

A photograph of a campus scene featuring a large bronze statue of a cow on a rock in the foreground. In the background, there are green trees, a stone wall, a flagpole, and distant mountains under a clear sky. The image is overlaid with a semi-transparent dark blue filter.

CODE

OF CONDUCT

2016-2017



PittJohnstown

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INTRODUCTION

The ultimate purpose of higher education is to develop the minds and characters of students through the pursuit of knowledge and thus contribute to the well-being of society. At the University of Pittsburgh the responsibility and authority for achieving this purpose rests, by law, with the Board of Trustees. “The University of Pittsburgh – Commonwealth Act of 1966” specifically provides: The entire management, control, and conduct of the instructional, administrative, and financial affairs of the University is hereby vested in the Board of Trustees. The Board may exercise all the powers and franchises of the University and make bylaws for their own government, as well as for the University. Included in the powers vested in the Board of Trustees is the authority to establish regulations and standards for students. Responsibility for these regulations and standards is delegated to the Chancellor and in turn to specified administrative officials. While exercising these powers the Board of Trustees and University administrators acknowledge and affirm the rights and responsibilities of students – as members of society, as guaranteed by the Federal and State Constitutions, and as expressed by federal, state, and local laws. It is further recognized that students acquire additional rights and responsibilities which are inherent in the educational process.

NOTICE

Limited copies of the Code are available for students to pick-up in the Office of Student Conduct, (Student Union); Residence Life (130 Student Union); and Campus Police. The Code is also available on line on the Student Conduct web site

The Code is revised on an annual basis and is printed each August. However, the Code is subject to change between printings. The University reserves the right to publish such revisions on the Web, and students will be held accountable for familiarizing themselves with these revisions.

The Student Code of Conduct is designed as an informational and regulatory document and does not constitute or reflect a contract. The information contained herein supersedes all previously published Student Codes of Conduct and is subject to change at the discretion of the University. University policies and procedures, which may be updated and approved subsequent to the publication of this document, will in some instances take precedence over the contents of this handbook. To ensure that you have the most current information, you may contact the Office of Student Conduct at 814-269-7062; you may also access current University policies and procedures and this Code on the Internet at www.upj.pitt.edu/studentconduct.

STUDENT RIGHTS WITHIN THE UNIVERSITY COMMUNITY

With the approval of the Board of Trustees, the University affirms the following student rights and privileges:

- To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, write, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the University to make reasonable rules and regulations related thereto.
- To associate with whomsoever they please.
- To engage in the educational process.
- To engage in peaceful, orderly, and nondestructive picketing, protests, and demonstrations, to the extent they do not violate public law and do not interfere with the educational process or the rights of other members of the University.
- To be free from discrimination on the basis of race, color, religion, ethnicity, national origin, age, sex, sexual orientation, or marital, veteran, or handicapped status.
- To be secure in his/her persons, living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the University and the student against whom the legally authorized search is directed.
- To be free from violence, force, the threat of force, entrapment, and coercion.
- To organize one's own personal behavior as long as such behavior does not violate public law or the rights of others and does not interfere with the educational process.
- To be informed of the standards and the norms of conduct established by the University and the right to have advance notice of any sanctions for violations thereof.
- To have the benefit of fair and equitable procedures for determining the validity of charges of alleged violations of the University standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
- To retain unaltered status as a member of the University community and to be present on campus and attend classes during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the University community or University property or a student's physical or emotional safety and well-being.
- To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the University community.
- To have University records reflect only such information as is reasonably related to the educational process of the University.
- To be informed of the existence, custodianship, and general character of all personal records maintained by the University.
- To inspect all personal records, except records determined to be confidential in accordance with properly established criteria.
- To have protection from disclosure of personal records to unauthorized persons. Information will not be released outside of the University community without the expressed consent of or waiver by the student involved, except under valid legal compulsion or where there is a clear and present danger to a member of the University community, in which case the student will be informed of any such release. (Please refer to Appendix D: Notification of Rights under FERPA for more information.)
- To establish and elect a representative, democratic student government which is accountable to the University and the student community.

- To be heard and have one’s views considered at appropriate levels of the decision making process within the University community.
- To use designated University facilities as individuals and members of student organizations for extracurricular activities sponsored by registered student organizations and student groups, subject to the priority of academic needs and to reasonable University rules and regulations regarding use of facilities.

ABOUT THE STUDENT CODE OF CONDUCT

All students are expected to familiarize themselves with the provisions of the current Student Code of Conduct and Judicial Procedures (Code) and their individual responsibility under it.

The purpose of this code is to outline nonacademic standards of conduct appropriate to the University consistent with the educational goals of the University. The Code shall apply to all undergraduate, graduate, and professional students that have matriculated at any of the campuses of the University of Pittsburgh. (Note: regional campuses may have campus-specific rules and procedures which should be consulted as applicable.) Students shall also be subject to other regulations properly adopted by the University.

Students are expected to conduct themselves as responsible members of the University community. Those students whose conduct violates the law, the rights of others, or the health, welfare and safety of members of the University community will be subject to disciplinary action by the University, when such conduct takes place on University property or in the course of a University-sponsored or University supervised activity. This includes international academic programs, study abroad, or sporting events and academic programs sponsored by or held at universities other than the University of Pittsburgh, or if such conduct otherwise results directly from membership in the University community.

In addition, conduct off-campus may be subject to disciplinary action by the University if that conduct:

- 1) threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof;
- 2) is considered by the University to be a serious offense and would negatively reflect upon the student’s character and fitness as a member of the student body; or
- 3) is an incident occurring within the University of Pittsburgh Police jurisdiction and is referred to the University of Pittsburgh Police or University student-judicial authorities.

The following shall be the meaning of terms as used herein:

“Guest” assumes a broader definition than the technical definition of “guest” and “visitor” as defined in the Residence Hall Visitation Policy. Its use will include and refer to any person visiting within a University facility for a period of time.

“Infraction” means a violation of any federal, state, or local law, or of any rule, policy or Student Code of Conduct provision of the University of Pittsburgh.

“Offense” means conduct and/or attempts to engage in conduct inappropriate to the University community for which disciplinary actions may be instituted.

“Resident” means any person who holds a valid contract to reside in the University residence halls.

“Student” means any person matriculated, registered, or enrolled in a University class or program or pursuing a course of study at the University of Pittsburgh.

“University Official” means any person employed by the University who is assigned administrative, staff, or professional responsibilities.

“University Property” means all property (real and personal) owned, leased, controlled, or utilized by the University.

Students are advised that standards and procedures other than those set forth in this code may more appropriately apply to a given dispute or situation, including, but not necessarily limited to, the University of Pittsburgh Guidelines on Academic Integrity and the University of Pittsburgh Sexual Harassment Policy and Procedures. The University determines which policies and procedures to use.

RECORD RETENTION POLICY

The Office of Student Conduct maintains adjudicated discipline records for a period of seven (7) years from the date of the offense. Files will be maintained permanently for all pending incidents and incidents resulting in disciplinary dismissal.

STUDENT IDENTIFICATION REQUIREMENTS

All University of Pittsburgh students are required to carry currently validated identification cards at all times. These cards help to identify one as a currently enrolled student, and afford the individual University privileges. Residence hall students must carry, a valid University I.D. to gain access into the residence halls.

A. OFFENSES RELATED TO PERSON(S)

Any Student or Student Organization found to have committed, to have attempted to commit, or to have assisted in, commits an offense related to a person:

1. Without authority or consent limits or restricts the freedom of a person to move about in a lawful manner.
2. Abuses or injures oneself or another person physically.
3. Threatens, intimidates, coerces, or uses physical force in a manner which causes another person to be reasonably apprehensive or which endangers the health or safety of oneself or another person.
4. Harasses, or attempts to harass, a person through:
 - a. repeated, unwanted communications or;
 - b. by putting another person in objective and subjective fear of injury or;
 - c. unreasonably causing severe or pervasive distress by: purposely following another person in public places or other places
 - d. communicating in an anonymous manner; or acting in another manner with the intent to harass a person.
5. Obstructs, interferes, or denies another student the rights and privileges affirmed by the Board of Trustees.
6. Engages in any act or preparation intended to result in a violation of this Code, which if not prevented, would have resulted in the completion of the act intended.
7. Violates any provision of any of the following, which can be found online:
 - a. University of Pittsburgh Sexual Misconduct Policy
 - b. University of Pittsburgh Don-Discrimination and Anti-Harassment Policy Statement
 - c. University of Pittsburgh Anti-Hazing Policy (available in Appendix F of this Code);
 - d. University of Pittsburgh at Johnstown Student Alcohol Policy (available in Appendix A of this Code) or
 - e. University of Pittsburgh Drug Free Workplace/Drug Free Schools Policy (available in Appendix H of this Code).
8. Uses a telephone, social media websites, or any form of technology to carry out an offense related to a person, including cyber-stalking.
9. Commits any sexual act directed against another person,
 - a. forcibly and/or against that person's will, or
 - b. not forcibly or against the person's will where the victim is incapable of giving consent; or
 - c. engages in unlawful, non-forcible sexual intercourse. This includes, but is not limited to, rape, forcible fondling, incest, and statutory rape.

10. Commits any act of relationship violence as defined below:
 - a. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person living with or has lived with the victim as a spouse, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction.
 - b. **Dating Violence:** Violence by a person who has been in a romantic or intimate relationship with the victim.
 11. Stalking and/or cyber-stalking: To engage in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person, or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.
 12. Any unauthorized use of electronic or other device to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limit to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
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B. OFFENSES RELATED TO PROPERTY

Any Student or Student Organization found to have committed, to have attempted to commit, or to have assisted in, commits an offense related to property:

1. Knowingly and without consent or authorization has in his/her possession, dominion or control property of another person or the University.
2. Removes or uses in his/her room University property which has been placed in lounges or other public areas of University-Owned Housing. Students who are found in violation of this may be subject to fines.
3. Knowingly and without consent or authorization removes, (mis)uses, misappropriates, or sells the property of another person or the University.
 - a. A student is not permitted to remove food or property from University Food Services service areas unless expressly authorized by University Food Services personnel.
 - b. A resident may not lease, sublet, or change rooms without authorization from the appropriate University official.
 - c. A student is not permitted to compromise the security of University Property through acts such as propping doors open, tampering with locking mechanisms, etc.

4. Intentionally or negligently damages, destroys, defaces or vandalizes property owned or in the possession of another person or the University.
 - a. A resident to whom University property has been assigned is absolutely responsible for the condition of that property during the period of assignment.
 - b. A student may not affix, implant, or otherwise fasten any object to floors, ceilings, signs or walls of any University Property which might stain, scar, vandalize, or otherwise cause damage to University Property.
 - c. A student may not alter or interfere with the normal operation of elevators within any University building.
 - d. A resident shall not allow their screen(s) to be opened or removed from the windows.
 - e. A resident shall not allow their window(s) to be opened beyond the point restricted by a physical barrier or mechanical means.
 - f. A resident shall not remove or destroy University telephones, telephone jacks, network jacks or other communications-related equipment.
5. Throws anything from the windows and/or balconies of any University building.
6. Obtains the property of another person or the University by misrepresentation or fraudulent means.
 - a. A student may not borrow, buy, or use University identification, keys, parking permits, etc. issued in the name of another person.
7. Enters or uses facilities or property of another person or the University without consent or authorization.
 - a. Students may not hold group functions in any University area without the express advance approval of the appropriate University official per University space usage guidelines.
 - b. A student and/or his/her guest may not enter University Food Services areas in an unauthorized manner (e.g., via elevator, exit doors, garage, etc.) or without proper identification.
 - c. A student may not enter the University Food Service areas without being properly clothed as defined by University Food Services.
 - d. A student may not enter the room of another student without proper authorization.
8. Displays or hangs any items from University-owned Housing or other University Property windows or walls. Advance approval for any banner or display must be obtained from Residence Life or appropriate building manager for buildings other than Residence Halls and will be affixed to the building by University personnel. A resident may not display or hang items from fixtures in their residence.
9. Knowingly and without consent alters and/or misuses cables, telephone, or network devices.
10. Violates any provision of the University of Pittsburgh Posting and Chalking Guidelines Appendix G

C. OFFENSES RELATED TO THE OPERATION OF THE UNIVERSITY

Any Student or Student Group found to have committed, to have attempted to commit, or to have assisted in, commits an offense related to operations of the university:

1. Forges, alters, takes possession, duplicates, or uses documents, records, keys, identification, or computer accounts without consent or authorization by appropriate University officials.
 - a. A student may not deface, transfer, duplicate, loan, borrow, or sell University identification, parking permits or meal Cards.
 - b. A student may not duplicate University building keys; this includes University-owned Housing keys.
 - c. A student may not possess or use keys to University facilities unless expressly authorized to do so.
 - d. A student may not provide University computing resource access to non-University entities unless expressly authorized to do so.
2. Falsifies information or records submitted to a University official or office.
3. Fails without just cause to comply with the lawful direction of a University official acting in the performance of his/her duties and authority.
4. Fails to present University identification or gives false identification or identifying information upon request by an authorized University official who has offered proper identification as to his/her status.
5. Purports to represent the University or another person in the University community improperly and without authorization.
6. Engages in solicitation of any type in or on University property unless approved in advance by an appropriate University official.
7. Engages or participates in non-University commercial activity on campus, unless written authorization for such activity has been given by the Vice President for Student Affairs or his/her designee. This prohibition includes, but is not limited to, the sale or misuse of class materials and recordings, papers, examinations and other class materials, which may not be sold, exchanged or distributed for commercial purposes, or for any purpose other than study.
8. Obstructs the operation and functions of the University by failing to comply with regulations properly established and approved by the Vice President for Student Affairs, which shall by incorporation become part of this Code, including, but not limited to, the following:
 - a. A student may not possess or use any cooking appliances and/or cooking equipment in University-owned Housing unless the appliance, equipment, and/or cooking facility is provided by the University or unless the usage of such is expressly authorized by the University.
 - b. A student may not have pets in University-owned Housing. This excludes exempted animals as defined in the *Pets in the Workplace Guidelines 01-020*
 - c. A student may not post or display posters, banners, or advertising on University Property (except within his/her individual accommodation) or in a Food Services area without the advance approval of the appropriate University official and/or Food Services.
 - d. A student shall be responsible for his/her guest(s) at all times, and shall be held responsible for any violations of the Code committed by his/her guest(s).
 - e. Violates any provision of the Residence Hall Visitation Policy

9. A student is required to observe QUIET HOURS in University-owned Housing, Sunday through Thursday from 10:00 p.m. to 8:00 a.m., also Friday and Saturday from 12:00 a.m. to 8:00 a.m. during quiet hours, any noise must be kept at a level such that it cannot be heard by neighboring residents. Students are expected to maintain a level of reasonable quietness at all other times. Reasonable quietness is defined as maintaining a level of noise that cannot be heard 2 doors away.
10. Obstructs or interferes with the reprimand, discipline, or apprehension of another person who is involved in a commission of an offense under the Code or other University regulations or rules.
11. Disrupts or prevents the peaceful and orderly conduct of classes, lectures, quiet study, and/or meetings or deliberately interferes with the freedom of any person including invited speakers to express his/her views,
12. Engages in conduct which is disorderly, lewd, or indecent; breach of peace; causes public inconvenience, annoyance or alarm; or aiding, abetting, or procuring another to do the same.
13. Appears in any public place manifestly under the influence of alcohol or a controlled substance to the degree that they are endanger to himself or others or property, or annoy persons in his/her vicinity.
14. A student shall be responsible for his/her guest(s) at all times, and shall be held responsible for any violations of the Student Code of Conduct or for violations of the provisions of the Housing Contract committed by his/her guest(s). Failure to seek University assistance in controlling the behavior of a guest will result in additional disciplinary action.
15. Violates the provisions of the Housing and Dining Services Contract agreement and/or the Residential Handbook (*Living on Campus*), Student Organization policy.
16. Violates any University of Pittsburgh policy not specifically named in this Code.
17. Violates any provision of the Pitt Johnstown Parking Regulations
18. Violates any federal, state or local law(s), (or violates any international law(s) while abroad), as such violation is determined by the process outlined in this Code for any other offenses

D. OFFENSES RELATED TO WELFARE, HEALTH, OR SAFETY

Any Student or Student Group found to have committed, to have attempted to commit, or to have assisted in, commits an offense related to offenses related to welfare, health or safety:

1. Uses, possesses, or manufactures, without University authorization, firearms, explosives, weapons, or other dangerous articles or substances injurious to person or property without consent or authorization, while on University Property.
 - a. *Given the popularity of hunting, arrangements have been made for storage of firearms/weapons in the Campus Police Office. **All firearms/weapons must be stored at Campus Police and are prohibited from all residential or academic buildings.** Any student desiring this service can make appropriate arrangements by contacting Campus Police.
2. Fails or refuses to vacate buildings, street walks, driveways, other facilities of the University, or elsewhere, when directed to do so by an official of the University or any other lawful authority having just cause; or fails to vacate a University building, including residence halls, when a fire alarm sounds.
3. Uses, possesses, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled substances except as permitted by law, or possesses drug paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue, blow tubes, etc. The use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Accordingly, the University of Pittsburgh is required to prohibit the use of marijuana on campus
4. Distributes, sells, or shares narcotics, hallucinogens, dangerous drugs, controlled substances except as permitted by law. (Students found in violation of this code may face Disciplinary Dismissal)
5. Is knowingly present during the commission of the violation(s) of D3 or D4
6. Possesses, consumes or is under the influence of alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania or **violates any provision of the University Alcohol policies**, possesses paraphernalia, such as beer bong.
7. Dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania.
8. Students who are knowingly present during the commission of the violation(s) of D6 or D7
9. Falsely reports a fire, or activates emergency warning equipment, or communicates false information regarding the existence of explosives on University property.
10. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
11. Engages in games of chance for money or other gain in violation of the law.
12. Without consent or authorization ignites or burns materials which cause a fire, while on University property

13. Ignites or burns incense, candles, and/or like materials without consent or authorization, while on University property.
14. Violates University restriction on smoking including the use of electronic cigarettes and/or vaporizers in any University-owned and leased facilities.

E. OFFENSES RELATED TO THE CONDUCT SYSTEM

Any Student or Student Organization found to have committed, to have attempted to commit, or to have assisted in, commits an offense related to offenses related to the judicial system:

1. Attempts to intimidate, coerce, influence, or retaliate against a person by any means in an effort to discourage or prevent his/her use of or participation in any judicial process or proceedings.
2. Attempts to influence the impartiality of any member of a judicial body prior to or during the course of a judicial proceeding.
3. Fails to respond to the request of a judicial body or official.
4. Knowingly falsifies, distorts, or misrepresents information before a judicial body or judicial official.
5. Disrupts or interferes with a judicial proceeding.
6. Knowingly institutes a judicial proceeding without proper cause.
7. Attempts to circumvent settlement agreements reached through the Office of Student Conduct.

F. OFFENSES RELATED TO CRIMINAL OR PENAL VIOLATIONS

1. Offenses are committed when a student violates a criminal or penal statute or ordinance that is applicable where the offense takes place. The University Hearing Board's standard of preponderance of evidence shall apply in all cases.

G. OFFENSES RELATED TO INFORMATION TECHNOLOGY RESOURCES

"Information Technology Resources" includes, but is not limited to: campus computing facilities (labs, kiosks, printers, and individual machines), residence hall network ports, wireless networks, administrative computing systems, telephones, University Computing Accounts, World Wide Web pages and related resources, internal or external network connectivity and access to other services and machines. The information technology resources of the University are available to faculty, staff, and students of this institution for the purpose of instruction, research, and other activities defined by the Chancellor or the Provost.

The Code addresses offenses related to the properties and operation of the University and therefore applies to information and technology use and resources as it applies to all other University resources. Specifically, an offense related to the utilization of University information technology resources is committed when a student:

1. Uses information technology resources for purposes other than research or instructional purposes (information technology resources may not be used for commercial purposes or personal gain).
2. Intentionally or recklessly abuses or misuses information technology resources so as to cause damage, program disturbances, or harassment to other persons.
3. Repeatedly or purposefully engages in activities which can be reasonably expected to, or do, unreasonably tax information technology resources, go beyond the intended or acceptable use, or use the system for any purpose for which it is not intended (including, but not limited to gaining access to other user accounts, identifying or exploiting security vulnerabilities, or similar unauthorized actions).
4. Borrows, lends, falsifies, or misuses a computer account or information technology resource, or allows or facilitates the unauthorized access to use of University information technology resources by a third party.
5. Obtains the password(s) of other persons in order to use University or University-related information technology resources without proper authorization or impersonates another person or an information technology resource.
6. Uses electronic media to harass or threaten other persons, or to display, design, copy, draw, print, or publish obscene language or graphics. Submits or causes to be submitted to the University false, misleading, harassing, or deceptive help requests or complaints. Uses University information technology resources to gain or attempt to gain unauthorized access to information technology resources either inside or outside of the University.
7. Intercepts, attempts to intercept, or otherwise monitors any communications not explicitly intended for him or her.
8. Copies, reads, accesses, uses, misappropriates, alters, publishes or destroys the files, output data, documents or other files of another individual or attempts to do so, without the permission of that individual, project leader, or information technology resource administrator.
9. Makes, distributes and/or uses unauthorized duplicates of copyrighted material, including software applications, proprietary data, and information technology resources. This includes peer to peer sharing of entertainment (e.g., music, movies, and video games) files in violation of copyright law. (Unauthorized copying of copyrighted software or proprietary files may also lead to proceedings in the civil court.) Violates the terms and conditions of software license agreements for software distributed by the University of Pittsburgh to students by giving, lending, selling, or leasing such media or software to others for his/her own use.
10. Interferes with the operation of the University's information technology resources by deliberately attempting to degrade or disrupt resource performance, security, or administrative operation including, but not limited to, intentionally introducing any computer virus or similar disruptive force into any information technology resource.

H. POLICY ON ROOM ENTRY WITHIN UNIVERSITY-OWNED HOUSING BY AUTHORIZED UNIVERSITY PERSONNEL

Authorized University personnel may enter student rooms for health and safety inspections, maintenance, housekeeping, or for other reasonable cause. The University reserves the right for authorized representatives to enter the premises for housekeeping purposes, for damage and/or cleanliness inspections, for repairs or maintenance, to determine occupancy, to ensure the well-being and safety of members of the University community, to check the condition of University property or to recover University property. In addition, rooms may be entered when there is probable cause to believe that a violation of University policy and/or State or Federal law has taken or is taking place.

I. VISITORS AND GUEST POLICY

All visits are subject to the following conditions:

1. A visitor/guest is defined as any person not assigned to that hall or room
2. The roommate's approval is required.
3. All residents and visitors/guests must present proper photo identification upon request. Proper identification for visitors/guests includes state-issued identification as well as identification cards from other schools.
4. All visitors/guests must be escorted by the resident while in the building.
5. Residents are limited to five (5) visitors/guests per room at any one time. Willow, Town House and CPA residents are limited to ten (10).
6. Per the Alcohol Policy - Where alcohol is present, residents of a room (LLC and Lodges) are limited to a total of four (4) guests (21 years or older) at any one time. Town houses, Willow and CPA residents are limited to a total of ten (10) guests (21 years or older) at any one time. A guest is considered to be any individual not assigned to the room, lodge, or apartment. Residents who exceed this policy may be subject to the social host fine. Residents in the first year halls where a guest is present found in violation of the alcohol policy are subject to the social host fine.
7. A resident may not entertain persons under the age of 17, unless accompanied by a parent. At no time are non-students, under the age of 18 permitted to stay in the residence halls overnight.
 - a. Siblings of resident students who are under the age of 18 may stay overnight with parent/guardian consent
8. Overnight and additional conditions can be found in *Living on Campus*.

DISCIPLINARY PROCESS UNDER THIS CODE

The Code is neither a criminal nor a civil code and does not operate like one. Our expectations for our fellow community members are for a significantly higher standard of conduct than the bare minimum prescribed by law. Because the purposes of the Code are different from the purposes of law, the procedures by which the Code is implemented are, by design, more informal and less adversarial than those of a court.

DEFINITIONS

Judicial Referral: A report filed regarding violations of the Code.

Referring Party: Individual filing a referral regarding alleged violations of the Code.

Responding Party: Individual responding to a filed referral of alleged violations of the Code.

Level I Incident: Any low-level incident in which the sanctions for the responding party would not rise to the level of Disciplinary Probation, Suspension or Dismissal.

Level I Administrative Hearing: An administrative hearing to adjudicate Level I incidents. For a full description, please refer to Level I Process and Procedures.

Level II Incident: Any high-level incident, or accumulation of Level I incidents, in which the responding party may face a sanction of Disciplinary Suspension or Dismissal.

Disciplinary Conference: The initial meeting for incidents; the purpose of the disciplinary conference is to allow a Student Conduct Officer to discuss the alleged offense(s) with the responding party. For a full description, please refer to Process and Procedures

Full Hearing: A formal hearing, for a Level II incident, in which the responding party does not admit responsibility for the alleged violations of the Code. For a full description, please refer to Level II Process and Procedures. **Sanctions Only Hearing:** A formal hearing, for a Level II incident, in which the responding party admits responsibility for the violations of the Code, but does not agree to the recommended sanctions. For a full description, please refer to Level II Process and Procedures.

Judicial Board: The Judicial Board is the duly authorized judicial body which has jurisdiction over graduate, professional, and undergraduate students for matters arising from the Code. The Judicial Board shall possess the authority to recommend and impose both residence hall and University-wide sanctions. The Judicial Board shall conduct hearings, make findings of facts, recommend and impose disciplinary sanctions where appropriate, and provide due process for students while protecting the rights of all members of the University community. In cases involving sexual violence, the University is committed to providing annual specialized training for Judicial Board members that hear such referrals. In extraordinary circumstances where the complexity of factual issues and/or matters of law so dictate, the Vice President of Student Affairs may appoint an ad hoc hearing body to hear cases. Any proceeding before such an ad hoc body shall provide due process and ensure the rights of students. For more information on the Judicial Board, please see below.

Sanction Only Hearing: A student accepts the charges against them but request a hearing to contest the sanctions.

The University Appeals Board (UAB) is the duly authorized appellate body which serves as an advisor to the Vice Present for Academic Affairs. The UAB may exercise appellate jurisdiction for academic and non-academic matters and shall have sole appellate jurisdiction for academic matters originating from judicial bodies within the Office of Student Affairs. The UAB shall also exercise limited jurisdiction for matters referred directly from the Vice President of Academic Affairs. The UAB may meet once a term for the purpose of orienting new members and reviewing prior decisions and shall meet at such other times as are necessary to conduct appellate hearings. For more information on the University Appeals process, please see below.

RIGHTS IN DISCIPLINARY PROCEEDINGS

In disciplinary proceedings, the University shall endeavor to:

1. Describe its standards clearly.
2. Make known its standards in a form readily available in a manner, which, while not exaggerated in length, detail, or complexity, shall provide fair notice of what is expected and what is forbidden.
3. Apply rules and regulations fairly, impartially, and equally to all students who are similarly situated.

For any disciplinary action for which sanctions may be imposed, the responding party shall have the right:

1. To be considered not responsible until found to be responsible, by preponderance of the evidence of a violation of the Student Code of Conduct, although the University retains the discretion to determine whether and when interim measures, described under “Sanctions” and other places within this code, are appropriate.
2. To be informed of his/her rights.
3. To receive written and timely notice of the conduct matter to be resolved.
4. To seek representation. Legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot provide representation).
5. To have a fair and prompt disposition of conduct matters under the relevant circumstances.
6. To elect to be heard by an impartial Judicial Board or Hearing Officer.
7. To elect to have a hearing in a private forum.
8. To elect to have an agreed resolution, provided it is acceptable to both the responding party and the reporting party. Where the victim is not the reporting party, the Student Conduct Officer or designee will attempt to consult with the victim for input in the resolution process.
9. To have a prompt disciplinary conference with the Student Conduct Officer when the University determines that immediate interim action is appropriate.
10. To be informed of the maximum and minimum sanctions that may be imposed.

11. To be informed of the format and procedures of the student judicial system.
12. To be informed of the general nature of the evidence to be presented.
13. To confront and question all parties and witnesses, except in cases of sexual violence or when circumstances make this impractical.
14. To present a factual defense through witnesses, personal testimony, and other relevant evidence.
15. To decline to testify against oneself, although the decision maker may take this into account during deliberations.
16. To request attendance of witnesses upon a showing of relevance.
17. To receive a written notice of the disciplinary findings and recommendations upon request at the conclusion of the process.
18. To have only relevant evidence considered by the Judicial Board.
19. To be informed of all decisions within a reasonable time.
20. To appeal a decision that meets the criteria outlined in the “Basis For Appeal” and “Scope of Appeal” sections of this Code and to be informed of the appellate procedure to be followed.

PROCESS AND PROCEDURES

A. INITIAL NOTIFICATION

The office of Student Conduct may receive reports from various sources including, but not limited to: Residence Life Staff, University Police, University staff/faculty members, as well as students. After an allegation of misconduct is filed, the student will be contacted via his/her Pitt e-mail account with a pre-scheduled appointment based on the student’s class schedule. If the student fails to respond after two notices, the matter is referred to the Director of Student Conduct. A charge of failure to comply may be added to the original complaint and the hearing officer will adjudicate in the student’s absence. A hold may be placed on the student’s account while efforts are made to reschedule.

B. DISCIPLINARY CONFERENCES

A Disciplinary Conference is an informal, non-adversarial meeting between a student and a Student Conduct Officer. The purpose of the Disciplinary Conference is to examine the complaint, listen to the student, discuss circumstances regarding the incident, and review proposed sanctions. The Disciplinary Conference will ultimately result in the following:

- (a) The student found not in violation
- (b) Have the meeting continued for further investigation
- (c) Accept responsibility for the charges and sanctions assigned,
- (d) Contest both the charges and sanctions through a follow up hearing, or
- (e) Accept the charges, but request a hearing to contest the sanctions.

If a student is unsure if he/she would like to accept the charges and/or sanction(s) as outlined, the student may have an additional two business days to further investigate the situation or contemplate his/her decision. After the two business days, the student may choose one of the three options outlined above. If the student fails to return within two business days, the student will be found responsible for the charges and sanctions will be applied as outlined.

If a party has been sent notice in accordance with the Code, and fails to appear at the scheduled time, date, and place, the disciplinary conference will take place in his/her absence, and sanctions will be assigned. A failure to comply charge may also be added to the original complaint.

C. JUDICIAL HEARING SELECTION

A matter submitted for adjudication that may result in disciplinary probation, suspension, removal from housing or dismissal shall be heard by a Hearing Board of three (3) members which may include staff or students during the Fall/Spring Term. During the Summer Term or other breaks, all cases will be heard by either a Hearing Officer or an all staff Hearing Board. In the absence of the availability of a Hearing Board, the Director or designee may appoint a Hearing Officer who shall render a decision.

A matter submitted for adjudication that will not result in disciplinary probation, suspension, removal from housing or dismissal will typically be referred to a hearing officer who shall render a decision. Various members of the faculty and staff comprise the standing body of Hearing Officers. Hearing Officers are appointed by the Director of Student Conduct.

The respondent(s) (the student who has the alleged violation) shall elect to have either a University Hearing Board or a Hearing Officer adjudicate the hearing.

Note: This right of election, on a case-by-case basis, may be outweighed by, among other things, the need to protect privacy rights, or the availability of University Hearing Board members (i.e. during semester or summer recesses) in which case the Director of Student Conduct shall make the election

In addition to the University Hearing Board, Hearing Officers are also available to adjudicate hearings.

LEVEL I INCIDENT ADMINISTRATIVE HEARING

For Level I incident administrative hearings, the student will receive an email to his/her University email account informing him/her of the charges, as well as the date, time, and place of his/her administrative hearing. This letter will include witnesses called by the respondent and referring party. The respondent may review his/her judicial record at any time during this proceeding. The respondent will provide a copy of any physical evidence to the Hearing Officer three (3) day prior to the hearing.

At the Level I incident administrative hearing:

1. The Hearing Officer will convene the hearing by reading the Code violations.
2. The reporting party will present information through witnesses, testimony or documents.
3. The responding party will have the opportunity to review the referral and respond to the charges. At this time, the responding party can ask questions and present information through witnesses and/or documents.
4. The Hearing Officer may ask questions regarding any of the additional information provided by the responding party.
5. After the information has been discussed, the Hearing Officer will determine responsibility regarding the charges and will inform the student of the recommended sanctions if found in violation of any charges.
6. The recommended sanctions(s) shall be sent to the Director of Student Conduct. This individual may increase, decrease, or otherwise change the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it. If the Director of Student Conduct is the hearing officer the recommend sanctions shall be sent to the Vice President of Student Affairs
7. The final adjudication shall be forwarded to the respondent and charging parties, as well as other parties relevant to the sanction(s). Where a sanction has been imposed, a record of the adjudication shall be maintained in the Office of Student Affairs and other University areas as appropriate, in accordance with the Records Policy of the student conduct system. A sanction may be introduced in subsequent disciplinary proceedings, only when an admission or finding of responsibility has been made.
8. Level I incidents by his/her nature do not meet the criteria for University Appeals Board.

LEVEL II INCIDENT PROCESS AND PROCEDURES

NOTE: This process and procedure does not apply to matters related to sexual misconduct, stalking, and relationship violence. Procedures for these matters can be found in Appendix B of this Code.

A Level II incident is any high-level incident, or accumulation of Level I incidents, in which the responding party may face a sanction of Disciplinary Probation, Suspension or Dismissal.

Once a referral of a Level II incident is filed, a disciplinary conference will be scheduled. The purpose of the disciplinary conference is to allow a Student Conduct Officer to discuss the alleged offense(s) with the responding party. At this meeting the student is offered a copy of the Student Code of Conduct. If the student elects to have a judicial hearing, the Student Conduct Officer or his/her designee shall provide guidance to the responding party in the completion of the progress sheet, answer questions regarding the procedures and format of the student judicial system, make the necessary arrangements for the hearing, and provide other assistance when appropriate. The hearing progress sheet to be completed at the disciplinary conference shall signify whether the responding party prefers:

- a. To accept the recommended sanction(s) and waive a hearing.
- b. To proceed before the Judicial Board for a full hearing.
- c. To proceed before the Judicial Board for a sanctions-only hearing.

LEVEL II INCIDENT FORMAL HEARING PROCESS

NOTE: This process and procedure does not apply to matters related to sexual misconduct, stalking, and relationship violence. Procedures for these matters can be found in Appendix B of this Code.

The Student Conduct Officer or his/her designee is responsible for scheduling the hearing. All parties shall receive written notification via electronic mail of the hearing which shall include: time, date, hearing body, witnesses and place of formal hearing. If a party has been sent notice in accordance with the Code, and fails to appear at the scheduled time, date, and place, the hearing may be held in the party's absence.

The responding party will provide the Student Conduct Officer with all documents/witnesses that they intend to introduce at the hearing three (3) working days after the disciplinary conference. The Student Conduct Officer or his/her designee will provide the responding party with all documents which the reporting party will introduce at the hearing not less than five (5) working days prior to the hearing date. Students must schedule a time in advance with the Office of Student Conduct to review any documents and/or evidence submitted by the opposing party.

The Student Conduct Officer will not apply technical rules of evidence followed in judicial proceedings and will not entertain technical legal motions. Technical legal rules pertaining to the wording of questions, hearsay, and opinions will not be formally applied. Reasonable rules of relevancy will guide the Student Conduct Officer in ruling on the admissibility of evidence. Reasonable limits may be imposed on the number of factual witnesses and the amount of cumulative evidence that may be introduced

WITNESSES

Any member of the University community may, upon showing relevance and necessity, request witnesses to appear at a hearing.

The Student Conduct Officer, at his/her discretion, may allow a witness to testify via closed-circuit audio/video technology.

A written request must be received by the Student Conduct Officer three (3) working days after the Disciplinary Conference. Witnesses who are members of the University community shall be called and other witnesses shall be requested to appear at a hearing. The call or request to witnesses shall set forth:

1. Names of the parties.
2. Request to appear.
3. Date and time of hearing.
5. Place of hearing.
6. Signature of the Student Conduct Officer.

Where necessitated by fairness, the Student Conduct Officer may make arrangements for the recorded, telephonic, or written testimony for use in a proceeding.

The Student Conduct Officer, who acts as the Hearing Moderator, may ask questions of the witnesses. There may be times when the Student Conduct Officer is called as a witness to testify. As the Moderator, the Student Conduct Officer shall have an opportunity to address the Judicial Board on University regulations, policies, procedures, or other relevant issues in the presence of all parties.

HEARING FORMAT

At the time, date, and place scheduled, the hearing shall be conducted under the guidance of the Student Conduct Officer. Any recordings, by any manner, or transcripts are forbidden, barring extraordinary circumstances and approved in advance by the Student Conduct Officer. The results of the hearing will be placed into writing and copies will be distributed to the appropriate parties in a timely manner.

1. The Student Conduct Officer shall convene the hearing and introduce the parties involved in the proceeding.
2. Student Conduct Officer or designee will read the alleged charges.
3. The parties or his/her representatives may state his/her objections to the procedures and the Student Conduct Officer or designee shall make any necessary decisions regarding the validity of such concerns or objections.
4. Reporting party shall state his/her case and shall offer evidence in support thereof.
5. Responding party, Judicial Board members and Student Conduct Officer shall have the opportunity to question reporting party.
6. Reporting party shall be given the opportunity to call witnesses.
7. Responding party, Judicial Board Members or Student Conduct Officer shall be given the opportunity to question each witness of the reporting party after his/her testimony.

8. Reporting party shall inform the Student Conduct Officer when his/her presentation is completed.
9. The responding party shall be called upon to present his/her case and offer evidence in support thereof.
10. The responding party may or may not testify as they choose.
11. Reporting party, Judicial Board member or Student Conduct Officer shall have the opportunity to question the responding party, if the responding party voluntarily chooses to testify.
12. Responding party or representative for the responding party shall have the opportunity to call witnesses.
13. Reporting party, Judicial Board Member or Student Conduct Officer shall have the opportunity to question each witness of the responding party after they testify.
14. Responding party shall inform the Student Conduct Officer when his/her presentation is completed.
15. The hearing shall be concluded and the members of the Judicial Board shall deliberate in private until a decision is reached and recorded.
16. When a decision in favor of or against a responding party has been reached by a majority vote of a Judicial Board, the hearing shall be reconvened and the findings of responsibility shall be announced.
17. If the responding party is found to be responsible, the Student Conduct Officer shall inform the hearing panel of the University's recommended sanction(s). Both parties shall be given the opportunity to address the Judicial Board regarding the imposition of the recommended sanction(s). Hearing shall be concluded and participants dismissed. The members of the Judicial Board shall deliberate in private until the final recommended sanction(s) is reached and recorded.

FINAL ADJUDICATION

The recommended sanction(s) shall be sent to the Vice President for Student Affairs. This individual may increase, decrease, or otherwise change the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it.

The final adjudication shall be forwarded to the respondent and charging parties, as well as other parties relevant to the sanction(s). Where a sanction has been imposed, a record of the adjudication shall be maintained in the Office of Student Affairs and other University areas as appropriate, in accordance with the Records Policy of the student conduct system. A sanction may be introduced in subsequent disciplinary proceedings, only when an admission or finding of responsibility has been made.

LEVEL II INCIDENT APPEAL

Responding students have the right to petition the University Appeals Board (UAB) for an appeal from the decision of his/her disciplinary hearing subject to the guidelines outlined in the Basis for Appeal section. Appeals shall be made to the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter

POSTPONEMENT OF SANCTION PENDING APPEALS

A sanction or remedy which has been recommended by a Judicial Board and approved by the Vice President of Students Affairs may be postponed upon petition by the affected party or parties upon a determination that pending the final examination of an appeal it would be unfair not to postpone imposition of the sanction or remedy.

Persons wishing to postpone a sanction or remedy may petition the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter by separate petition setting forth reasons why the imposition of a sanction or remedy would unfairly prejudice a party. Petition for postponement shall be reviewed by the Vice President of Academic Affairs (VPAA), one student, and one faculty/staff member of the UAB while classes are in session and a qualified student is available to serve, including summer sessions. If an appeal is filed while school is not in session and no qualified student is available to serve, the review will be conducted by the VPAA, and two staff/faculty members. The criteria to be applied in determining whether to postpone a sanction or remedy are as follows:

1. Whether the issues raised in the appeal may be resolved in favor of the petitioning party; and
2. Whether the petitioning party will be unfairly prejudiced pending a final determination of the appeal by the immediate imposition of the sanction or remedy; and
3. Whether the responding party will be unfairly prejudiced by the postponement of the sanction or remedy.

All decisions regarding the postponement of sanctions shall be made within five (5) working days of the receipt of such a petition and shall be communicated to all parties in writing through the VPAA.

BASIS FOR APPEAL

The UAB shall hear an appeal whenever requested by the Vice President of Student Affairs. The UAB shall also hear appeals on the petition of a faculty member, student or student organization when a petition, together with supporting documentation, presents a substantial question within the scope of review of the UAB, and either the prior adjudication or action resulted in:

1. Suspension or dismissal from an academic program or the University for violation(s) of the Student Code of Conduct.
2. Suspension or dismissal from an academic program or the University or the imposition of a serious academic sanction for violation of the Guidelines on Academic Integrity.
3. Granting or denial of a remedy in an academic grievance proceeding.
4. Suspension or dismissal from University-owned housing.
5. Procedural rulings or substantive interpretations which have an important impact on the student judicial system or University community.

Any petition for appeal of a sanction must be filed to the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter. Until favorable decision on the appeal or favorable action on a petition for postponement of sanction pending appeal, the original sanction imposed remains in effect.

SCOPE OF REVIEW

The scope of review of the UAB shall be limited to consideration of the following questions:

1. Whether rights affirmed by the Board of Trustees have been denied.
2. Whether the adjudicatory process of an initial hearing was conducted fairly and in conformity with properly proscribed procedures.
3. Whether the findings and recommended sanctions were arbitrary and capricious, meaning there was an absence of a rational connection between the facts found and the decisions made.

UNIVERSITY APPEALS BOARD PROCEDURES

Any faculty member, staff member, or student adversely affected by the decision of a judicial body within the Office of Student Conduct may initiate an appeal before the UAB by filing a petition in the Office of Student Conduct for appeals pertaining to the Student Code of Conduct. Any faculty member, staff member, or student adversely affected by the decision of a judicial body within the Office of Academic Affairs may initiate an appeal before the UAB by filing a petition in the Office of Student Conduct, **Attention UAB**.

A petition must set forth the following:

1. The name and address of the petitioner adversely affected by the prior adjudication.
2. The name and address of the responding party.
3. The result of the prior adjudication.
4. One or more of the questions within the scope of review of the UAB.
5. A statement supporting, through factual narrative argument, the petitioner's position.

The VPAA (or designated Moderator in cases involving violations of the Academic Integrity Guidelines or in cases already reviewed by the VPAA), in consultation with one student and one faculty member (during breaks in the academic year the review will be conducted by two staff/faculty members) of the UAB shall review petitions and determine whether all requirements set forth for the filing of an appeal are satisfied and whether the petition sets forth the basis for an appeal and raises a question within the scope of review. Where the petition fails to state an adequate basis for an appeal or question within the scope or review, the VPAA (or designated Moderator) will provide a written recommendation to the President that the case should receive no further review. The President may either accept the recommendation or require a UAB appeal. If the recommendation is accepted by the President, there is no further right to appeal.

Where it has been determined that a petition meets the requirements, sets forth the basis for appeal, and falls within the scope of review, the VPAA (or designated Moderator) shall notify the President of the recommendation to require a full UAB appeal. Upon conferral with the President, the VPAA (or designated Moderator) will notify the parties that the appeal has been initiated.

Notice shall include:

1. A copy of the petition.
2. A copy of the relevant regulations and procedures.

The VPAA (or designated Moderator) shall then schedule an appeal proceeding. All parties shall receive written notification of the time, date, and place of the appeal proceeding.

The appeal shall be conducted under the procedural guidance of the VPAA (or designated Moderator)

The UAB, in its discretion, may elect to decide an appeal based on the submission of documents from the parties alone, without oral argument. In such cases, the VPAA (or designated Moderator) will provide written instruction to the parties. The UAB appeal process does not include testimony from witnesses. The VPAA (or designated Moderator) may develop supplemental rules of procedure.

REPRESENTATION FOR STUDENT CONDUCT APPEALS

A party may seek representation; legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure advisors will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot act as advisors).

FORMAT AND DECISION

If the UAB, in its discretion, decides to allow oral argument, each interested party shall be given reasonable time to present his or her position. In all cases, in support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. Each party may question the other about his or her argument, except in cases involving sexual misconduct. Members of the UAB and the Moderator may question the parties.

The majority of the UAB panel shall make factual findings and shall render a final adjudication in the form of written opinion sent to the President. The President may remand the matter to the initial adjudicatory authority for further proceedings if it determines there are insufficient written findings or prejudicial errors. In other cases, the UAB shall render a written opinion and recommend action to the President, accompanied by the complete record. The President shall review and then communicate to the petitioning party in writing both the final decision and sanction(s). The President may remand the matter to the initial adjudicatory authority or to the URB for further proceedings, or may enter a final decision, accepting or rejecting the recommendations in part or in their entirety.

LEVEL II INCIDENT APPEAL

The appeals are subject to the guidelines outlined in the Basis for Appeal section. Appeals shall be made to the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter.

POSTPONEMENT OF SANCTION PENDING APPEALS

A sanction or remedy which has been recommended by the Title IX Coordinator and approved by the Vice President of Student Affairs may be postponed upon petition by the affected party or parties upon a determination that pending the final examination of an appeal it would be unfair not to postpone imposition of the sanction or remedy.

Persons wishing to postpone a sanction or remedy may petition the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter by separate petition setting forth reasons why the imposition of a sanction or remedy would unfairly prejudice a party. Petition for postponement shall be reviewed by the Vice President for Academic Affairs (VPAA), in consultation with two faculty/staff members of the UAB. The criteria to be applied in determining whether to postpone a sanction or remedy are as follows:

1. Whether the issues raised in the appeal may be resolved in favor of the petitioning party; and
2. Whether the petitioning party will be unfairly prejudiced pending a final determination of the appeal by the immediate imposition of the sanction or remedy; and
3. Whether the responding party will be unfairly prejudiced by the postponement of the sanction or remedy.

All decisions regarding the postponement of sanctions shall be made within five (5) working days of the receipt of such a petition and shall be communicated to all parties in writing through the VPAA.

BASIS FOR APPEAL

The UAB shall hear appeals on the petition of a faculty member, student, or student organization when a petition, together with supporting documentation, presents a substantial question within the scope of review of the UAB, as outlined below.

Any petition for appeal of a sanction must be filed to the Office of Student Conduct, **Attention UAB** within five (5) working days of the date of the decision letter. Until favorable decision on the appeal or favorable action on a petition for postponement of sanction pending appeal, the original sanction imposed remains in effect.

SCOPE OF REVIEW

The scope of review of the UAB shall be limited to consideration of the following questions:

1. Whether the process was conducted fairly and in conformity with policy;
2. Whether there was a rational connection between the facts found and the decision made by the Title IX Officer, and;
3. Whether the sanctions imposed are neither arbitrary nor capricious.

UNIVERSITY APPEALS BOARD PROCEDURES

Either party involved in a sexual misconduct case may initiate an appeal before the UAB by filing a petition in the Office of Student Conduct, **Attention UAB**.

A petition must set forth the following:

1. The name and address of the petitioner adversely affected by the prior adjudication.
2. The name and address of the responding party.
3. The result of the prior adjudication.
4. One or more of the questions within the scope of review of the UAB.
5. A statement supporting, through factual narrative argument, the petitioner's position.

The VPAA in consultation with two faculty/staff members of the UAB shall review petitions and determine whether all requirements set forth for the filing of an appeal are satisfied and whether the petition sets forth the basis for an appeal and raises a question within the scope of review. Where the petition fails to state an adequate basis for an appeal or question within the scope or review, the VPAA will provide a written recommendation to the President that the case should receive no further review. The President may either accept the recommendation or require a UAB appeal. If the recommendation is accepted by the President, there is no further right to appeal.

Where it has been determined that a petition meets the requirements, sets forth the basis for appeal, and falls within the scope of review, the VPAA shall notify the President of the recommendation to require a full UAB appeal. Upon conferral with the President, the VPAA will notify the parties that an appeal has been initiated.

Notice shall include:

1. A copy of the petition.
2. A copy of the relevant regulations and procedures.

The VPAA shall then schedule an appeal proceeding. All parties shall receive written notification of the time, date, and place of the appeal proceeding.

The appeal shall be conducted under the procedural guidance of the VPPA.

The UAB, in its discretion, may elect to decide an appeal based on the submission of documents from the parties alone, without oral argument. In such cases, the VPAA will provide written instruction to the parties. The UAB appeal process does not include testimony from witnesses. The VPAA may develop supplemental rules of procedure.

REPRESENTATION FOR STUDENT CONDUCT APPEALS

A party may seek representation, legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot act as advisors.)

FORMAT AND DECISION

If the UAB, in its discretion, decides to allow oral argument, each interested party shall be given reasonable time to present his or her position. In all cases, in support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. Each party may question the other about his or her argument, except in cases involving sexual misconduct or violence. Members of the UAB and the Moderator may question the parties.

The majority of the UAB panel shall make factual findings and shall render a final adjudication in the form of written opinion sent to the President. The President may remand the matter to the initial adjudicatory authority for further proceedings if it determines there are insufficient written findings or prejudicial errors. In other cases, the UAB shall render a written opinion and recommend action to the President, accompanied by the complete record. The President shall review and then communicate to the petitioning party in writing both the final decision and sanction(s). The President may remand the matter to the initial adjudicatory authority or to the URB for further proceedings, or may enter a final decision, accepting or rejecting the recommendations in part or in their entirety.

**PROCEDURES FOR ADJUDICATION OF ALLEGED VIOLATIONS BY FRATERNITY,
SORORITY CHAPTERS AND REGISTERED ORGANIZATIONS**

ADMINISTRATIVE SANCTIONS

The Director of Greek Affairs or the Director for Student Life may establish and enforce standards governing fraternity, sorority and recognized organizations activities which do not conflict with student rights within the University community as affirmed in the Student Code of Conduct. Administrative sanctions may be issued for Code infractions relating to standards governing organizational activity and/or violations of the Housing contract as long as the action is not arbitrary or capricious and a reliable determination is made.

Records of all administrative sanctions will be maintained in the Office of Student Conduct, and may be introduced at subsequent judicial proceedings if necessary to establish a pattern of offenses within the Code.

Any Code infraction not adjudicated by administrative action will be released to the Office of Student Conduct. This release may be initiated by the student/organization or by Campus Life, and the latter may include recommended sanctions. These sanctions will be given deference to the extent they do not conflict with adjudication by the Office of Student Conduct. Student judicial system procedures will apply once a case has been released

The recommended sanction(s) shall be sent to the Vice President for Student Affairs. This individual may increase, decrease, or otherwise change the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it.

If the sanctions imposed by the Vice President for Student Affairs result in suspension or dismissal the organization may appeal to the UAB. The procedures will follow those of individual students. If the final adjudication do not rise to the level of suspension the sanctions are not reviewable by the UAB.

**STUDENT CONDUCT ADJUDICATION OF ALLEGED VIOLATION BY RECOGNIZED
ORGANIZATIONS**

The following procedures apply to fraternities, sororities and other recognized organizations should a group be accused of violating the compilation of codes: the Code, Living on Campus and/or federal, state or local laws, including, but not limited to, those that apply to underage drinking, hazing, substance abuse, sexual harassment, and sexual abuse. Recognized organizations may be sanctioned for offenses listed in the Student Code of Conduct and the Office of Campus Life. Violation of the Office of Campus Life Policies and Procedures will be handled as a violation of the Student Code of Conduct.

FILING PROCEDURES

1. Any member of the University community may file a written judicial referral against a fraternity/sorority with the Office of Student Conduct. A judicial referral must set forth the following:
 - a. The name and address of the fraternity/sorority against which the judicial referral is lodged.
 - b. The name of the reporting party.
 - c. The alleged offense(s).
 - d. A statement demonstrating the facts of the alleged offense(s), which must include:
 - i. Date of occurrence.
 - ii. Time of occurrence.
 - iii. Place of occurrence.
 - iv. Narrative of events.
2. A police report or a judicial incident report will constitute a judicial referral.

ASSESSMENT OF CHARGES BY STUDENT CONDUCT OFFICER

Any alleged violation of the Code of Conduct or state policies/laws should be referred to the Office of Student Conduct who shall decide whether to proceed with charges against the organization. The Student Conduct Officer shall use the following as a guide when assessing chapter accountability for alleged acts of a member(s) and/or new member(s):

1. Were the activities on behalf of, in the interest of, or for the benefit of the organization?
2. Were the activities at the order of the organization, that is, as a result of the direction, prompting, insistence, urging, encouragement or expectation of officers of the organization or the general membership?
3. Were the activities sanctioned by the organization, that is, performed on the basis of explicit permission or recognition of the organization that gave validity to the acts?
4. Did the activities occur at or in connection with a organization-sponsored event or program?
5. Were the activities at or in connection with a non-organization event or program where participation was predicated on organization membership?
6. Were the activities at, or initiated at, a house or facility owned or leased by the organization, or, if not owned or leased, normally used for business or social activities of the organization?
7. Were officers of the organization aware of the activities?

The Student Conduct Officer shall not be limited to the above conditions when assessing potential accountability and may consult with the Director of Student Life or Greek Life. Also, when individual fraternity/sorority members are alleged to have violated the University of Pittsburgh Student Code Of Conduct & Judicial Procedures, a fraternity/sorority may bear joint responsibility for these violations.

RIGHTS IN DISCIPLINARY PROCEEDINGS

In disciplinary proceedings involving a fraternity/sorority, the University shall endeavor to:

1. To describe its standards clearly.
2. To make known its standards in a form readily available in a manner which, while not exaggerated in length, detail, or complexity, shall provide fair notice of what is expected and what is forbidden.
3. To apply rules and regulations fairly, impartially, and equally to all fraternities/sororities that are similarly situated.

For any disciplinary action for which sanctions may be imposed, the fraternity/sorority shall have the right:

1. To be considered not responsible until found to be responsible by a preponderance of the evidence of alleged violation(s), although the University retains the discretion to determine whether and when interim measures, such as Interim Suspension, are appropriate.
2. To be informed of its rights as an organization.
3. To receive written, timely, and complete notice of the specific charge(s) to be adjudicated.
4. To seek representation. Legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot provide representation unless they are an officer of that organization).
5. To have a fair disposition of all matters as promptly as possible under the circumstances.
6. To be informed of the range of sanctions that may be imposed.
7. To be informed of the format and procedures of the student judicial system.
8. To be informed of the general nature of the evidence to be presented.
9. To confront and question all parties and witnesses except when extraordinary circumstances make this impossible as determined by the Student Conduct Officer, except in cases involving sexual violence.
10. To present a factual defense through witnesses, personal testimony, and other relevant evidence.
11. To decline to testify against itself.
12. To request attendance of witnesses upon a showing of relevance.
13. To receive a summarized record upon request at the conclusion of the hearing.
14. To have only relevant evidence considered.

NOTICE

Upon receipt of a properly filed judicial referral, the Student Conduct Officer shall notify the accused fraternity/sorority/organization that proceedings have been instituted. This letter shall direct the student leadership to schedule a disciplinary conference with the Student Conduct Officer within five (5) days of the receipt of the letter. Failure to comply with this directive shall result in a disciplinary hearing being scheduled without a conference.

DISCIPLINARY CONFERENCE

The purpose of the disciplinary conference is to allow the Student Conduct Officer to discuss the alleged offense(s) with the accused fraternity/sorority/organization leadership. If the organization elects to contest the charge(s), the Student Conduct Officer may provide guidance to the responding party; answer questions regarding the procedures and format of the judicial process; make the necessary arrangements for the hearing; and provide other assistance when appropriate. The Director of Greek or Student Life will be invited to attend the disciplinary conference. The organization shall provide the Student Conduct Officer with all available documents that the organization intends to introduce at the hearing not less than three (3) working days prior to the hearing date.

HEARING NOTIFICATION

The Student Conduct Officer shall be responsible for scheduling the hearing. All parties shall receive written notification of the hearing that shall include: time, date and place of hearing.

HEARING OFFICERS

Three faculty/staff members appointed by the Director of Student Conduct shall serve as Hearing Officers. The Director of Student Conduct shall chair the meeting, they will be able to ask questions and clarify procedure questions but shall not participate in the determination of responsibility by the Hearing Officers.

WITNESSES

The reporting party and responding party shall provide to the Student Conduct Officer a written list of witnesses scheduled to appear at the hearing three (3) business days after the disciplinary conference.

When necessary, the Student Conduct Officer may make arrangements for previously recorded or written testimony by reporting party, defendant, or witnesses to be used in a proceeding.

HEARING FORMAT

At the time, date, and place scheduled, the hearing shall adhere to the following format:

1. The Student Conduct Officer shall convene the hearing and introduce the parties involved in the proceedings, and introduce the organization's representative, if any.
2. The alleged offense(s) upon which the judicial referral has been based shall be read by the Student Conduct Officer.
3. Objections to procedures shall be entered in a written record and the Student Conduct Officer shall make any necessary rulings regarding the validity of such objections.
4. Reporting party or representative for reporting party shall state his/her case and shall offer evidence in support thereof.
5. The organization officer or representative for the responding party shall have the opportunity to question the reporting party.

6. Reporting party or representative for reporting party shall be given the opportunity to call witnesses.
7. Responding party or representative for the responding party shall be given the opportunity to question each witness of the reporting party after he/she testifies, except in cases involving sexual violence.
8. Reporting party shall inform the Student Conduct Officer when his/her presentation is complete.
9. The representative of the accused fraternity/sorority may testify or not as they choose.
10. Reporting party or representative for reporting party shall have the opportunity to question the responding party if the responding party voluntarily chooses to testify.
11. The representative for the responding party shall have the opportunity to call witnesses.
12. Reporting party or representative for the reporting party shall have the opportunity to question each witness of the responding party after they testify.
13. Responding party shall inform the Student Conduct Officer when his/her presentation is complete.
14. A Representative from the Office of Campus Life shall be called as a consultant to the Judicial Board. The Representative will provide information on how the alleged violation(s) affect the University community and will provide insight as to the severity of the alleged violation(s). Both the reporting party and the responding party shall have the opportunity to question the Representative.
15. The Student Conduct Officer shall have the authority to address the members of the Judicial Board on University regulations or procedure in the presence of all parties.
16. Hearing shall be continued and the Judicial Board shall deliberate in private until a decision is reached and recorded in writing.
17. When a decision has been reached by the Judicial Board, by majority vote, the hearing will be reconvened and the decision of finding announced.
18. If the organization is found responsible for any or all charges, the parties shall be given the opportunity to address the Judicial Board regarding the imposition of a sanction. A representative of the Office of Campus Life shall be called as a consultant to the Judicial Board. The Representative will provide information on how the recommended sanctions(s) affect the University community and will provide insight as to the appropriateness of the recommended sanction(s). Both the reporting party and the responding party shall have the opportunity to question the Representative.

The hearing will be concluded, and the members of the Judicial Board will again deliberate in private until a decision is reached and recorded in writing.

SANCTIONS

Upon a determination of responsibility, the Judicial Board shall recommend a sanction or set of sanctions based on the charge(s), findings of fact, the organization's judicial history, and the degree of harm posed by the violation(s) to the University community. Other factors such as the organization's cooperation or potential for rehabilitation also may be taken into consideration.

FINAL ADJUDICATION

If there is a determination of responsibility on one or more charges, the findings of the Judicial Board and recommended sanction(s) shall be discussed with and submitted to the Vice President Student Affairs for final adjudication. This individual may increase, decrease, or otherwise modify the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and any available precedents, justifies a change.

In the event that the sanction(s) has (have) been amended, the VPSA shall include the reason(s) for the change(s) in the notification to the chapter. In any case, the VPSA shall make a determination of an appropriate sanction or set of sanctions, not a finding of responsibility. The Vice Provost and Dean of Students' decision shall be forwarded to the responding party.

Responding students have the right to petition the University Appeals Board (UAB) for an appeal from the decision of his/her disciplinary hearing subject to the guidelines outlined in the Basis for Appeal section. Appeals shall be made to the UAB within five (5) working days of the date of the decision letter.

SANCTIONS

All judicial records and sanctions are kept on file for seven (7) years after the last judicial occurrence.

- **Stayed Sanction** - Any sanction may be put on hold or “stayed” from implementation for a specified period of time as determined by the hearing officer or University Hearing Board.
- **Community Restitution** - A directive to spend a specified period of time in a constructive undertaking. This will be by agreement of the student and the Director of Student Conduct or designee. Whenever possible, this service should be constructive and creatively related to the offense and serve the offended population
- **Counseling Assessment** - An assessment by the Counseling Center with the requirement to satisfy any prescriptive treatment.
- **Disciplinary Warning** - A verbal warning from the Vice President for Student Affairs or designee expressing disapproval of conduct. During the period it is in effect, the record may be introduced in subsequent disciplinary proceedings
- **Disciplinary Reprimand** - A written statement from the Vice President for Student Affairs or designee expressing disapproval of conduct. A record of a Disciplinary Reprimand shall be maintained in the Office of Student Conduct. During the period the reprimand is in effect, the record may be introduced in subsequent disciplinary proceedings.
- **Disciplinary Probation** - A conditional retention of student status for a specified period of time. During the probationary period a student may be excluded from participation in extracurricular University activities and may be barred from representing the University as an athlete or in any official capacity, or be barred from holding any appointed or elected position within the University community. A record of Disciplinary Probation shall be maintained in the Office of Student Conduct. The record may be introduced in subsequent disciplinary proceedings
- **Disciplinary Suspension** - A termination of registration as a student for a specified period of time. During the period of Disciplinary Suspension, a student is excluded from classes and all other University privileges or activities.

At the conclusion of the period of suspension, the student will be allowed to return to the University on a probationary basis for a period of one year unless otherwise specified by the University Hearing Board or Hearing Officer.

The record of a Disciplinary Suspension is maintained in the Office of Student Conduct for the duration of the student’s subsequent probationary period. During that period, the record may be introduced in subsequent disciplinary proceedings.

The student will be issued a Persona Non Grata on all University property during the period of suspension and will not be permitted to enter or use University property unless the student receives permission from the Director of Student Conduct or his/her designee.

In accordance with University Policy there is no financial adjustment made to tuition or fee charges for students who are Disciplinary Suspended/Dismissed. Disciplinary suspended/dismissed student are responsible for paying the entire cost of tuition and fees for the term in which they are suspended/dismissed

- **Disciplinary Dismissal** - A termination of registration as a student. If the student applies for readmission, he/she will not be allowed to return to the University. The student will be Persona Non Grata automatically on all University property and will not be permitted to enter or use University property unless the student receives permission from the Vice President for Student Affairs or his/her representative.

In accordance with University Policy there is no financial adjustment made to tuition or fee charges for students who are Disciplinary Suspended/Dismissed. Disciplinary suspended/dismissed student are responsible for paying the entire cost of tuition and fees for the term in which they are suspended/dismissed

A record of a Disciplinary Dismissal is maintained as a permanent record in the Office of Student Conduct

- **Disciplinary Hold** – A restriction placed on a student’s account which would prevent a student from registering, issuance of a housing contract and access to athletic facilities, etc. A disciplinary hold will permit the release of academic transcripts.
- **Residence Hall Probation** - A conditional retention of student status for a specified period of time. During the probationary period a student is excluded from participation in extracurricular residential facility activities and may not represent a residential facility as an athlete or in any other capacity. A record of Residence Hall Probation shall be maintained in the Office of Student Conduct for the period probation is in effect. During that period the record may be introduced in subsequent disciplinary proceedings.
- **Interim Disciplinary Suspension** - An immediate exclusion from classes and all other University privileges or activities which is imposed by the Vice President for Student Affairs or designee pending a hearing before the University Hearing Board or Hearing Officer. An Interim Suspension will be imposed to help ensure the safety and well-being of members of the University community, or University Property, or to help ensure the student’s own physical or emotional safety and well-being. The student will be issued a Persona Non Grata on all University Property during the period of suspension and will not be permitted to enter or use University Property unless the student receives permission from the Vice President for Student Affairs or his/her representative
- **Fines** - A monetary sanction that can be imposed with a maximum of \$250. Any fine exceeding \$250 must be expressly approved by the Vice President for Student Affairs. A hold shall be maintained on the student’s account until full payment is made. Failure to pay a fine on time may result in a hold on a student’s registration and/or additional disciplinary action.

A \$75 fine may be imposed for a first time offense of knowingly present where drinking games are being played, violations of the alcohol policy or possession of narcotics, hallucinogenics, dangerous drugs or controlled substances except as permitted by law. A \$125 fine may be imposed for a second offense in either of these categories.

A \$250 “host” fine may be imposed upon any student hosting violating § 18 of the alcohol policy.

Parking violation fines will have an addition processing fee added to them.

- **Housing Suspension** - A termination of residence for a specified period of time from all University housing. The student will be issued a Persona Non Grata on all University residential facilities property during the period of suspension. This status means he/she will not be permitted to enter or use University residential facilities property for visitation, meals, employment, or any other purpose. This status also includes exclusion from the residential facilities lobbies and adjacent University property. Should the student reappear in any of the areas heretofore mentioned, he/she shall be subject to arrest. At the conclusion of the period of suspension, the student will be allowed to return to the residential facilities on a probationary basis for a period of one year unless otherwise specified by the University Hearing Board or Hearing Officer. A record of Residence Hall Suspension is maintained in the Office of Student Conduct for the duration of the student’s subsequent probationary period. During that period the record may be introduced in subsequent disciplinary proceedings.

In accordance with University Policy there is no financial adjustment made to housing charges or fee charges for students who are Suspended/Dismissed. Disciplinary suspended/dismissed student are responsible for paying the entire cost of housing charges and fees for the term in which they are suspended/dismissed

- **Interim Housing Suspension** - An immediate exclusion from the residential facilities and all related privileges and activities which is imposed by the Vice President for Student Affairs or designee, pending a Student Conduct Hearing. Interim suspension is imposed only to insure the safety and well-being of members of the University community, or University Property, or to help ensure the student’s own physical or emotional safety and well-being. The student will be Persona Non Grata on all University residence hall property during the period of suspension and will not be permitted to enter or use University residence hall property for visitation, meals, employment, or for any other purpose. This status also includes exclusion from residence hall lobbies and adjacent University Property. Should the student reappear in any areas heretofore mentioned, he/she will be subject to arrest.
- **Housing Dismissal** - A termination of residence and permanent exclusion from the residential facilities. If the student reapplies for residence, he/ she will not be allowed to return to the residential facilities. A record of Residence Hall Dismissal is maintained as a permanent record in the Office of Student Conduct and the Office of Housing. The student will be Persona Non Grata on all University residential facilities property. This status means he/she will not be permitted to enter or use University residential facilities property for visitation, meals, employment, or for any other purpose. This status also includes exclusion from residential facilities lobbies and adjacent University Property. Should the student reappear in any of the areas heretofore mentioned, he/she will be subject to arrest.

In accordance with University Policy there is no financial adjustment made to housing charges or fee charges for students who are Suspended/Dismissed. Disciplinary suspended/dismissed student are responsible for paying the entire cost of housing charges and fees for the term in which they are suspended/dismissed

- **Interim Involuntary Change of University-owned Housing Assignment** - An immediate relocation of a student to an alternate residence hall accommodation which is imposed by the Director of Housing & Residence Life or his/her representative, pending a Hearing before the University Hearing Board.

Interim Involuntary Change of Residence Hall Assignment is imposed only to insure safety and well-being of members of the University community, or University property, or to help ensure the student's own physical or emotional safety and well-being.

- **Involuntary Change of University-owned Housing Assignment** - A written direction to relocate a student to an alternative residence hall accommodation within a specified period of time which is imposed by the Vice President for Student Affairs, Director of Housing, or designee. Involuntary Change of Residence Hall Assignment is imposed to help ensure safety and wellbeing of a member of the University community, or University Property, or to help ensure the student's own physical or emotional safety and well-being, or to insure that a building/floor has a community environment that is conducive to academic success.
- **Voluntary Change in University-owned Housing Status** - If a student moves out of the residential facilities after the imposition of original sanction, the Director of Housing or designee has the authority to impose limitations on that individual, such as Persona Non Grata sanction or other restrictions.
- **Information Technology Resource Suspension/Termination** - A suspension or termination of part or all of a student's access to information technology resources. No refund of any fees charged and applied to information technology resources will be made.
- **Interim No Contact Order** - A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, electronic means, or third parties. Should the student fail to cease contact, he/she will be subject to additional action, up to and including suspension and/or arrest. This sanction may be imposed by the Vice President for Student Affairs or designee on an interim basis only to insure the safety and well-being of members of the University community, or University property, or to ensure the student's own physical or emotional safety or well-being.
- **No Contact Order** - A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, email, telephone, or third parties. Should the student fail to cease contact, he/she will be subject to additional action, up to and including suspension and/or arrest.
- **Interim Partial Persona Non Grata** - An exclusion from a facility or area for a specified period of time. During the period the student is excluded from a specified facility or area of the University. He/she will not be permitted to enter or use the University facility for visitation, meals, employment, or any other purpose. This status also includes exclusion from the residence hall lobbies and adjacent University property. A record of Persona Non Grata status shall be maintained in the Office of Student Conduct and the office of the person directly responsible for the day-to-day operation of the facility or area, and the University Police for the period the Persona Non Grata status is in effect and during that period the record may be introduced in subsequent disciplinary proceedings. Should the student reappear in any of the areas heretofore mentioned, he/she will be subject to arrest. This sanction may be imposed by the Vice President for Student Affairs on an interim basis only to insure the safety and well-being of members of the University community, or University Property, or to ensure the student's own physical or emotional safety or well-being.
- **Persona Non Grata** - An exclusion from a facility or area for a specified period of time. During the period the student is excluded from a specified facility or area of the University and may not enter or participate in any function within the confines of the area or facility of the University. He/she will not be permitted to enter or use University residence property for visitation, meals, employment, or any

other purpose. This status also includes exclusion from the residence hall lobbies and adjacent University Property. A record of Persona Non Grata status shall be maintained in the Office of Student Conduct, the Office of the person directly responsible for the day-to-day operation of the facility or area, and the University Police for the period the Persona Non Grata status is in effect and during that period 30 the record may be introduced in subsequent disciplinary proceedings. Should the student reappear in any of the areas heretofore mentioned, he/she will be subject to arrest.

- **C.O.R.E.S. I** – This program is designed for students who have violated the Code of Conduct regarding alcohol use on campus. There is a program fee (\$140) attached to the student’s account. The class meets regularly and students are required to attend all sessions. Upon completion, students will have a copy of a certificate of completion placed in his/her student conduct file. Failure to complete the program will result in a hold being placed on the student’s account and a \$50 fine.
- **Under the Influence**- This program is designed for students who repeatedly violated the Code of Conduct regarding alcohol on campus. There is a program fee (\$175) attached to the student’s account. This is an online educational module. Upon completion, students will have a copy of a certificate of completion placed in his/her student conduct file. Failure to complete the program will result in a hold being placed on the student’s account and a \$50.
- **Third Party Counseling Assessment** - An assessment by an appropriate, licensed and recognized, third party counselor with the requirement to satisfy any prescriptive treatment
- **Marijuana 101** - Marijuana 101 is an online marijuana education course coupled with a one-on-one educational conference used as a response to violations including marijuana use or possession. The online module takes two-to-three hours to complete. Students assigned to the course are charged a onetime fee of \$150. Failure to complete any aspect of the sanction by a designated date may result in additional disciplinary actions including but not limited to monetary fines.
- **Restitution** - A written directive to replace, repair, or make specific compensation for property of the University or another person, which was damaged, destroyed, or misused. A record of directive to make restitution shall be maintained in the Office of Student Conduct until full restitution is made and during that period the record may be introduced in subsequent disciplinary proceedings. Failure to make restitution by a designated date may result in a hold on a student’s registration and/or additional disciplinary action.
- **Substituted Sanction** - A constructive and voluntary undertaking by a student which, by agreement of the student and the Vice President for Student Affairs or designee, shall be substituted or in conjunction with any of the outlined sanctions. A record of a substituted sanction shall be maintained in the Office of Student Conduct until the undertaking agreed upon is completed.
- **Weekend Suspension** – The student is not permitted on campus from Friday at 5:00pm until Sunday at 9:00 am.

ORGANIZATIONAL SANCTIONS

- **Stayed Sanction** - Any sanction may be put on hold or “stayed” from implementation for a specified period
- **Social Probation** — The loss of chapter privileges to host, sponsor, co-sponsor, or participate in any social activities, where alcohol is present, with non-members ANYWHERE. These restrictions do not apply to member only events at which no non-members are present.
- **Organizational Reprimand** – A written statement from the Vice President for Student Affairs or designee expressing disapproval of conduct. A record of an Organizational Reprimand shall be maintained in the Office of Student Conduct for the period the Reprimand is in effect. During that period, the record may be introduced in subsequent disciplinary proceedings.
- **Organizational Probation** – A conditional retention of organizational status for a specified period of time. During the probationary period, an organization is excluded from requesting additional funds and is not eligible for any awards. Furthermore, the organization may not represent the University in the external community. A record of Organizational Probation shall be maintained in the Office of Student Conduct for the period probation is in effect. During that period the record may be introduced in subsequent disciplinary proceedings.
- **Organizational Suspension** – An organization’s privileges, chapter status, and registration are suspended for a specified period of time. In the event that a student organization is suspended from the University, the organization may not during the term of the suspension:
 - recruit members,
 - engage in social functions of any type,
 - use University resources, services, or funds,
 - use University buildings, facilities, property, and equipment,
 - participate or attempt to participate as an organization in any University event, or
 - co-sponsor or participate in another registered/recognized organization’s activities.

At the end of the suspension, prior to allowing a group to return, a petition must be submitted to the Vice President for Student Affairs or designee, which demonstrates in a sufficient manner, as determined by the University in its sole discretion, the following:

- the issues leading to the organization’s suspension have been remedied,
 - those wishing to revive the organization’s status understand the University’s policies and procedures and are willing to and capable of following them,
 - the organization and its members have complied with the suspension, and have not engaged in conduct aimed at ignoring or frustrating the suspension, and have no intervening violations of the Code of Conduct.
- **Event Capacity Reduction** - Organizations permitted to host registered events shall be required to reduce their fire code capacity at the discretion of the Vice President for Student Affairs or designee.
 - **Educational Programming** - Functions sponsored by a chapter, in conjunction with IFC, and Panhellenic Association, for the chapter and other chapters that encourage awareness and understanding of critical issues relating to the nature of the offense.

- **Reduction in Housing Options** – A written directive requiring the organization move to a smaller lodge unit (e.g., reduction of housed capacity). Location shall be at the discretion of the Vice President for Student Affairs or designee and/or the Director of Housing.
- **Termination of Residence Hall Privileges** – A termination of specific privileges for a specified period of time intended to remedy an organizations disregard for the rights of others. A record of termination shall be maintained in the Office of Student Conduct for the period the termination is in effect.
- **Fines** – A monetary sanction that can be imposed with a maximum of \$250. Any fine exceeding \$250 must be expressly approved by the Vice President for Student Affairs. A record shall be maintained in the Office of Student Conduct until full payment is made and during that period the record may be introduced in subsequent disciplinary proceedings. Failure to pay a fine on time may result in a hold on an organization’s event and/or housing registration and/or additional disciplinary action.
- **Restitution** – A written directive to replace, repair, or make specific compensation for property of the University or another person which was damaged, destroyed, or misused. A record of directive to make restitution shall be maintained in the Office of Student Conduct until full restitution is made and during that period the record may be introduced in subsequent disciplinary proceedings. Failure to make restitution by a designated date may result additional disciplinary action.
- **Substituted Sanction** - A constructive and voluntary undertaking by an organization which, by agreement of the organization and the Vice President for Student Affairs or designee, shall be substituted or in conjunction with any of the outlined sanctions. A record of a substituted sanction shall be maintained in the Office of Student Conduct until the undertaking agreed upon is completed.
- **Suspension or Dismissal of Individual Members** — The removal of member(s) from the chapter roster prohibiting the individual(s) from any involvement in chapter activity for a specified period of time or permanently.
- **Suspension of Recognition** — For a specified minimum period of time, pending fulfillment of specific conditions for reinstatement, a cessation of operations of the chapter, as specified.
- **Suspension of Recruitment Activities** — Prohibition of participation in activities involving the recruitment, selection, and acceptance of new members.
- **Termination of Recognition** — Revocation of recognition of the chapter’s charter as a recognized University fraternity or sorority with no established date or conditions for reinstatement. The chapter shall cease its operation at the University of Pittsburgh at Johnstown. Where a sanction has been imposed, the record shall be maintained in the Office of Student Conduct for a minimum of three years. The record may be introduced at a subsequent disciplinary hearing if it is determined that the fraternity/sorority has committed another offense. The sanction shall apply to all current members of the organization, as well as any students actively seeking membership in the organization.

RESIDENCE LIFE ADMINISTRATIVE SANCTIONS

The Director of Housing or his designee(s) may establish and enforce community standards which do not conflict with student rights within the University community as affirmed in the Student Code of Conduct. Administrative sanctions may be issued for Code infractions relating to community standards and/or violations of the Terms and Conditions of Residence Housing Contract/Living on Campus as long as the action is not arbitrary or capricious and a reliable determination is made. In addition, at the expiration of the term and the end of the Housing contract period, administrative sanctions may be imposed for all Code infractions which have not been adjudicated within the community standards system.

Records of all administrative sanctions will be maintained in the Office of Student Conduct, and may be introduced at subsequent student conduct proceeding if necessary to establish a pattern of offenses within the Code.

Any Code infraction not adjudicated within the community standards system may be released to the Office of Student Conduct for adjudication. This release may be initiated by the student or by Housing, and the latter may include recommended sanctions. These sanctions will be given deference to the extent they do not conflict with adjudication by the Office of Student Affairs. Student Conduct System procedures will apply once a case has been released from Housing and Residence Life.

The student may appeal sanctions resulting from the adjudication through the Office of Student Conduct. The Basis for Appeal as outlined in the Student Code of Conduct will apply.

APPENDIX A: ALCOHOL POLICY

The University has established a comprehensive policy concerning the use and abuse of alcohol and other drugs by students and employees. It is of the utmost importance that each student read, and be familiar with University policies regarding alcohol and other drugs. As adults, students are expected to obey the law and take responsibility for his/her conduct. The relationship between the University and students is a non-custodial one. The University will not invade the personal lives of its community members (faculty, staff, students or others) on or off the campus, nor conduct unreasonable searches and seizures.

Our policy has been designed to give reasonable assurance that campus regulations, township ordinances, and state laws will be complied with. Members of the University community will be subject to disciplinary action, or legal process, for violation of laws, ordinances, and regulations, as well as procedures designed to comply with the same.

A: GENERAL POLICIES

1. The use, possession, or distribution of beverages containing alcohol on University property shall comply with the laws of the Commonwealth of Pennsylvania and University policies. Misconduct that may result in such disciplinary actions and penalties include
2. Only persons 21 years of age or older shall be permitted to possess, consume, or transport alcoholic beverages.
3. The purchase, consumption, possession, or transportation, or the attempt to purchase, consume, possess, or transport any beverage containing alcohol by persons under 21 years of age.
4. Distribution of alcoholic beverages to any person under the age of twenty-one is absolutely prohibited.
5. Distribution of alcoholic beverages to any visibly intoxicated person, under any circumstances is prohibited.
6. No alcohol may be sold on campus. This includes sale of tickets for admission to a party at which alcohol will be distributed.
7. Alcohol may not be possessed or consumed at any on campus student function, except as subject to the provisions of the registered social event process or registered designated members' only event (see Events & Activities section).
8. Students and/or student organizations are not permitted to have vendors deliver alcoholic beverages on University property.
9. Common sources (kegs, bulk containers, "pumpers", quantity of cases, etc.) are prohibited on campus. Storage of empty kegs, taps, or other bulk dispensers is prohibited.
10. Alcoholic beverages are not permitted to be stored or consumed in any student office on University property.

11. Alcoholic beverages may be served at University related administrative and/or faculty functions.
12. Private behavior and alcohol consumption off campus without the financial support or sponsorship of the University or any student organization is solely the responsibility of those involved. However, these activities may constitute a violation of the student code of conduct.
13. Alcoholic beverages cannot be transported to another room for any reason, nor are they permitted in any public area, on or off campus, including, without limitation, porches, unenclosed patios, lounges, stairs, lobbies, classrooms, hallways, walkways, and green spaces or in violation of any open container laws. Unless otherwise permitted by University policy
14. Alcoholic beverage containers cannot be used as decorations or for any other purpose whatsoever within University-owned Housing, regardless if they are empty containers.
15. Regardless of ownership or origin, unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University-owned Housing will be confiscated and disposed of.
16. Residents are absolutely responsible and legally accountable for his/her actions and the actions of his/her visitor(s)/guest(s), including any damages or injuries which result from his/her actions during or after the consumption of alcoholic beverages.
17. For residents who are 21 years of age or older:
 - a. Residents that are 21 years or older are permitted to possess, consume, or transport alcoholic beverages in University-owned housing. Residents from other buildings and non-resident guests or commuters are not permitted entrance with alcoholic beverages, regardless of age. Note: Certain residence halls are “alcohol free,” and alcoholic beverages are absolutely prohibited to any residents or by visitors/guests in these areas.
 - b. The amount of alcoholic beverages per person 21 and older in University-owned housing cannot exceed:
 - i. twelve (12) 12 ounce cans of beer; or
 - ii. one (1) pint bottle or one (1) 375 ml. bottle of liquor; or
 - iii. one (1) 1.5 liter bottle of wine; or
 - iv. two (2) four-packs of wine coolers or other mixed drinks sold in such a quantity, or 2 six-packs of malt beverages or other mixed drinks sold in such quantity, (e.g., Mike's Hard Lemonade, Smirnoff Ice, etc.).

Only factory sealed containers of alcoholic beverages may be brought into University-owned housing. Beer may only be brought into the building in cans. Other containers, including kegs, bulk containers, pumpers, and beer in bottles, are prohibited. Other containers, including kegs, bulk containers, pumpers, and beer in bottles, are not permitted. Unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University Owned Housing will be confiscated and disposed of, regardless of ownership or origin.

18. Where alcohol is present, residents of a room (LLC and Lodges) are limited to a total of four (4) guests (21 years or older) at any one time. Town houses, Willow and CPA residents are limited to a total of ten (10) guests (21 years or older) at any one time. A guest is considered to be any individual not assigned to the room, lodge, or apartment. Residents who exceed this policy may be subject to the social host fine. Residents in the first year halls where a guest is present found in violation of the alcohol policy are subject to the social host fine.
19. When the ownership of alcoholic beverages, containers, and other mechanisms that are used to dispense alcohol is in question, those individuals legally assigned to rooms or apartments will be considered the owners of such and will be subject to sanctioning
20. Excessive amounts of alcohol are prohibited, including but not limited to paraphernalia, activities, or drinking games that encourage rapid consumption of alcohol (e.g. Beer Pong, Quarters, Flip Cup, Water Pong, etc.). Therefore, the possession and/or use of drinking paraphernalia that promotes the abuse of alcohol and/or puts a student in a position to consume alcohol irresponsibly, is prohibited. This includes, but is not limited to, funnels, beer bong, beer pong tables, taps, and kegs.

B: RICHLAND TOWNSHIP ORDINANCE

The University of Pittsburgh at Johnstown is located in Richland Township. The Richland Township supervisors approved Ordinance No. 117 on June 16, 1980. Excerpts from that ordinance follow:

SECTION 1. It shall be unlawful for any person to consume alcoholic beverages on the sidewalks, streets, avenues, alleys, playgrounds, parks, parking lots, or other public places within the Township of Richland.

SECTION 2. Any person violating said ordinance shall, upon summary conviction before a District Magistrate, be sentenced to pay a fine not exceeding 25.00 dollars, and costs of prosecution and, in default of the payment of the fine imposed and costs, be sentenced to serve not more than five (5) days in the Cambria County Jail.

C: ORGANIZATIONAL EVENTS AND ACTIVITIES

1. Notwithstanding anything contained herein to the contrary, each recognized group is responsible for compliance with this Policy, by itself and its members, including activities taking place anywhere, whether on or off campus in official chapter houses, in private domiciles, or in publicly or privately owned facilities or elsewhere.
2. Recognized groups must fully comply with all applicable laws, including without limitation the laws of the Commonwealth of Pennsylvania regarding the possession, consumption, distribution, and use of alcoholic beverages. Among other things, Pennsylvania law prohibits:
 - a. Furnishing or providing alcohol to anyone under the age of 21 or to anyone visibly intoxicated, under any circumstances.
 - b. Anyone under the age of 21 from possessing or consuming alcohol, under any circumstances.
3. The decision as to whether to have alcoholic beverages at the functions of recognized groups is left to the discretion of those groups, except where otherwise prohibited (i.e., rush events, mixers). However,

enforcement of, and compliance with this Policy is the responsibility of the sponsoring recognized group, subject to compliance review, in its sole discretion, by the University's Office of Campus Life.

4. Recognized groups, and their members, will be responsible for compliance with this Policy by their guests (i.e., persons present at an activity, but not a member of a participating recognized group).
5. The elected officers and corporate officers of each Recognized Group are responsible for formulating and implementing internal rules and procedures specific to their own Recognized Group, which shall ensure conformity with this Policy.
6. Multiple violations of the alcohol policy may lead to individual member sanctions and fines.
7. The officers of all student organizations shall be required to attend a workshop, coordinated by the Director of Student Conduct, once each term. Failure to do so will result in not being able to register until the workshop is completed. The workshop will educate students about state laws, alcohol use and abuse, and emphasize responsible drinking, and social event management
8. The following rules shall apply to recognized groups for activities at which alcoholic beverages are present and guests are in attendance (hereinafter referred to as "events"):
 - a. All persons entering the event shall provide a state identification or Pitt-Johnstown student ID. No other forms of ID are accepted. The recognized group's designated trained active member serving at the door monitor must swipe students' University identification or state driver's license. This individual is not permitted to ingest any alcoholic beverage on the day of the activity or during the time they are serving as door monitor.
 - b. When a person of legal drinking age arrives at an event, they shall provide state identification to verify age and University identification (if applicable), and be provided a wristband.
 - c. The organization shall appoint a house manager for the event. The house manager is not permitted to ingest any alcoholic beverage on the day or the activity or during the activity. The house manger shall make himself/herself available to any University official regarding the event.
 - d. An appointed door monitor is not permitted to ingest any alcoholic beverage on the day of the activity or during the activity.
 - e. If a person appears to be intoxicated or is known to be intoxicated the person must be denied admittance to the event.
9. All social functions, both on and off campus, must be officially registered and pre-approved by the Office of Campus Life. Off-campus activities must be held in full compliance with all applicable requirements of the third party vendor that owns the location where the activity is held.
 - a. Registration must be received by the Office of Student Affairs using the University's official Social Function registration process, by no later than noon on the Friday immediately prior to the activity. Failure to submit forms on time will result in denial of approval.
 - b. For on-campus organizational lodges, the maximum number of persons present at the activity shall not exceed the occupancy limit as set by the University of Pittsburgh at Johnstown in cooperation with the Richland Township Fire Marshall. Each organization will be provided an

electronic counter prior to each approved event to be used at the door to accurately track entrances and exits.

10. Registered events where alcohol is present may only be held on designated Friday or Saturday nights from the hours of 10:00 p.m. until 2:00 a.m. The hours of activities at the off-campus establishments of third party vendors may be set at the discretion of the recognized group.
11. All doors are to be closed no later than 1:00 a.m. Guests are not to be admitted into the event after 1:00 a.m.
 - a. Only one entrance, or door, shall be used for guest registration and exit. No other door shall be used except in case of an emergency.
 - b. Registration must be located at the entrance/exit
12. Each individual in attendance at an activity must be clearly identifiable as over or under the age of 21 with a wristband or other method previously approved by the Office of Student Affairs.
13. Unscheduled random checks may be made by any authorized University representative for health and safety reasons and to otherwise ensure compliance with University policies.
14. Hosts must provide alternative nonalcoholic beverages in sealed containers. The beverages must be readily available and visible at all times during social events at which alcoholic beverages are being consumed.
15. Cleanup of the registered event must be completed by 10:00a.m. the following morning.
16. Below are the weekends that organizations are restricted from registering due to staffing levels and/or academic interests.

Month	Date	Reason
Fall Term		
August/September	29 -5	Opening & First Weekend
October	14-16	Fall Break
November	23-27	Thanksgiving Recess
December	09 – End of Term	Finals
Spring Term		
January	7-8	First Weekend
March	5 - 12	Spring Recess
April	21 – End of Term	Finals

D: RESPONSIBLE ACTION PROTOCOL

1. In addition to specific initiatives to address alcohol misuse, the University expects students to always demonstrate a concern for others. As such, all students are expected to alert appropriate officials in the event of any health or safety emergency – specifically including those involving the misuse/abuse of alcohol or drugs – even if violations of the Student Code of Conduct may have occurred in connection with such an emergency.
2. Because the University understands that fear of possible actions may deter certain requests for emergency assistance, the University has adopted the following Responsible Action Protocol to alleviate such concerns and promote responsible action on the part of students. The Responsible Action Protocol includes seeking medical assistance for another person who is experiencing an alcohol emergency. In accordance with the Commonwealth of Pennsylvania law, a student under the age of 21 would be protected from prosecution for the possession or consumption of alcoholic beverages if law enforcement, including campus police, became aware of the possession or consumption solely because the student was seeking medical assistance for someone else. The student seeking the assistance must reasonably believe he or she is the first to do so, must use his or her real name with authorities, and must stay with the individual needing medical assistance until help arrives and the student's presence is no longer needed. The University has extended the policy behind this law to cover not only exemption from criminal prosecution but exemption from initiation of student judicial board action as well. The requirements to receive this exemption mimic the Commonwealth law's requirements set forth above and only apply to the student seeking medical assistance for another person.
3. In a situation involving imminent threat or danger to the health or safety of any individual(s), students are generally expected:
 - a. to contact emergency officials by calling 814-269-7222 or 911 to report the incident,
 - b. to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and
 - c. to meet with appropriate University officials after the incident and cooperate with any University investigation.
4. The Responsible Action Protocol applies only to alcohol violations and does not apply to other criminal activity such as assault, property damage, or presence of other illicit substances. Students who seek protection under the Responsible Action Protocol may be required to meet with a University official to discuss the situation. In addition, failure to take responsible actions in an emergency situation may void protection under this provision, and may constitute an aggravating factor for purposes of sanctioning. It may also lead to further disciplinary actions when such failure to act otherwise constitutes a violation of University rules, regulations or policies.
5. A representative of a student organization hosting an event is expected to promptly call for medical assistance in an alcohol-related emergency. This act of responsibility may mitigate the student conduct consequences against the student organization resulting from Student Code violations that may have occurred at the time of the incident. On the other hand, failure to call for medical assistance in an alcohol-related emergency will be considered an "aggravating circumstance" and may affect the student conduct resolution against the student organization and individual students if violations may have occurred.

6. Because drug use is potentially life-threatening and life altering Pitt-Johnstown seeks to reduce barriers to seeking assistance. To this end, Pitt-Johnstown has developed the following protocol
 - a. Eliminates judicial consequences for students seeking assistance with his/her drug/alcohol use
 - b. In order for this protocol to apply, the assisted student must agree to timely completion of assigned alcohol/drug education, assessment and/or treatment
 - c. Failure to complete recommended follow-ups may result in revocation of judicial amnesty
 - d. The following are not covered by the Amnesty Policy:
 - i. Students waiting until the police or other authority arrive before seeking assistance
 - ii. Action by police or other law enforcement personnel
 - iii. Violation of the Code of conduct other than the alcohol/drug policy
 - iv. Possession with the intent to distribute

APPENDIX B:

SEXUAL ASSAULT RESOURCES, INFORMATION AND PROCEDURES

The University of Pittsburgh values the safety and health of all members of the Pitt community and seeks to foster an environment in which its students and employees treat other persons with respect, civility, and dignity. Any behavior that involves sexual assault or harassment, relationship violence, or stalking of another person is prohibited. Sexual misconduct can be a violation of criminal law, Title IX, other laws, and this *Code*. Some federal, state, and other law definitions are provided at the end of this appendix.

The University has the authority to take disciplinary action for conduct occurring on campus and off campus when the conduct, among other things, effects the educational environment or threatens the safety of the University community. The University will provide a prompt, fair, and impartial investigation and resolution.

TITLE IX EXPLAINED

Title IX of the Education Amendments of 1972, a Federal law, was historically associated with actual or perceived gender-based disparities in athletic programs. However, it is a far broader law. Title IX actually covers all aspects of educational and academic-related programming and prohibits gender discrimination. Importantly, Title IX prohibits sexual misconduct which may affect the educational or campus environment. The law provides that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.

Title IX prohibits gender-based discrimination in all University of Pittsburgh programs and activities, including, but not limited to, recruiting, admissions, financial aid, academic programs, student services, counseling, guidance, advising, grievance procedures, discipline, course/class assignments, grading, recreation, athletics, housing, meal services, and employment.

OFFICE OF HEALTH AND COUNSELING SERVICES

The Office of Health and Counseling Services (OHCS) is the primary mental health service for undergraduate and graduate students enrolled at the University of Pittsburgh at Johnstown. The OHCS offers a variety of mental health services to students utilizing a short-term, time limited approach, including assessment, counseling, and psychotherapy services (individual, group, and couples).

In addition, the OHCS provides crisis intervention, consultation, referral, and outreach services to students. OHCS services are provided by a multidisciplinary staff of mental health professionals that includes licensed professional counselors, social workers, and advanced graduate trainees in various mental health disciplines. The OHCS, as part of the University of Pittsburgh at Johnstown community, is committed to promoting the health and well-being of all University students.

ADDITIONAL RESOURCES

University of Pittsburgh students can contact his/her resident assistant (RA), resident director (RD), or other Residence Life staff member for support (available 24 hours a day).

Any member of the University community also may contact the following on-campus resources:

- Title IX Coordinator at 814-269-7991
- Office of the Health and Counseling Services 814-269-7119
- Office of Student Conduct 814-269-7133

Community resources also include Victim Services Inc. 814-288-4961 or Women's Help Center 814-536-5361 and Memorial Medical Center 814-534-9000. Both groups provide an advocate/escort to accompany victims through the medical and/or legal process. Students who seek assistance from these organizations are not obligated to press charges against the assailant

GETTING HELP

WHAT TO DO IF YOU ARE ASSAULTED

IMMEDIATELY AFTER AN INCIDENT

- **Physical Safety:** Your immediate safety is the top priority. As quickly as possible, find a safe place away from the perpetrator or any other potential danger.

You are encouraged to seek medical attention as soon as possible for your own physical health and to preserve all physical evidence. You can receive treatment at any medical facility; however hospital emergency departments are in the best position to treat you and collect physical evidence. Conemaugh Hospital generally has SANE (sexual assault nurse examiners) available. SANE nurses are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse.

- **Preserving Physical Evidence**

In the aftermath of a sexual trauma, although it may not be foremost on your mind, the preservation of evidence is strongly encouraged. Even if you do not think you want to pursue a criminal or civil proceeding, preserving evidence keeps your options open in case you change your mind. To preserve evidence, do not shower, douche, or change clothes or bedding before you seek medical attention. Also, if oral contact took place, do not brush teeth, smoke, or eat. Optimally, evidence collection should occur within 72 hours of the assault, and there are medical facilities in Oakland that can assist you:

Seek urgent medical care in the emergency department at **Conemaugh Memorial Medical Center**, 814-534-9000.

Only hospital emergency rooms can collect physical evidence of sexual assault. Therefore, your best source of immediate medical help is the nearest hospital emergency room. All hospitals are required by law to report to the police any injury that is the result of a crime. This does not obligate you to file formal charges.

Contact the Police: You are strongly encouraged to call the Pitt-Johnstown Police Department (814-269-7222) or off campus at **911** and report the situation.

Contact the Office of Health and Counseling services or Victim Services

SUMMARY OF IMPORTANT DEFINITIONS

The following is a summary of important definitions related to sexual assault and relationship violence.

Sexual Assault is a term that encompasses rape, forcible fondling, incest, and statutory rape. In Pennsylvania, sexual assault also is a separate statute defined as sexual intercourse or deviate sexual intercourse without the complainant's consent.

Relationship Violence refers to domestic and dating violence.

Stalking means engaging in acts toward another person with the intent to place the person in reasonable fear of bodily injury or cause emotional distress.

Consent is an informed, affirmative decision made freely and actively by all parties to engage in mutually acceptable sexual activity. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of resistance alone. Existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent to one type of sexual activity does not imply consent to other types of sexual activity.

Someone who is unconscious, asleep, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition, cannot give consent. Consent cannot be obtained by force, intimidation, threat, coercion, isolation, or confinement. Agreement obtained under such conditions does not constitute consent. A person's use of alcohol and/or other drugs does not eliminate his or her responsibility to obtain consent.

FEDERAL DEFINITIONS

Dating Violence: The term "dating violence" means violence committed by a person:

1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship
 - ii. the type of relationship
 - iii. the frequency of interaction between the persons involved in the relationship

Domestic Violence: The term “domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction received grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Pennsylvania Definitions:

Rape: 18 Pa.C.S.A. § 3121

(a) Offense defined:--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.
- (4) Where the person has substantially impaired the complainant’s power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.
- (5) Who suffers from a mental disability which renders the complainant incapable of consent.

(c) Rape of a child:--A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

(d) Rape of a child with serious bodily injury:--A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

Sexual Assault: 18 Pa.C.S.A. § 3124.1 Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant’s consent.

Domestic Violence: 23 Pa.C.S.A. § 6102

(a) General rule:--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

Abuse: The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- (1) Attempting to cause or intentionally, knowingly, or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault, or incest with or without a deadly weapon.
- (2) Placing another in reasonable fear of imminent serious bodily injury.
- (3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).
- (4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).
- (5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

Adult: An individual who is 18 years of age or older.

Certified copy: A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

Comparable court: A foreign court that:

- (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and
- (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

Confidential communications: All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

Domestic violence counselor/advocate: An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

Domestic violence program: A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to: crisis hotline, safe homes, or shelters, community education, counseling systems intervention and interface; transportation, information and referral, and victim assistance.

Family or household members: Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current

or former sexual or intimate partners or persons who share biological parenthood.

Firearm: Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

Foreign protection order: A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

Hearing officer: A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

Master for emergency relief: A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

Minor: An individual who is not an adult.

Other weapon: Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

Safekeeping permit: A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

Secure visitation facility: A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

Sheriff:

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

Victim: A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

Weapon: Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms:--Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses).

Stalking: 18 Pa.C.S. §2709.1 Offense defined.--A person commits the crime of stalking when the person either:

- i. engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an

- intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- ii. engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

CONSENT IN REFERENCE TO SEXUAL ACTIVITY:

(a) General Rule:--The consent of the victim to conduct, charged to constitute an offense, or to the result thereof is a defense if such consent, negates, an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(b) Consent to bodily injury:--When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct, or to the infliction of such injury is a defense if:

- (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
- (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

(c) Ineffective consent:--Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

- (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
- (2) it is given by a person who by reason of youth, mental disease, or defect, or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) it is induced by force, duress, or deception of a kind sought to be prevented by the law defining the offense.

KEY DEFINITIONS UNDER THE CLERY ACT

- a. **Rape:** The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his or her youth). For Clery reporting purposes, the crime of rape also includes sexual assault (intercourse without consent), sexual assault with an object, and forcible sodomy.
- b. **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
- c. **Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- e. **Domestic Violence:** Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person living with or has lived with the victim as a spouse, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family laws of the jurisdiction.
- f. **Dating Violence:** Violence by a person who has been in a romantic or intimate relationship with the victim.
- g. **Stalking:** To engage in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person, or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

DISCLOSING SEXUAL VIOLENCE: REPORTING AND CONFIDENTIALITY

The University encourages victims of sexual misconduct to talk to somebody about what happened and to seek the support they need to address their individual situations. Telling someone will also allow the University to respond appropriately

You may have concerns about confidentiality, and you should know that different employees on campus have different abilities to maintain a Complainant's confidentiality. If you are still unsure about confidentiality requirements after reviewing the following explanation, please contact the Title IX Coordinator.

- Some employees are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim’s wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

THE DIFFERENT TYPES OF EMPLOYEES AND THEIR CONFIDENTIALITY RESPONSIBILITIES

A. PRIVILEGED AND CONFIDENTIAL COMMUNICATIONS

Professional and Pastoral Counselors.

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the University community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX Coordinator without a victim’s permission.

Office of Health and Counseling Services

Medical Staff, Counselors and Advocates

Individuals who work or volunteer on-campus in the Office of Health and Counseling Service, keep reports of sexual misconduct confidential. However, they generally report de-identifying information to the University of Pittsburgh Police Department for Clery reporting purposes. This de-identified report – which does not include information that would directly or indirectly identify the Complainant – will include the nature, date, time, and general location of an incident.

Before filing any de-identified report, the OHCS staff will take reasonable efforts to make sure that the report contains no personally identifying details.

In addition, a Complainant who speaks to a professional or non-professional counselor or advocate must understand that if they only want to share de-identified information, the University will unlikely be able to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent. However, the Complainant who at first requests that only de-identified information be shared may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. The OHCS counselors and other personnel will provide the Complainant with assistance if the Complainant wishes to do so.

Here is contact information for the medical staff, counselors and advocates:

EXCEPTIONS TO CONFIDENTIAL COMMUNICATIONS

While the University Counseling Center and SHS personnel may maintain a Complainant's confidentiality as described above, they may have reporting or other obligations under state law. For example, Pennsylvania law requires mandatory reporting to law enforcement in cases involving minors and certain crimes.

If the University determines that the Respondent(s) pose(s) a serious and immediate threat to the University community, the Department of Public Safety may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Complainant.

There are other times where the University may override a request for confidentiality. These are detailed below in "Requesting Confidentiality".

B. REPORTING TO "RESPONSIBLE EMPLOYEES" AND CONFIDENTIALITY

A "responsible employee" is a University employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct or other student misconduct, or who a Student could reasonably believe has this authority or duty.

When a Complainant tells a responsible employee about an incident of sexual misconduct, the University will investigate what happened and will work to resolve the matter promptly and equitably.

In order for the University to investigate, the responsible employee is required to report to the Title IX Coordinator the Complainant's information and the relevant details of any alleged sexual misconduct incident, including the names of the Complainant and the Respondent(s), any witnesses, and any other relevant facts, such as the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with those responsible for handling the University's response to the report or interim measures. A responsible employee will not share identifying information with law enforcement without the Complainant's consent or unless the Complainant has also reported the incident to law enforcement, except that the responsible employee will share non-identifiable information for Clery Act reporting. In addition, if a health and safety or imminent threat exists, the responsible employee will notify Police and/or the University's Department of Public Safety so that a timely warning may be issued to the community

REQUESTING CONFIDENTIALITY FROM THE UNIVERSITY: HOW THE UNIVERSITY WILL WEIGH THE REQUEST AND RESPOND

The Title IX Coordinator will evaluate requests for confidentiality.

Once the Title IX Coordinator receives notice of an incident, the Complainant may request that any disclosed information remain confidential and that no investigation into a particular incident be conducted or disciplinary action taken. The Title IX Coordinator will weigh this request against the

University's obligation to investigate all matters of sexual misconduct and to provide a safe, non-discriminatory environment for all Students, including the Complainant.

If the University honors the request for confidentiality, a Complainant must understand that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent(s) may be limited.

Although rare, there are times when the University may deny a Complainant's request for confidentiality in order to help protect the greater campus community and provide a safe, non-discriminatory environment for all Students.

When weighing a Complainant's request that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The increased risk that the Respondent will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same Respondent;
 - whether the Respondent has a history of arrests or records from a prior University indicating a history of violence;
 - whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
 - whether the sexual violence was committed by multiple Respondents;
- whether the sexual violence was perpetrated with a weapon;
- whether the Complainant is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the Complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Depending on the totality of the circumstances, the presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these or similar factors are present, the University will likely respect the Complainant's request.

If the University determines that it must investigate the incident, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

The University will remain ever mindful of the party's well-being, and will take ongoing steps to protect both parties from retaliation or harm and work with the parties to create a safety plan. Retaliation, whether by Students or University employees, will not be tolerated. The University will also:

- assist the Complainant in accessing other available Complainant advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- provide other security and support, which could include issuing an interim or permanent no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the Complainant of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action. Such action may include increased monitoring, supervision or security in locations where the reported sexual violence occurred; increased education and prevention efforts, including to targeted population groups; climate assessment and victimization surveys; and/or revision of University policies and practices.

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which Students disclose incidents of sexual misconduct, are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Similarly, participation in a research study, or writing submitted for a class, are not considered notice to the University.

If the University determines that it can respect a victim’s request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

MISCELLANEOUS

Take Back the Night and other public awareness events

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s).

Anonymous Reporting

Although the University encourages victims to talk to someone, the University provides for anonymous reporting through calling the University Police or submitting a form electronically with the University police. The report is located at:

<https://www.upj.pitt.edu/globalassets/documents/student-life/campus-police/anonymoureport.pdf>

Off-Campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form.

Following is contact information for these off-campus resources:

Victim Services Inc.

814-288-4961 or 800-755-1983

Women's Help Center

814-536-5361 or 800-999-7406

Richland Township Police Dept.

911 or 814-266-8333

Conemaugh Memorial Medical Center

814-534-9000

Windber Medical Center

814-467-3000

NOTE: While these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis the University, they may have reporting or other obligations under state law. **For example, Pennsylvania Law requires mandatory reporting to law enforcement in cases involving minors and certain crimes; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.**

QUICK GUIDE TO CONFIDENTIALITY

RESOURCE	INFORMATION/SUPPORT	CONFIDENTIALITY LEVEL
Office of Health and Counseling Services/Counseling Services	Yes	Confidential, is not required to report
Office of Health and Counseling/ Health Services	Yes	Confidential, required to report statistics of crime but no identifying information
Campus Ministry/Chplains	Yes	Confidential, is not required to report
Title IX Office, Regional Campus Liaisons	Yes	Information shared on a need-to-know basis in the investigation or student conduct process. Matter is kept as private as practicable.
Division of Student Affairs Staff, including the Conduct Office; all University Staff	Yes	Information shared on a need-to-know basis in the investigation or student conduct process. Matter is kept as private as practicable.
Resident Directors (RDs), Resident Assistants (RAs), Athletic Trainers, and Health Educators, Coaches	Yes	Information shared on a need-to-know basis in the investigation or student conduct process. Matter is kept as private as practicable. Must report information to the Title IX Coordinator.
Professors, Teaching Assistants, Academic Advisors and Administrative Staff	Yes	Information shared on a need-to-know basis in the investigation or student conduct process. Matter is kept as private as practicable. Must report information to the Title IX Coordinator.
University Police	Limited	Information shared on a need to know basis in the investigation or student conduct process. Matter is kept as private as practicable.

INTERIM MEASURES AND ACCOMMODATIONS IN RESPONSE TO SEXUAL VIOLENCE

Overview

As part of the University's response to a report of sexual misconduct, and regardless of whether there has been a request for formal disciplinary or law enforcement action, the University may impose interim measures or offer accommodations to address issues that impact the reporting and accused students' educational, living or work environments. These interim measures can often be put in place very quickly, prior to the resolution of any referral or criminal proceeding.

Once imposed, the University will take necessary action to enforce the implemented measures. Anyone who becomes aware of, or has a concern about a student's failure to follow any University-imposed interim measure or accommodation, should report this concern to the Student Conduct Officer.

AVAILABLE INTERIM MEASURES OR ACCOMMODATIONS

To quickly address a situation, the University, where it determines it is appropriate, may impose a wide range of interim measures, or offer accommodations, to any reporting or accused student, such as providing:

- Implementation of a "No Contact Order"
- Change in University-related work schedules or job assignments
- Change in University-owned housing
- Assistance from University staff in completing housing relocation
- Assistance in addressing off-campus living arrangements
- Restricting a student's access to certain University facilities or activities pending resolution of a matter
- Providing an escort to facilitate safe movement between classes and activities
- Access to academic support services, such as, but not limited to, tutoring
 - Rescheduling of exams and assignments
 - Availability of alternative course completion options, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty
 - Voluntary leave of absence
- Interim suspension
- Any other remedy or accommodation necessary and appropriate to facilitate the reporting student's or the accused student's access to educational opportunities
- Assistance with contacting the appropriate police department
- Access to counseling services, including assistance in arranging an initial appointment, on and/or off-campus
- Access to and assistance with obtaining necessary medical services
- Access to and assistance with connecting to pastoral care and support through University Campus Ministry.
- Assistance in contacting community resources
- Assistance in contacting legal resources
- Guidance and support with filing a report through the University's disciplinary system, Title IX Office, and/or through the criminal justice process

The University will also consider additional interim measures appropriate to the situation at hand. When necessary, the University may make any “interim” measure permanent.

Interim Suspension

In situations where the accused student suspected of violating the Student Code of Conduct may pose a threat to the safety of the reporting student, other students or the University community, and it is determined to be appropriate under the circumstances, the VPSA or representative may impose on the accused student an interim suspension from either the University or University-owned housing. This interim suspension will remain active as needed to meet safety needs and until it is determined by the VPSA or representative that it is no longer necessary. Imposition of an interim suspension is not the equivalent of a finding of responsibility.

FILING A COMPLAINT

Reporting options

Several options are available for you to pursue if you want to report sexual violence.

- You may file a complaint with the University’s Title IX Coordinator,. This office investigates complaints of this nature against students, faculty, teaching assistants (TAs), graduate student assistants (GSAs), and staff **(814-269-7991)**.
- You may file a criminal complaint by contacting the Pitt-Johnstown police **(814-269-7222)** or Richland Township police **(911)**.
- You may file an anonymous complaint on the Pitt-Johnstown’s Police Department web site. However, this option greatly limits the University’s ability to respond to and investigate the report.

Non-retaliation - Retaliation is prohibited

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the referring individual, a witness, an investigator or anyone else, is prohibited by the University’s Statement on Confidentiality and Non-retaliation www.cfo.pitt.edu/policies/policy/07/07-01-03.html. This statement also clarifies that all individuals involved in the investigation process are expected to honor the confidentiality of the process and the information involved.

SOME FREQUENTLY ASKED QUESTIONS:

Q: Does contacting the police mean I have to press charges?

A: No. You do not have to press charges if you call the police. However, if the sexual assault occurred on campus, Pitt police will initiate an investigation.

Q: If I report a sexual assault, will my name become public? What happens to the information?

A: Security personnel will file an anonymous record of any on-campus assault among Pitt's crime statistics in order to give an accurate representation of crime on campus and to help prevent further crimes of this nature. In general, campus and local newspapers and other media outlets do not reveal names of victims of sexual assault.

Q: Do I have to get medical attention?

A: Although you are not required to seek medical care, it is highly encouraged. Taking care of your physical and medical state is an important role in the healing process. You may have internal or external injuries as a result of an assault that require medical care. Additionally, you may want to explore options for preventing sexually transmitted diseases (STDs) and/or pregnancy.

THE DISCIPLINARY PROCESS IN CASES OF SEXUAL VIOLENCE

Jurisdiction:

The University has the authority to take disciplinary action for conduct occurring off campus when the conduct, among other things, threatens the safety of the University community. University officials will provide a prompt, fair, and impartial investigation and resolution.

If the Accused Is a University Student

If the alleged respondent is a University student, the Complainant may file a complaint against the Respondent for violation of the Student Code of Conduct. This referral may be resolved through an administrative meeting or an investigation. In addition, the respondent may face criminal charges through a separate criminal process, if so initiated by the authorities.

The University may also proceed with an investigation and resolution of any reported acts of sexual assault, relationship violence, or stalking if the University determines that such investigation and resolution are necessary to ensure the safety and well-being of University community members. In cases in which the accused student's conduct may pose a threat to the University community, the Student Conduct Office may impose an interim suspension that occurs immediately and that lasts until the matter is resolved.

STUDENT DISCIPLINARY PROCESS: FROM INITIAL MEETING THROUGH INVESTIGATION AND OUTCOME

In summary, upon learning of an incident of sexual misconduct including but not limited to harassment, relationship violence, stalking or sexual assault or harassment, relationship violence, or stalking, a trained Title IX Officer will meet with the complainant to discuss resources, support services, interim measures, confidentiality concerns, and the Title IX process in general. If the Complainant wishes to begin an investigation, the Title IX Officer will begin the process by meeting with the Complainant and the Respondent separately.

The Title IX Officer (or designee) will then conduct a fact-finding investigation using the preponderance of the evidence standard. The Respondent will be provided with written notification that a Formal Complaint has been submitted and will be provided an opportunity to review the Complainant's statement at the Title IX office. The Title IX Officer will meet separately with the Complainant and the Respondent(s) to discuss the Complaint, resources, support services, interim measures, confidentiality concerns, and the Title IX process in general. The Investigator will interview relevant witnesses and review relevant physical, documentary or other evidence.

After the Title IX Officer concludes gathering and evaluating evidence, including witness interviews, an investigation summary will be prepared. At this time, the Complainant and Respondent will have an opportunity to review, in the Title IX Office, the investigative summary and to provide any comments, additional evidence or witness questions. Both the Respondent and the Complainant will have the opportunity to review evidence gathered during the investigation or submitted by the other party. Following the receipt of any comments on the investigative summary and any necessary follow-up investigation, the Title IX Officer will prepare a final written report that includes a determination of whether a violation of any University policy or the Code has occurred and a recommendation of the sanctions to be imposed, if any. The report is then forwarded for review to the Title IX Coordinator or their designee, and then once approved, to the Vice President of Student Affairs (VPSA) who will have an opportunity to review the report and approve, disapprove or request modification of any recommended sanctions. Both the Complainant and Respondent will receive simultaneous written notification of the VPSA's decision. At that time, a copy of the final report and the VPSA's determination will be available, in the Title IX Office, for review and inspection. Both the Complainant and the Respondent may submit an appeal within five (5) working days from the date of the VPSA's decision letter.

The process generally is completed within 60 days. All parties are permitted advisors. Complete information on the Title IX process can be found in the Student Code of Conduct and Sexual Misconduct Policy 06-05-01.

APPEAL PROCESS

In matters involving sexual misconduct, both parties may appeal any decision made throughout the discipline process. The appeals are subject to the guidelines outlined in the Basis for Appeal section found on page 24. Appeals for sexual misconduct differ only in that appeals shall be made directly to the Office of the Vice President for Academic Affairs, **Attention UAB** within five (5) working days of the date of the decision letter.

SANCTIONS INVOLVING STUDENT MISCONDUCT

Sanctions may include a disciplinary reprimand; a permanent no-contact order or permanent persona non grata status for some portion or all of campus locations; counseling assessment; disciplinary probation for a specified period of time; housing dismissal; disciplinary suspension for a specified period of time; disciplinary dismissal from the University; and any other appropriate measures that support the University's commitment to address, prevent, and end the effects of sexual assault, relationship violence, and stalking.

If the complainant pursues legal action in the public court system, an accused student could face criminal penalties as well.

IF THE ASSAILANT IS A UNIVERSITY EMPLOYEE

In summary, the Campus' Title IX Officer, or a designee, in coordination with the Human Resources Department (for staff) and the relevant department (for faculty), will investigate reports of sexual misconduct including assault, domestic violence, dating violence, and stalking, and will make determinations, applying a preponderance of the evidence standard, with respect to whether a policy or legal violation occurred. The investigation will be conducted by individuals trained in investigations, as well as on issues related to sexual misconduct. Both the accused and accuser are permitted to have advisors of their choice attend meetings, but the advisors may not interfere with the process and may not actively participate. When the investigative process is complete, a written report with findings and remedial recommendations will be prepared. In general, the University attempts to complete investigations within 60 days, although for good cause that period may be longer. A summary of the report will be simultaneously provided to the accused and the accuser. Depending on the circumstances, the Title IX office will determine whether the immediate supervisor of the accused receives the full or summary report. The appropriate supervisor will make the determination as to sanctions, if any. Both the accused and the accuser will receive simultaneous notice of the final disciplinary sanctions, if any.

Possible sanctions or protective measures the University may impose on a faculty or staff member following a final determination of an institutional procedure include:

- No-contact orders
- Mandatory training
- Suspension
- Restrictions from all or part of campus
- Employee termination from the University

Complete Information On The Title IX Process Can Be Found in Sexual Misconduct Policy 06-05-01.

FOR THE CAMPUS COMMUNITY: SEEKING PROTECTIVE MEASURES

Depending on the circumstances, you may have the option, among other remedies, to obtain no-contact orders, seek room or course changes, file an applicable University complaint, and pursue criminal complaints. For more information and assistance, you can contact the Title IX Office (814-269-7991 or the Student Conduct Office (814-269-7133).

STANDARD OF EVIDENCE

All matters before the Title IX Officer will be judged using the preponderance of the evidence standard, which means, it is more likely than not that University Policy has been violated.

NONRETALIATION

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the referring individual, a witness, an investigator, or anyone else, is prohibited by the University's Statement on Confidentiality and Nonretaliation found at cfo.pitt.edu/policies/policy/07/07-01-03.html. This statement also clarifies that all individuals involved in the investigation process are expected to honor the confidentiality of the process and the information involved.

FILING A COMPLAINT WITH THE UNIVERSITY'S TITLE IX OFFICE

Title IX of the Education Amendments of 1972, a Federal law, was historically associated with actual or perceived gender-based disparities in athletic programs. However, it is a far broader law. Title IX actually covers all aspects of educational and academic-related programming and prohibits gender discrimination. Importantly, Title IX prohibits **sexual violence and sexual misconduct** which may affect the educational or campus environment. The law provides that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.

In summary, Title IX prohibits gender-based discrimination in all University of Pittsburgh programs and activities, including, but not limited to, recruiting, admissions, financial aid, academic programs, student services, counseling, guidance, advising, grievance procedures, discipline, course/class assignments, grading, recreation, athletics, housing, meal services, and employment.

EXAMPLES OF UNLAWFUL PRACTICES UNDER TITLE IX RELATING TO SEXUAL MISCONDUCT

- **Sexual Harassment** – unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- **Sexual Misconduct** – rape, sexual assault, sexual battery, sexual exploitation, sexual coercion, and any other form of non-consensual sexual activity (including when an individual is not in a condition to give legal consent).
- **Stalking** – repeatedly following, harassing, threatening, or intimidating another individual using such methods including, but not limited to, telephone, mail, electronic communication, and social media.
- **Domestic Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Dating Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Retaliation** – adverse academic, social, employment or other actions against anyone reporting a violation or participating in an investigation of any Title IX allegation.

In addition to being considered discriminatory, *sexual violence is criminal activity.*

For More Information or To Report Title IX Violations

Individuals who feel the Title IX statute has been violated have the right to file a complaint or to refuse to file a complaint. This office will conduct a prompt investigation and can be reached by contacting the Pitt Johnstown Coordinator at 814-269-7991 or the University's Title IX Coordinator at 412-648-7860.

Individuals within the University of Pittsburgh who wish to learn more about their options may contact:

Title IX Coordinator

Katie Pope; (412) 648-7861; 500 Craig Hall; 200 S. Craig St.; Pittsburgh, PA 15260;
titleixcoordinator@pitt.edu

Title IX Liaisons

Bradford Campus: Tracee Howell; (814)362-5121; 242 Hanley Library; 300 Campus Dr.; Bradford, PA 16701; tlh35@pitt.edu

Greensburg Campus: Brandi Darr; (724) 836-7167; 123 Millstein Library Building; 150 Finoli Drive, Greensburg, PA 15601-5860;
bsd@pitt.edu

Johnstown Campus: Amy Buxbaum; (814) 269-7991; 261 Blackington Hall; 450 Schoolhouse Rd; Johnstown PA 15904;
buxbaum@pitt.edu

Titusville Campus: Elaine Osborn; (814) 827-4474; 107 Broadhurst Science Center; 504 E. Main Street; Titusville, PA 16354;
osborn@pitt.edu

University Police

Oakland Campus- (412) 624-2121
Address: Public Safety Building; 3412 Forbes Ave.; Pittsburgh, PA 15260

Bradford Campus- (814) 362-3211
Address: Campus Police; 300 Campus Dr.; Bradford, PA 16701

Greensburg Campus- (724) 836-9865; Address: Campus Police; 150 Finoli Dr.; Greensburg, PA 15601-5860

Johnstown Campus- (814) 269-7005
Address: Campus Police Suite; 450 Schoolhouse Road; Johnstown, PA 15904

Titusville Campus-(814) 827-4488; Address: Davis Hall; 224 N. Brown St.; Room 112; Titusville, PA 16354

Student Affairs Judicial Officers

Oakland Campus: Barbara D. Ruprecht; (412) 648-7910; 738 William Pitt Union; 3959 Fifth Ave, Pittsburgh, PA 15260; bar50@pitt.edu

Bradford Campus: Dr. Ron Binder; (814) 362-5084; 300 Campus Drive, Bradford, PA 16701; binder@pitt.edu

Greensburg Campus: R. Leigh Hoffman; (724) 836-9954; 219F Chambers Hall; Johnstown, PA 15904; leigh@pitt.edu

Johnstown Campus: Todd Shaffer; (814) 269-7062; G-04 Union, Johnstown, PA 15904; tshaffer@pitt.edu

Titusville Campus: Parris Carter; (814)827-4469 Rm 204A Student Union Building, 504 E. Main Street, Titusville, PA 16354; PLCARTER@pitt.edu

Student Counseling

Oakland Campus: University Counseling Center Wellness Center; (412) 648-7930; Nordenberg Hall; 111 University Place; Pittsburgh, PA 15260

Bradford Campus: Counseling Services; (814)362-5272; Room 226 Frame-Westerberg Commons; 300 Campus Drive; Bradford, PA 16701

Greensburg Campus: Counseling Services; (724)836-9870; 217 Chambers Hall; 150 Finoli Dr.; Greensburg, PA 15601-5860

Johnstown Campus: Counseling Services; (814)269-7119; G-10 Student Union; 450 School House Road; Johnstown, PA 15904

Titusville Campus: Counseling and Student Development; (814)827-4465; J. Curtis McKinney Student Union; 504 E. Main Street; Titusville, PA 16354

ACQUAINTANCE SEXUAL ASSAULT PREVENTION RISK REDUCTION TIPS

Risk reduction tips can often, unintentionally, take a victim-blaming tone. With no intention to victim blame, and recognizing that only those who commit sexual violence are responsible for those actions, these suggestions may help reduce the risk of experiencing a non-consensual sexual act. Listed below are some suggestions to avoid being involved in a non-consensual sexual act.

1. Know and understand the definition of consent (see above). Seek the appropriate campus resources (see above) if you need clarification of the definition of consent.
2. Obtain consent before engaging in any sexual activity.
3. If you have limits, make them known as early as possible.
4. Tell the sexual aggressor “NO” clearly and firmly.
5. Stop sexual activity immediately if your partner indicates a desire to stop (see above).
6. Try to remove yourself from the physical presence of a sexual aggressor.
7. Take a trusted friend(s) when going out socially. Have a plan to leave together and what to do if you get separated.
8. Keep your cell phone charged and on your person at all times.
9. Have enough money for cab fare with you.
10. At social gatherings never accept a drink from someone you do not know and never leave your drink unattended.
11. Drinking alcohol or using illegal drugs can affect your decision making. If you choose to drink alcohol, it is best to avoid intoxication by limiting alcohol consumption to one beer or one glass of wine, one shot of hard alcohol or one mixed drink (containing one shot of hard alcohol) per hour and consuming food with your beverage.
12. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibition and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
13. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
14. Always lock your door when leaving your room/apartment or when sleeping. Carry your keys and encourage your roommate(s) to do so as well so you are not leaving your room/apartment unsecured and putting one another at risk.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate his/her intentions to you.
2. Understand and respect personal boundaries.
3. **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you **DO NOT** have consent.
4. Mixed messages from you partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
5. Don't take advantage of someone's drunkenness or drugged state.
6. Realize that you potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.
9. Although your actions may not violate a criminal statute, you may still be found responsible for sexual misconduct under the Student Code of Conduct where the issue of consent is unclear, and the other party establishes by a preponderance of the evidence that he/she did not consent.

STRANGER SEXUAL ASSAULT PREVENTION

1. Do not prop open locked building doors and discourage others from doing so as well.
2. Do not allow a stranger to enter a locked building behind you.
3. Report strangers who are behaving in a questionable way or in a way that violates university policy to the Campus Police Department at 814-269-7005.
4. Walk with a friend(s) in remote areas on campus and/or after dark. Utilize the safety escort service provided by the Campus Police Department and use the Emergency Call Boxes when necessary

APPENDIX C: UNIVERSITY OF PITTSBURGH SEXUAL HARASSMENT POLICY

Sexual misconduct, including sexual harassment, is a form of gender discrimination and is prohibited. Appendix B of this Code deals generally with sexual misconduct. In addition, the University's policy against Sexual Harassment states, in part:

POLICY: The University of Pittsburgh is committed to the maintenance of a community free from sexual harassment. Sexual harassment violates University policy as well as federal, state and local laws. It is neither permitted nor condoned. The coverage of this policy extends to all faculty, researchers, staff, students, vendors, contractors and visitors to the University. It is also a violation of the University of Pittsburgh's policy against sexual harassment for any employee or student at the University of Pittsburgh to attempt in any way to retaliate against a person who makes a claim of sexual harassment or provides information in an investigation of sexual harassment. Any individual who after a thorough investigation is found to have violated the University's policy against sexual harassment will be subject to disciplinary action, including, but not limited to, reprimand, suspension (with or without pay), termination or expulsion.

DEFINITION:

A. SEXUAL HARASSMENT IN GENERAL

Sexual harassment may include unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is an explicit or implicit condition of employment or of participation in a University program or activity;
2. Submission to or rejection of such conduct is used as the basis for an employment or academic decision;
3. Such conduct is severe or pervasive and objectively and subjectively has the effect of:
 - a. Unreasonably interfering with an individual's work or equal access to education; or
 - b. Creating an intimidating, hostile or offensive work or academic environment; or
4. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number 3 immediately above.

While sexual harassment most often takes place where there is a power differential between the persons involved, it also may occur between persons of the same status. Sexual harassment can occur on University premises or, under limited circumstances, off campus. It can occur between members of the same gender as well as between members of different genders.

B. SEXUAL HARASSMENT STANDARD WHEN CONSTITUTIONALLY PROTECTED SPEECH IS IMPLICATED

When constitutionally protected speech is implicated, this policy will be applied only to the extent consistent with the First Amendment. In addition to meeting the general standard set forth above, to rise to the level of prohibited sexual harassment when constitutionally protected speech is implicated, the law requires a tenable threat of material and substantial disruption of University operations or interference with the rights of others.

(Excerpts from Policy and Procedure 07-06-04) (The full content of Policy & Procedure 07-06-04 is available at www.bc.pitt.edu/policies/policy/07/07-06-04.html)

APPENDIX D: NOTIFICATION OF RIGHTS UNDER FERPA

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to his/her educational records: These rights include:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access.

Students should submit to the Registrar, , head of the academic department, or other appropriate program director, written requests that identify the record(s) they wish to inspect. The University official will make arrangements for access and notify the students of the time and place where the records may be inspected.

If the records are not maintained by the University official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

2. The right to request the amendment of the student's education records that the student believes is inaccurate.

Students may ask the University to amend a record that they believe is inaccurate. They should write the University official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate.

If the University decides not to amend the record as requested by the student, the University will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing and is available at UP Policy and Procedure 09-08-01.

3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorized disclosure without consent.

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. Upon request, the University will disclose education records without consent to officials of another school in which a student seeks or intends to enroll. The University will forward records on request of another school.

4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by University of Pittsburgh to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education

Questions concerning the University's FERPA Policy may also be directed to the Office of the Registrar at 814-269-7055.

DIRECTORY INFORMATION

The University may establish categories of information known as "Directory Information" and release this information without student consent, upon request. A student may request, in the format provided below, that the following categories be excluded from Directory Information that would be released without the student's consent if requested by a third party.

The University designates the personally identifiable information contained in a Student's Education Record listed below as "Directory Information":

1. The Student's name
2. The Student's address, phone number, and electronic mail address
3. The Student's major field of study
4. The Student's achievements, degrees, academic awards, or honors
5. The Student's weight and height, if a member of an athletic team
6. The Student's previous educational institutions
7. Participation in officially recognized activities and sports
8. Dates of attendance
9. The Student's photograph

When the Office of the University Registrar receives a student's refusal to permit the release of "Directory Information," no further disclosures of directory information are made without that student's written consent (except to parties who have legal access to student records without written consent.) A student may rescind this action by submitting the request in writing to the Office of the University Registrar. Note that the following procedures apply:

1. Students may review his/her educational records by submitting a written request to the Records Custodian in the appropriate University unit. A listing of those University offices which routinely possess educational records of students are set forth in University Procedure 09-08-01.
2. Students may request amendment of educational records by submitting a written request to the Record Custodian and following the steps set forth in University Procedure 09-08-01.
3. As set forth in University Policy 09-08-01, access to a student's educational records may be required and permitted by University faculty and staff for legitimate educational purposes where access by such individuals is necessary to complete his/her University-related duties.

APPENDIX E: PARENTAL NOTIFICATION FOR STUDENT MISCONDUCT

This policy provides that parents/guardians of a student who is under 21 years of age will be notified when the student is found responsible of or admits to an alcohol or drug infraction.

Amendments to the Family Education Rights and Privacy Act ("FERPA" or "Buckley Amendment") allows parents of any student to be notified of that student's violation of any federal, state or local law, or any rule or policy of the University, relating to the use or possession of alcohol or controlled substances if: (1) the University has determined that the student has committed a disciplinary violation with respect to that use or possession; and (2) the student is under the age of 21 at the time of the disclosure to the parent. For all matriculating students, this policy became effective August 22, 2001.

This policy is adopted so that parents/guardians of a student who is under the age of 21 (at the time of the disclosure to parents/guardians) are informed when their student is cited for alcohol or controlled substance violations while attending the University of Pittsburgh. It is intended as an educational strategy, to enable parents/guardians to partner with appropriate University representatives to reduce the risk of University students developing patterns of behavior that could jeopardize his/her academic success or health and well-being. It also is intended to empower parents/guardians to help to reduce drug and alcohol abuse on campus. Under special circumstances, professional staff at the University will maintain the discretion to use their judgment not to notify if they determine that to be in the best interest of the student.

WHEN AND HOW PARENTS/GUARDIANS WILL BE NOTIFIED:

Parents/guardians of students will be notified in writing when: a student admits to being responsible or is found responsible of an alcohol or drug infraction in the student judicial system. This does not include students who are sanctioned solely for being "knowingly present" during drug and/or alcohol violations;

WHO PARENTS/GUARDIANS SHOULD CONTACT IF THEY HAVE ANY QUESTIONS:

There will be a letter explaining whom to contact for additional information. Before calling, it is suggested that parents/guardians contact his/her student first to determine if the parents/guardians assistance is required. The University hopes that parents/guardians can play a proactive role in this process by using his/her influence to keep students from returning to the judicial process. This can be done best by having private family discussions and understandings. Upon receiving written permission from the student, which can be an email, to speak to his/her parent(s)/guardian(s), staff members from Residence Life and the Office of Student Conduct are available to provide any necessary clarification. The Student Conduct Officer can be contacted at 814-269-7062.

A PARENT/GUARDIAN CANNOT CHANGE A SANCTION:

The system of due process for all students does not allow the University the option to forego duly authorized sanctions for some students and not for others. Students who commit violations will be held accountable for his/her offense(s) as part of his/her education. They also will have available counseling and other academic support services to maintain his/her educational goals. The vast majority of students readily adapt to these opportunities. Recent evaluations indicate that only about 4 percent of the students who receive alcohol counseling through the University's referral system, for example, return to the judicial process for a repeat offense.

APPENDIX F: UNIVERSITY OF PITTSBURGH ANTI-HAZING POLICY

Hazing at the University of Pittsburgh is considered a violation of the University's Anti-Hazing Policy and Student Code of Conduct and Judicial Procedures, and is absolutely prohibited. Hazing may also be considered a criminal act in the Commonwealth of Pennsylvania.

Hazing is defined as follows:

Hazing. Any action or situation which recklessly or intentionally endangers the mental or physical health or safety of a student or which willfully destroys or removes public or private property for the purpose of initiation or admission into or affiliation with, or as a condition for continued membership in, any organization operating under the sanction of or recognized as an organization by the University.

The term shall include but not be limited to, any brutality of a physical nature, such as whipping, beating, branding, forced calisthenics, exposure to the elements, forced consumption of food, liquor, drug or other substance, or any other forced physical activity which could adversely affect the physical health and safety of the individual, and shall include any activity which would subject the individual to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct which could result in extreme embarrassment, or any other forced activity which could adversely affect the mental health or dignity of the individual, or any willful destruction or removal of public or private property.

For purposes of this definition, any activity as described in this definition upon which the initiation or admission into or affiliation with or continued membership in an organization is directly or indirectly conditioned shall be presumed to be "forced" activity, the willingness of an individual to participate in such activity notwithstanding. Therefore, any student who causes or participates in hazing may be subject to appropriate University discipline and/or may be subject to criminal prosecution.

Students and others are encouraged to report incidents, and suspected incidents of hazing. Reports may be made to the Pitt-Johnstown Police (814-269-7222) or the Student Conduct Officer (814-269-7062).

APPENDIX G: UNIVERSITY OF PITTSBURGH POSTING AND CHALKING GUIDLIENS

1. **Generals Posting Notice:** The University offers many designated posting areas in and around the campus. The placement of posters, notices, flyers or similar materials is permitted only on designated University posting boards. Some campus facilities, such as athletic buildings and academic buildings may have additional requirements for posting materials, accordingly students should contact the appropriate administrator for the specific building prior to posting any materials. The placement of posters, notices, flyers or similar materials is prohibited on any permanent University structure, including but not limited to benches, brick, bus stops, campus signage, columns, concrete, doors, emergency call phones, fixtures, light poles, glass, mailboxes, newsstands, painted surfaces, railings, seating, sidewalks, staircases, trash cans, tresses, walls (interior and exterior), windows, wood surfaces, etc.
2. **University Residence Halls:** Students are not permitted to place any posters, notices, flyers or similar materials within the Residence Halls without first seeking the approval of the Office of Residence Life, located in 130 Student Union. Except as permitted in the Office of Greek Life Policies and Procedures, students in University Housing (including Residence Halls) are not permitted to display in or hang from the windows any posters, notices, flyers or similar materials.
3. **Student Union:** All advertising within the Student Union must be submitted and approved in accordance with the Student Life's Policies and Procedures.
4. **Posting Requirements:** Each poster, notice, flyer or similar material must be for a campus-wide event, be non-commercial in nature, and contain the name and current contact information of the Student and/or Registered Student Organizations. No more than one poster, notice, flyer or similar material may be placed on each posting board. No materials may be place over the materials of other groups, unless the previously advertised event has passed.
5. **Chalking:** Students and Registered Student Organizations wishing to chalk may do so provided the chalking is on a horizontal walking surface (e.g., sidewalk), that is in an open area that is exposed daily to the elements (not covered area). Only use of water-soluble stick type chalk is permitted.

Please be advised that any violation of these guidelines by a Student or Student Organization will be processed under the authority of the Student Code of Conduct. The content of all information posted or chalked on University property must comply with applicable University regulations and local, state and federal laws.