of their own residence hall room. Use of alcoholic beverages cannot and will

not be considered an excuse for violation of University rules and regulations, or local, state, or federal statutes and laws.

Since alcohol is a drug that can have serious consequences when consumed in a high risk manner, all members of our community must act together in promoting health and safety.

This partnership is designed to:

1. Assist students in minimizing the harmful effects of alcohol;

2. Encourage students to live a healthier lifestyle and make healthier consumption choices;

3. Educate students about the risks and responsibilities inherent in the consumption of the drug alcohol;

4. Assist students to develop awareness about the consequences of high risk behavior;

5. Respond to any treatment needs.

In the State of Florida, the legal age for consumption of alcohol is 21. Students and guests under legal age, who consume, possess, buy, serve or sell alcoholic beverages or individuals who sell to or serve minors are in violation of both state law and University policy. Possession or consumption of alcohol by students and guests over the age of 21 is allowed in the privacy of their own room. Students present during policy violations will be documented and be subject to a conduct review meeting.

It is expected that students will act responsibly and maturely whether or not they have been consuming alcoholic beverages. Inappropriate behavior resulting from alcohol consumption and/or abuse is a serious violation of University regulations. The use or abuse of alcohol is not an acceptable excuse for any violation of university policies.

Access to and use of alcohol on campus is limited and regulated by state, federal and local laws and by the rules and regulations of Lynn University. University regulations have been established in accordance with Florida State laws as well as insurance and safety regulations. Specifically:

1. Alcoholic beverages may not be served on university property or within university facilities without proper permission. The appropriate administrator (University President, Vice President for Student Life or designee) may grant permission to those persons, groups or organizations in their area of responsibility. All permissions granted must be consistent with this policy.

2. Persons under the legal drinking age may not distribute, sell, possess, consume, be under the influence of, or be in the presence of alcohol on campus.

3. Persons of legal drinking age may not consume or be in the presence of alcohol in the company of persons under the legal drinking age. In an instance of an underage person being present where alcohol is being consumed or available, the person of legal drinking age will also be held accountable. In the event one roommate is of legal drinking age and another is not, each must observe the law as it pertains to him/her.

4. Persons of legal drinking age may not distribute, provide, or sell alcohol to persons under the legal drinking age.

5. The University reserves the right to limit the amount of alcohol brought onto campus for personal consumption: kegs; beer balls and alcoholic beverages in multiple serving containers are not allowed on campus. These items will be confiscated and disposed of.

6. Alcoholic beverages may not be consumed or carried in open containers in University facilities, corridors, lounges, stairwells, lobbies, parking lots, and public areas of campus, with the exception University residence hall rooms.

7. The selling, supplying, possession, and consumption of alcohol is generally prohibited at student-sponsored events and University events at which underage students are present, except with the written approval of the Vice President of Student Life or designee.

8. Use or possession of false or altered identification, or other misrepresentation of one's age in order to possess, consume or purchase alcohol is prohibited.

9. The possession and/or use of alcohol paraphernalia (funnels, bongs, beer pong tables, etc.) is prohibited.

10. Public intoxication, excessive noise, verbal or physical abuse to others or vandalism is prohibited.

11. Driving on University property while under the influence of alcohol is prohibited.

#### *6.6.1.2.4 Lynn University Policy on Other Drugs*

Lynn University does not support any activity related to the possession, use, provision of, or sale of any substance considered to be illegal. This policy includes, but is not limited to, marijuana, salvia or the non-prescribed use of prescription drugs. Drug paraphernalia is also prohibited and includes any and all types of equipment, products and materials of any kind which are used, intended for use or designated for using or selling drugs.

On-campus and/or off-campus involvement in possession, use or sharing of drugs may result in suspension from the University for a minimum of one semester and until the student completes his/her educational sanctions. This suspension will occur regardless of legal action.

The selling of illegal drugs, including marijuana and prescription drugs, on or off campus, may result in immediate expulsion and may result in the notification of the proper law enforcement authorities.

Given the considerations and other dangers regarding the use and abuse of drugs, regulations will be enforced and are applicable regardless of the status of the legal proceedings. Specifically:

1. Illegal substances may not be possessed, used, distributed, bought, sold or manufactured on the Lynn University campus.

2. Controlled substances may not be possessed, used, distributed, bought, sold or manufactured on the Lynn University campus except as expressly permitted by law.

3. Illegal or inappropriate use of substances to cause intoxication or hallucinations is prohibited.

##### 6.6.1.2.4.1 Prescription Drugs

The misuse and abuse of any prescription drugs can result in a variety of physical and psychological consequences, ranging from addiction to accidental overdose death. Mixing prescription drugs with alcohol or any other drug increases the likelihood of toxic overdose and death. Sharing prescription drugs is a felony under Florida law and is a violation of the Student Code of Conduct.

The illegal possession, use or sharing of prescription drugs is a violation of the Lynn University Other Drug Policy and will result in conduct action.

#### 6.6.1.2.4.2 Location and Paraphernalia

Students involved in the vicinity of drug use (*i.e.*, being in the same room or automobile) or the possession of marijuana related paraphernalia which is defined as, but not limited to, any and all types of equipment, products or materials of any kind which are used, intended for use or designed for using or selling drugs, will face conduct action.

#### 6.6.1.3 Assault

Acts that cause harm to another individual are contrary to the educational mission and values of the University. Actions that impede on another person's physical space in an aggressive and/or violent manner, including initiating physical contact or retaliating to physical contact is a serious violation of the Code of Conduct. Assault includes, but is not limited to:

1. Any type of unwanted touching or striking of another person;

2. Intentionally placing another person in fear of being touched or struck

#### 6.6.1.4 Bullying

Bullying in any form is a major distraction from learning. Lynn University will endeavor to maintain a living, learning and working environment free of bullying. Bullying is generally defined as the act of one or more individuals intimidating one or more persons through verbal, physical, mental or written interactions. Bullying can take many forms and occur in virtually any setting.

1. Verbal bullying: insults, name-calling, spreading malicious rumors, anonymous phone calls, persuading another person to unfairly criticize or insult someone;

2. Physical bullying: throwing things, removing and hiding belongings, spitting, poking, threatening to assault, pulling by clothing, menacing stares, obscene or threatening gestures, surrounding a person so he or she cannot escape, intentionally placing another person in fear of being touched or struck;

3. Relational Bullying: forming coalitions against someone, excluding, persuading others to exclude social/gender-based bullying: bullying based on gender, race, religion, disability or social class, includes sexual or racial harassment, derogatory language, putdowns and name-calling based on the victim's background or orientation;

4. Electronic Bullying: offensive messages, threats, name-calling through e-mail, Internet or mobile phones.

#### 6.6.1.5 Campus Disruption

Actions that compromise the safety, welfare and/or rights of others is in contrast to the values of the University community, including but not limited to:

1. Behaviors which are disorderly or indecent;

2. Breach of peace;

3. Aiding, abetting, or procuring another person to breach the peace on University premises or at functions sponsored by, or participated in by the University;

4. Displaying conduct or behavior which disrupts the regular operations of classes, library, laboratories, or the residential community;

5. Disruption or obstruction of teaching, research or administration, including its public services functions on or off campus;

6. Disrupting the conduct review process;

7. Disrupting University activities;

8. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at sponsored or supervised functions;

9. Obstructing access to any University building or any portion of the University facilities;

10. Inciting to action or participating in unauthorized activities resulting in destruction or damage of property;

11. Infringement upon the rights of others or actions that prejudice the maintenance of public order;

12. Climbing or scaling the exterior of any University building;

13. Exhibiting public nudity or other inappropriate sexual related conduct.

**6.6.1.6 Complicity**
A student shall not, through act or omission, assist another student, individual, or group in committing or attempting to commit a violation of this Code of Conduct or any other written University policy. A student who has knowledge of another committing or attempting to commit a violation of the Code of Conduct is required to remove him or herself from the situation, and Lynn failure to do so when reasonable under the circumstances may be the basis for a violation of this policy.

**6.6.1.7 Computing Devices and University Network Misuse**
Students must adhere to the Lynn University Information Technology policies in Volume II, Section 2.4 and Volume VI, Subsection 6.3.12 of the *Lynn University Policy Manual*.

**6.6.1.8 Dangerous Materials and Firearms**
Materials and items that may present concern or harm to the University community are not permitted, including but not limited to:

1. Possession, storage and/or use of fireworks, combustible materials (including lighter fluid, propane and other dangerous chemicals), any item or combination of items when combined could create an explosive device or other dangerous items or substances are not permitted anywhere on Lynn University property;

2. Weapons are prohibited on campus. The possession, storage and/or use of any firearms or weapon as well as any type of ammunition is not permitted anywhere on Lynn University property. Please refer to the University's Weapons Policy (see Volume II, paragraph 2.3.3.20) for additional information.

The inappropriate use of non-lethal defense weapons, such as pepper spray, is a violation of the University Code of Conduct. These items may only be used for their intended purpose.

**6.6.1.9 Discrimination and Harassment**
A student shall not engage in harassing behavior, including but not limited to sexual harassment, as defined by the University's Discrimination and Harassment Policy in Volume II, Subsection 2.1.6.

**6.6.1.10 Dress Code**
Students are required to abide by the following dress code:

1. All students must wear appropriate upper and lower garments and shoes or sandals at all times in classrooms, University offices, the Lynn Student Center, and the Eugene M. and Christine E. Lynn Library.

2. Appropriate attire is required for formal convocations, formal receptions/meals, and other formal occasions of a ceremonial nature.

**6.6.1.11 Endangerment**

Behaviors that threaten or endanger the health and/or safety of oneself or others are contrary to the character of a learning environment. Members of the Lynn community are expected not to engage in such behaviors.

Specific violations of this standard include, but are not limited to: Lynn University Policy Manual:

1. Creating a safety hazard, including but not limited to obstructing fire escape routes such as hallways or stairwells and the propping open of stairwell doors;

2. Setting or causing a fire;

3. Tampering with, misusing or damaging fire or safety equipment, such as alarms, heat sensors, smoke detectors, hoses, and fire extinguishers;

4. Failing to immediately exit any facility or building when a fire alarm has been sounded, or hindering or impairing the orderly evacuation of any University facility or building; or

5. Disobeying a command by any University official or faculty member in connection with a fire, alarm, or other safety or security matter.

In addition, members of the Lynn University community are expected to reasonably care for their own mental and physical wellbeing. If circumstances arise that prohibit a student from appropriately assessing or attending to his or her own welfare, the student is strongly encouraged to seek counseling and support within the appropriate university offices. In such cases, the student is expected to abide by reasonable directives offered by the professional staff. Refusing to adhere to the standards of this section is considered a violation of the Student Code of Conduct.

**6.6.1.12 Failure to Comply**

It is a violation to ignore, disobey, disregard, or otherwise violate any reasonable directive of a University official acting in the performance of his or her duties. The following actions are not permitted, including but not limited to the failure to comply:

1. With the request of any paraprofessional (resident assistant or community assistant) or professional faculty/staff member or campus safety and security officer;

2. With directions of any University official or law enforcement officer acting in performance of his/her duties;

3. Failure to identify oneself to these persons when requested to do so, or to present appropriate identification when requested;

4. With any legitimate sanction assigned as a result of a conduct review, conduct restriction or behavioral contract;

5. With the terms of any Lynn University Agreement, policy, or procedure;

6. With any applicable federal, state, or local law.

**6.6.1.13 Fire Safety**
During all fire alarms, everyone is mandated to immediately vacate the impacted building. Each person is expected to remain at a safe location until a University official offers further instruction. Behavior that is contrary to the spirit of fire safety is a violation of the Student Code of Conduct, including but not limited to:

1. Participating in, or setting fire to any University or personal property;

2. Failure to evacuate the impacted building/area during an active alarm;

3. Participating in or attempting to commit an act of arson;

4. Tampering with fire safety equipment including removing, interfering with, or unnecessarily activating the fire safety equipment (e.g. fire extinguishers, smoke detectors, automatic fire alarm systems, exit signs, emergency lighting);

5. Creating a fire hazard (e.g. unauthorized use/possession of flammable material in university facilities or on University property);

6. Smoking in non-designated smoking areas, including inside any building, interior or exterior stairwell, lounge, elevator or courtyard;

7. Possession or use of fire hazards such as candles, incense, halogen lamps, extension cords (UL approved power strips in good condition [not frayed or cut] with a fuse or breaker are permitted), and any appliance or item with a heating element are prohibited (see the Residence Hall Regulations for a list of approved items for the residence halls).

**6.6.1.14 Gambling**
Playing or engaging in any non-university sponsored illegal gambling activity while on University property is not acceptable behavior or permitted. Please refer to the University's Gambling Policy (see Volume II, Subsection 2.1.9) for additional information.

**6.6.1.15 Harassing Behavior**
Members of the Lynn community are expected to engage in behaviors that are non-threatening, safe, and mutually respectful. Continuing to engage in a course of conduct directed at a specific person that causes substantial disruption to such person and serves no legitimate purpose, including but not limited to stalking, is a violation of the Code of Conduct.

**6.6.1.16 Hate Incidents**
In a diverse community, tolerance of others enhances the safety, freedom and well-being of everyone. Hate incidents include abuse, physical, verbal and/or otherwise, against a member of a particular racial, ethnic, religious, sexual orientation, or cultural group. Any words or acts, whether intentional or a product of disregard for safety, rights or welfare of others, which causes physical or emotional harm, or intimidates, degrades, demeans, threatens, or otherwise interferes with another person's rights to comfort are violations of the Code of Conduct.

**6.6.1.17 Hazing**
It is a violation for students, faculty, staff or alumni to engage in any activity that may be construed as hazing. In accordance with Section 1006.63 (1), F.S., "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any

food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student

Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Any activity as described above upon which the initiation or admission into or affiliation with a Lynn University organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Apathy or acquiescence in the presence of hazing is not a neutral act; it is a violation of this article.

Students found responsible for hazing may be subject to the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines, and the imposition of reprimand, probation, suspension or expulsion. Registered student organizations which authorize hazing in blatant disregard of these rules may be subject to denial of permission for the organization to be registered, to meet on campus and to use campus facilities, and, in the case of fraternities and sororities, the right to exist at Lynn University.

The Chad Meredith Act makes dangerous hazing a crime in Florida. The bill, named for a University of Miami freshman who drowned in a campus lake while trying to join a fraternity in 2001, makes hazing that results in serious injury or death a felony punishable by up to five years in prison, even if the victim consents (1006.63(2)). Florida is now one of eight states that make some types of hazing a felony.

*For more information regarding hazing and specifically 1006.63(1) or, visit: http://www.flsenate.gov/statutes.

**6.6.1.18 Improper Off-Campus Behavior**

Off-campus incidents involving alleged violations of local, state, or federal law are subject to University conduct review. In addition, a student's off-campus behavior that negatively affects the mission or reputation of the University is subject to conduct review.

***6.6.1.18.1 Notification of Criminal Arrest***

1. A student is responsible for notifying the Assistant Dean of Students of any off-campus arrest.

2. When the Assistant Dean of Students is informed of the arrest of a student, the University will send a letter to the student requiring that the student make an appointment for an interview with the Assistant Dean of Students. During this interview, the facts involved in the student's arrest, the student's obligation to keep the University informed of the progress of the criminal charge(s), and the student's obligation to advise the University of the final disposition of the criminal charge(s) will be discussed with the student.

3. As outlined in the University's Conduct Review Policy, Conduct Review Board proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceeding. The alleged commission of a felony as named in local, state or federal law is a serious violation of the Student Code of Conduct and may necessitate an interim suspension from the University while the board considers the complaint.

**6.6.1.19 Misappropriation**
Lynn University students and sanctioned student organizations may not represent themselves as having the authority to enter into contracts or agreements that affect Lynn University in any way.

**6.6.1.20 Misuse of University Identification Card**
Students must have a Lynn University Identification Card (ID) in their possession at all times. A student must surrender the ID upon request from any University staff, faculty, or administrator. Misuse of a University Identification Card includes, but is not limited to:

1. Transferring or/or copying ID cards;

2. Possession of another person's University ID card;

3. Using the ID card (Lynn OneCard) in a fraudulent manner.

**6.6.1.21 Parking Sticker Fraud**
Using another student's parking sticker (unauthorized provision of a sticker to another student) is a violation of the Student Code of Conduct. Student(s) found responsible for violating this policy may face confiscation of the unauthorized parking sticker, suspension of the privilege to park on campus, a fine and additional disciplinary action.

**6.6.1.22 Sexual Assault**
Any and all nonconsensual sexual acts are serious violations of the Student Code of Conduct. Lynn University is committed to providing its students access to necessary support services following their involvement in a sexual assault. The Sexual Assault Crisis Team, comprised of various members of Lynn's faculty and staff, is designed to offer students the necessary support throughout the decision-making process following a sexual assault.

Sexual assault is any action that forces one to participate in any type of unwanted sexual contact through violence, manipulation, pressure and/or threats, overt or implied. Unwanted sexual contact can be physical, including rape, molestation or any type of sexually oriented unwanted touching. In the event a student is involved in a sexual assault, the student should immediately contact Campus Safety and Security by dialing 222. Campus Safety and Security will then notify the members of the Sexual Assault Crisis Team. Team members will respond to assist the impacted student.

Unwelcome sexual advances, request for sexual favors and other verbal/written conduct of a sexual nature are contrary to the nature of a safe living and learning environment. Such behaviors are violations of the Student Code of Conduct.

Any student who witnesses or suffers an incident of sexual misconduct is encouraged to file a Student Code of Conduct complaint.

**6.6.1.23 Tampering with Property**
Tampering with any property or premise of Lynn University or the property of a member of the University community on or off University premises, or to the property of a visitor to the campus, including but not limited to attempted or actual:

1. Theft;

2. Illegal possession;

3. Removal;

4. Misuse;

5. Destruction;

6. Damage;

7. Harm;

8. Throwing or hanging objects from windows, hallways, stairwells, balconies, or placing objects on the ledge outside of windows;

9. Duplicating any University key or access device.

Theft of personal property should be reported immediately to the Office of Campus Safety and Security. Although the University takes normal precautions to safeguard property, the University is not responsible for loss or damage to students‟ property. It is strongly recommended that students securely lock their valuables and obtain insurance coverage for all items of personal property.

**6.6.1.24 Trespassing and Soliciting**
Individuals who are not authorized, licensed or invited to enter the residential area are subject to civil arrest for trespassing. Unauthorized soliciting is not permitted anywhere on Lynn property. Knowingly hosting persons under trespass notice is a violation of the Student Code of Conduct.

**6.6.1.25 Violation**
Violating any University policy or regulation printed in Volumes, II, V, and VI of the *Lynn University Policy Manual*, or the Academic Catalog, Residence Hall Policies, Residence Hall Regulations, and all other regulations promulgated by the University infringes upon the spirit of the Code of Conduct.

### *6.6.2 Conduct Review*
The Student Code of Conduct serves to protect individual rights, while cultivating a cooperative living and learning environment. The University views its students as adults and expects that they will act with the requisite maturity and responsibility. As adults, students are accountable for their behavior under the Student Code of Conduct, whether it takes place on or off University property. In addition to being subject to any internal action that the University may initiate, an alleged violator may also be referred to law enforcement officials and subject to the same consequences as if the alleged conduct had occurred off University property.

The overarching goal of this system is to establish behavioral expectations with an eye toward improving the overall quality of the communal university experience. The conduct review procedures apply in all cases of alleged violations of University regulations by all students enrolled at Lynn University, except where provision is specifically made for other procedure – *e.g.*, academic dishonesty (see Volume V, Subsection 5.4.11 of the *Lynn University Policy Manual*).

The Vice President for Student Life (or designee) administers regulations governing most aspects of the University community that students are likely to encounter. He/she has authority in all incidents of infractions of University regulations and general student conduct. The Assistant Dean of Students supervises the conduct review procedures.

This section describes shared expectations for demeanor while offering procedural fairness to all students documented for violating established standards of conduct in the Lynn University community.

Policies, procedures, and processes are established and approved through a committee composed of students, staff, and faculty.

**6.6.2.1 Terminology**

The term "University" refers to Lynn University in Boca Raton, Fla.
The term "Student" includes all persons taking courses at the university both full and part-time, pursuing undergraduate, graduate or professional studies; and those who attend post-secondary education institutions other than Lynn University and who reside in University residence halls. Persons who are not officially enrolled for a term, but who have a continuing relationship with the University are considered students.

The term "Faculty Member" is any person hired by the University to conduct classroom activities.

The term "University Official" includes any person employed by the university performing assigned administrative, professional or paraprofessional (resident assistants) responsibilities.

The term "Member of the University Community" includes any person who is a student, faculty member, University official, or any other person employed by the University. In ambiguous circumstances, the Vice President for Student Life shall determine a person's status.

The term "University Premises" includes all land, buildings, facilities, and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks). This may include properties rented or used for a specific University function.

The term "Organization" refers to any number of persons who have complied with the formal requirements for University recognition.

The term "Conduct Review Board" means any person or persons authorized by the Vice President for Student Life to determine whether a student has violated the Student Code of Conduct and to recommend the imposition of sanctions.

The Vice President for Student Life or designee may authorize a Conduct Review Board member to serve simultaneously as the sole member or one of the members of a Conduct Review Board. Nothing shall prevent the Vice President for Student Life or designee from authorizing the same individual(s) to impose sanctions in all cases.

The term "Appeals Committee" refers to any person or persons authorized by the Vice President for Student Life to consider an appeal from a determination that a student has violated the Student Code of Conduct or from the sanctions imposed by the Conduct Review Board.

The Vice President for Student Life is the person designated by the University President to be responsible for the administration of all student life policies as outlined in the *Lynn University Policy Manual*. Significant or substantial changes to student life policies, including those set forth in Volume V of the *Lynn University Policy Manual*, are subject to review and approval by the Board of Trustees.

The term "Policy" is defined as the written regulations of the University as found in, but not limited to, Volumes II, V and VI of the *Lynn University Policy Manual*, the Academic Catalog, Housing Agreement, Alcohol and Drug Policy, and other official University publications. These publications may be in print or posted on the Lynn University Web site (www.lynn.edu) or on myLynn (www.Lynn.edu/mylynn).

University jurisdiction and discipline will include all activity of University students which occurs on University premises and anywhere off-campus that adversely affects the University community and/or the pursuit of its objectives.

**6.6.2.2 Jurisdiction** The jurisdiction of the Student Code of Conduct includes policies published in the Housing Questionnaire, Academic Catalog, Housing Agreement, Volumes II, V and VI of the *Lynn University Policy Manual*, Alcohol and Drug Policy Handbook, and other official University publications. These publications may be in print or posted on the Lynn University Web site (www.lynn.edu) and/or myLynn (www.lynn.edu/mylynn).

**6.6.2.3 Reporting Complaints and Administration of the Code of Conduct**

***6.6.2.3.1 Reporting Complaints***

A member of the University community may file a complaint against any other member of the University community for violations of the Student Code of Conduct. Such Complaint Statements must be prepared in writing and directed to the Department of Campus Safety and Security and/or the Assistant Dean of Students.

Complaint Statements should be submitted as soon as possible after the event takes place, preferably within 24 hours of the incident, but no later than 30 days after the incident.

With five (5) business days of receipt of the Complaint Statement, the Assistant Dean of Students will review the report, evaluate the information, and determine the next appropriate actions. If there is insufficient evidence to support a formal charge, the case will be dismissed. If, however, there is sufficient evidence to pursue the case, the Assistant Dean of Students, depending on the circumstances of the alleged violation and severity of the possible sanctions, will determine whether the review of the alleged violation will take place before a Conduct Review Board or an assigned conduct review mentor.

If there is sufficient evidence to formally charge the student with a violation of the Student Code of Conduct, written notice of the charge(s), as well as a scheduled date for the conduct review proceeding (i.e., administrative conference or Conduct Review hearing) shall be forwarded by campus or U. S. Postal Service mail to the student. The notice shall be mailed sufficiently in advance of the conference or hearing to afford a reasonable opportunity to prepare a presentation. The notice shall state the specific policy that the student is alleged to have violated, stating the time, date, and place of the occurrence and will be informed of meeting procedures and possible sanctions. In addition, prior to and during the conference or hearing, the student shall be afforded Lynn University Policy Manual: reasonable access to review the Case File. The “Case File” includes documents pertaining to the specific disciplinary matter and is considered an educational record pursuant to FERPA. The personal notes of University administrative, faculty and staff members and privileged information of other students are not included in the Case File and thus are not accessible.

When a student is notified that he or she is the subject of a Student Code of Conduct complaint, that student is expected to report to the location of the conduct review proceeding at the stated date and time. Failure to report to the conduct review proceeding after reasonable notice of a pending complaint may be considered a separate violation of the Student Code of Conduct. A conduct review proceeding may take place without the involved student being present. In such cases, there is no right to appeal.

#### *6.6.2.3.2 Administration of the Code of Conduct*

The Vice President for Student Life or designee shall determine the composition of the Conduct Review Board as well as identify conduct review mentors who will review incidents administratively.

### 6.6.2.4 Violation of Law and University Policy

Any criminal violation of law (whether on campus or off campus) is at the same time a violation of the University's Student Code of Conduct. Therefore, any student charged with a criminal offense may become the subject of a Student Code of Conduct complaint. The aforementioned review procedures may be instituted with resulting University sanctions. Conduct Review Board proceedings are independent of criminal court processes and may be carried out prior to, simultaneous with, or following off-campus criminal proceeding. The commission of a felony as named in local, state or federal law is a serious violation of the Student Code of Conduct and may necessitate an interim suspension from the University while the Conduct Review Board considers the complaint.

### 6.6.2.5 Conduct Review Procedures

#### *6.6.2.5.1 Administrative Review Procedures*

An administrative review of an incident will be conducted by a conduct review mentor and the student on an individual basis whenever a student is accused of an offense that may result in a sanction less than dismissal or suspension. At this conference, the matter may be mutually resolved, dropped due to lack of evidence, or adjudicated by the official. If the facts of the case are in dispute, both the accused student and the accuser may present evidence and witnesses.

#### *6.6.2.5.2 Conduct Review Board Procedures*

Conduct Review Boards may be composed of one or more identified University officials and/or student(s) in good standing. The board will meet with the student, other participants, and witnesses to review all pertinent information regarding the incident to determine an appropriate response. Pending the approval of the Conduct Review Board, the involved student(s) may be accompanied during the review process by an advisor. Only Lynn University professional staff or faculty members may act as advisors. All Conduct Review Board proceedings are designed to Lynn University Policy Manual: Volume VI – Page 64 enhance student responsibility; therefore, all parties are expected to present their own explanation of events. With this philosophy in mind, advisors are not permitted to participate directly in Conduct Review Board proceedings.

Conduct Review Board proceedings shall be conducted according to the following guidelines:

1. Proceedings will be conducted in private unless approved by the Conduct Review Board.

2. Prior to and during the proceedings, the student shall be afforded reasonable access to review the Case File. The "Case File" includes documents pertaining to the specific disciplinary matter and is considered an educational record pursuant to FERPA. The personal notes of University faculty and staff and privileged information of other students are not included in the Case File and thus are not accessible.

3. The focus of inquiry in the proceeding shall be the validity or invalidity of the accusations against those accused of violating the Code of Conduct. Formal rules of evidence shall not be applicable; nor shall deviations from prescribed procedures necessarily invalidate a decision or proceeding, unless significant prejudice to a student respondent of the University may result.

4. The Conduct Review Board may call any member of the University community to participate in a proceeding. Admission of any person to the review will be at the discretion of the Conduct Review Board.

5. In proceedings involving more than one student, the Conduct Review Board may conduct separate reviews for each involved student.

6. Pending the approval of the Conduct Review Board, the involved student(s) may be accompanied during the review process by an advisor. Only Lynn University professional staff or faculty members may act as advisors. All Conduct Review Board proceedings are designed to enhance student responsibility; therefore, all parties are expected to present their own explanation of events. With this philosophy in mind, advisors are not permitted to participate directly in Conduct Review Board proceedings.

7. All parties have the privilege of presenting witnesses during the review proceeding. Such witnesses are subject to questioning by the Conduct Review Board and may be questioned separately from student(s) involved in alleged violation of University policy. However, the accused student shall not be compelled against his/her wishes to testify or answer any questions. The student's silence shall not be held against him/her.

8. Pertinent records, video-surveillance images, relevant exhibits, and written statements may be accepted as information for consideration by the Conduct Review Board. The applicability and weight of such evidence is determined at the sole discretion of the Conduct Review Board. The Conduct Review Board may use a recording device during any or all review proceedings. All recordings shall remain the property of the University.

9. Any relevant omission of fact, untruthfulness, falsification, or misrepresentation presented to the Conduct Review Board may be considered a separate violation of the Student Code of Conduct.

10. Any interference with the orderly process of Conduct Review Board proceedings may be considered a separate violation of the Student Code of Conduct. Moreover, the Chair shall exclude that person, including the student charged and/or his/her adviser, and proceed with the proceeding in the individual's absence.

11. Any attempt to discourage another's participation or truthful account of events in Conduct Review Board proceedings may be considered a separate violation of the Student Code of Conduct.

12. Under conditions of civil unrest or other states of emergency, the Conduct Review Board may (with or without notice) deviate from the aforementioned review procedures.

13. The Conduct Review Board shall resolve any issues regarding review procedures that are not clearly described in this section.

The Conduct Review Board may make changes to these procedures without notice.

***6.6.2.5.3 Decision-Making***

During all conduct review proceedings, reasonable efforts will be undertaken to encourage the involved student to actively participate. If all reasonable attempts to contact an involved student have been exhausted, the conduct review mentor or Conduct Review Board may proceed with the review in the involved student's absence. If the student is subsequently determined to have violated any section of the Student Code, the corresponding sanction imposed will be effective immediately and the student will have no right to appeal. All relevant information presented at the review will be considered. The involved student will be sent a written notification of the decision.

1. The conduct review mentor and Conduct Review Board shall use the preponderance of evidence (more likely than not) standard in all decision-making.

2. After the review, the conduct review mentor or the Conduct Review Board shall determine whether or not the student was responsible for violating any section(s) of the Student Code of Conduct within three business days, unless the conduct review mentor and/or the Chair of the Conduct Review Board determine additional time is needed to make a decision.

3. The involved student will be notified verbally and in writing of the findings. If the student is found responsible for violating a specific section(s) of the Student Code of Conduct, the applied sanction will be explained. The conduct review mentor or the Chair of the Conduct Review Board will author all pertinent documents.

***6.6.2.5.4 Interim Action and Interim Suspension***

Any time following the submission of an incident report, verbal or written, the Vice President for Student Life, or designee, may modify or suspend the right of a student to be present on campus or to attend classes for an interim period prior to resolution of the disciplinary proceeding, including any appeal. The Vice President for Student Life, or designee, will base this decision on whether the allegations of misconduct is apparently reliable and whether the continued presence of the student on the university campus reasonably poses a threat to the well-being of any individual, including the student, for reasons relating to the safety and welfare of any person, university property, or any University function. The decision to modify or suspend the rights of a student for an interim period will be communicated in writing to the student, and will become Lynn University Policy Manual: Volume VI – Page 66 effective immediately. Notification will either be hand delivered or sent by certified mail. Failure or refusal to take receipt of the notification will not negate or postpone the interim action.

A student who is suspended or has had his/her privileges modified for an interim period will be provided an opportunity to respond to the allegations of misconduct through a conduct review meeting scheduled as soon as is practical following the effective date of the interim suspension or action. The interim suspension or modified privileges will remain in effect until a final decision has been made on the pending complaint or until the Vice President for Student Life, or designee, determines that the reason for imposing the interim suspension or modification of privileges no longer exists and the student receives written notice that the interim action is no longer applicable.

***6.6.2.5.5 Attendance at the Conduct Review Proceeding***

In order to acquire the best information on which to base a decision, the student is expected to attend the conduct review meeting. The student may request that witnesses (*i.e.*, persons with first-hand knowledge of the alleged violation) be invited to attend the conduct review meeting or submit a statement through the Department of Campus Safety and Security. Any witnesses to the alleged incident may be requested to attend the conduct review at the discretion of the conduct review mentor or chair of the Conduct Review Board. The conduct review meeting will be held at the time, date, and place indicated in the letter of notification sent to the student and in the student's absence if he/she fails to respond to this letter.

Please note that all conduct review meetings are private and closed to everyone except the involved persons (*i.e.*, the accused student, complainant, and those witnesses invited by the conduct review mentor or Conduct Review Board). A student may not be accompanied by legal counsel (whether a practicing attorney or not) unless criminal charges are pending or foreseeable, in which case an attorney can accompany the student for the sole purpose of advising the student during the conduct

review. The ability to have legal counsel present is restricted to the incidents reviewed by the Conduct Review Board. Legal counsel may not be present during subsequent appeal meetings, if any.

**6.6.2.6 Types of Sanctions**

In light of the facts and circumstances of each case, the following sanctions, or combination of sanctions (with or without appropriate modifications) may be applied by the conduct review mentor or Conduct Review Board to any student found responsible for violating the Student Code of Conduct:

1. No Action.

2. Written Warning: A written notice to the involved student expressing disapproval of acts committed.

3. Disciplinary Probation: The disciplinary probation notice informs the student that for a specified period of time, additional violations shall lead to removal from university housing, suspension or expulsion from the university. Disciplinary probation may also be assigned with specific restrictions, as outlined below.

4. Restrictions: During a specified period of time, a student may be restricted from a particular aspect of student life within the University community including, but not limited to the following:

a. Serving in a leadership role within any University-recognized student club or organization;

b. Participating in intercollegiate athletics;

c. Participating in intramural or club sports;

d. Pledging a Greek organization;

e. Ability to host an overnight guest in the University residence halls;

f. Participating in a University-sponsored study tour or study abroad program;

g. Access to a specific area of the campus and property owned or controlled by the University;

h. Participating in any event or program sponsored by the University.

5. Educational Assignment: A student may be assigned additional sanctions, educational in nature, to aid in his/her development and better understanding of his/her choices. The student will be given a definite time frame for each assignment and is expected to complete assignments within that time frame in order to avoid further conduct action.

6. Removal from University Housing: Removal from University housing involves exclusion or removal of a student, either temporary or permanent, from the residence halls for a definite period of time. Students assigned this sanction may not enter the residence halls during the definite period of time of the removal except for official university business during regular business hours. There may be specific conditions for readmission to University housing.

Once notice of the removal from University housing is given, the student will be given a specific time frame in which to remove all belongings from the living space and vacate the residence halls. The student may be monitored or escorted during the removal process.

7. Suspension: A suspended student is excluded or removed from the university for a definite period of time, after which the student may be eligible to return. Students suspended from the University

may not return to the campus or attend any University-sponsored events for the duration of the suspension. There will be specific conditions for return to the University.

Once notice of suspension is given, the student will be given a specific time frame in which to remove all belongings from University housing and vacate the campus. The student may be monitored or escorted during the suspension process.

A student suspended from Lynn University is not eligible for a refund of any kind, regardless of the date of the violation.

8. Expulsion: Expulsion involves permanent separation of the student from the University. An expelled student may not enter the campus or attend any University-sponsored events and is not eligible for return to the University.

Once notice of expulsion is given, the student will be given a specific time frame in which to remove all belongings from University housing and vacate the campus. The student may be monitored or escorted during the expulsion process.

A student expelled from Lynn University is not eligible for a refund of any kind, regardless of the date of the violation.

9. Other sanctions can include any, or a combination, of the following options, including but not limited to:

a. Restitution: monetary reimbursement to the University, an individual or organization for any property damages or losses resulting from the acts committed.

b. Community Service: A student may be required to complete work assignments or other service to the University community.

c. Residence Hall Relocation: a change in a resident student's current on-campus residence to another location within the University housing system as assigned by the Office of Residence Life.

d. Exclusion from specific campus privileges or activities including but not limited to:

i. Loss of driving and/or parking privileges on property owned or controlled by the University;

ii. Campus jobs;

iii. Participation in extracurricular activities;

iv. Registration for future semesters;

v. Loss of computing privileges at the University.

e. Internal Referral: referral to a specific department or University official for the purposes of evaluation and education

f. Fines: Monetary reimbursement to the University must be paid by the date specified. All financial obligations must be satisfied prior to or at the time of course registration for the next semester.

**6.6.2.7 Appeals**

A student found responsible for violating the Student Code of Conduct may file an appeal within 24 hours of the student's notification of the eligible sanction. Such appeals must be requested in writing

(not email) to the Vice President for Student Life or his/her designee. The appeal shall be limited to a review of the initial proceeding and supporting documents for one or more of the following purposes:

1. The original conduct review meeting was inconsistent with the established procedures;

2. Evidence is now available that could not have been obtained at the time of the conduct review meeting; or

3. The sanction is excessive or inconsistent with the nature of the offense.

If the Vice President for Student Life determines there is merit for an appeal, the facts of the incident will be reviewed with the student. Appeals can result in one of the following ways:

1. The student will be found not responsible for the violation of the Student Code of Conduct.

2. The student's original sanction will be upheld.

3. The student's original sanction will be modified.

The standard of preponderance of evidence (more likely than not) will be used in all decision-making.

Once the Vice President for Student Life, or designee, has rendered a decision, the student will receive a written notice of the outcome. There will be no further review of the incident.

**6.6.2.8 Notification**

***6.6.2.8.1 Student Notification***

Students will receive written notification of the outcome of their conduct review meeting at their campus or local mailing address on record at the Registrar's Office or by hand delivery by a University official. It is the student's responsibility to check his/her mail for such notifications.

***6.6.2.8.2 Parental Notification of Violations of the Code of Conduct***

Ordinarily, parents will not receive notification from the University about violations by the student of the University's Code of Conduct. However, if a student is held accountable for a violation of the alcohol or other drug policies, or if the student is found responsible for a serious violation of University policies or regulations, the parent or legal guardian, at the discretion of the Vice President for Student Life, or designee, may receive notice documenting the violation and outcome of the conduct review meeting. Federal regulations permit this notification without the student's consent for those students who are dependents, under the age of 21. The notification would be via telephone conversation or notice mailed to the address of record for the parent or guardian. The Vice President for Student Life also has the discretion to notify parents of students under the age of 21, regardless of their dependency status or consent, of violations involving alcohol and other drugs.

**6.6.2.9 Interpretation, Revision, and Records**

During a review proceeding, the conduct review mentor or Chair of the Conduct Review Board is responsible for interpreting the terms, processes and applicability of the Student Code of Conduct. Broad questions of interpretation regarding the Student Code of Conduct should be referred to the Vice President for Student Life or his/her designee for final determination. The Student Code of Conduct will be reviewed yearly under the direction of the Vice President for Student Life.

Records involving Student Code of Conduct review proceedings are securely maintained with the Office of Student Life. Conduct review sanctions taken against a student becomes part of that student conduct record. Records may be released to University officials on a “need-to-know” basis. Student conduct records may be released to persons and agencies external to the university with the student’s permission, or in compliance with the law. Where complaints involve physical assault or sexual offenses, the student bringing the complaint as well as the student responding, may be informed of the final determination of the conduct review meeting. Records subpoenaed or ordered by a judge may be released without the student’s permission. A record may also be released if it is in the University’s legal interest to do so