

**Colorado State University System Board of Governors
Non-Discrimination Policy**

The Board of Governors is committed to a policy of non-discrimination for the institutions it governs in accordance with all applicable anti-discrimination and civil rights laws. Accordingly, the Board of Governors does not discriminate on the basis of race, age, color, religion, national origin, gender, disability, veterans status, genetic information, or sexual orientation including gender identity and gender expression.

DRAFT

Stretch Goal: N/A

Strategic Initiative: N/A

MATTERS FOR ACTION:

Approval of a revised *Code of Student Conduct & Adjudication* (CSU-Pueblo)

RECOMMENDED ACTION:

MOVED, that the Board authorize CSU-Pueblo to publish and implement a new *Code of Student Conduct & Adjudication*, to be effective May 15, 2011.

EXPLANATION:

Presented by Dr. Zav Dadabhoy, Dean of Student Affairs; Daniel Kast, Director of Student Judicial Affairs, CSU-Pueblo; and Michael D. Nosler, General Counsel.

CSU-Pueblo has seen remarkable growth in recent years and is transitioning to a more traditional campus environment. With that transition comes the need to review and revise existing policies and procedures guiding student conduct to reflect current best practices. The proposed changes from the existing Student Conduct Code are consistent with best practices in higher education. Highlights include:

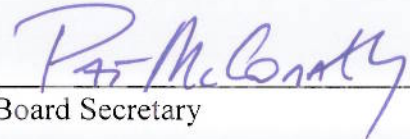
- The language and structure of the proposed Code are more reflective of the educational aspect of the student disciplinary process.
- Three core values have been identified and highlighted within the proposed Code to encourage positive student choices and conduct, instead of merely prohibiting negative behavior. The core values are: Civility, Honor, and Citizenship.
- Student rights and responsibilities have been expanded and placed in a prominent position.

- CSU-Pueblo's standards of conduct have been rearranged to fit within the core values named above. The specific forms of misconduct that warrant disciplinary action remain the same—in many cases, the policy language remains unchanged.
- The structure of the adjudication process also remains largely unchanged. Some restructuring and rewording has occurred to facilitate student understanding. However, much of the detail about how disciplinary hearings are conducted has been removed and will be compiled, along with more in-depth sanctioning guidelines, in a separate document.
- The role of academic departments and faculty in the disciplinary process has been clearly articulated.
- The appeals process has been streamlined to allow for more responsiveness and timely decision-making.



Approved

Denied



Board Secretary



Date

Colorado State University – Pueblo

Code of Student Conduct & Adjudication

PREAMBLE

Colorado State University – Pueblo strives to achieve a campus community in which individuals demonstrate respect for others, for themselves, and for the University; uphold high standards of personal and academic integrity; are accepting of differences and gain an appreciation for living in a pluralistic society; understand the impact of their behavior both upon the University and the larger community; and freely accept the responsibility for and consequences of their conduct.

To that end, while recognizing that freedom of expression and challenges to the status quo are inherent to the educational environment, the University expects all members of its community to uphold certain non-negotiable values. These values include:

- Civility
- Honor
- Citizenship

Upon admission to the University, students share in the obligation to protect the integrity of the institution, as well as to preserve and promote its highest endeavors in education. Students retain their individual rights while accepting the responsibility neither to commit nor tolerate any infringement of their rights, the rights of others, or the standards of conduct set forth by the University.

STUDENT CONDUCT

ARTICLE I: STUDENT RIGHTS & RESPONSIBILITIES

Throughout their involvement in the disciplinary process, respondents have the following rights and responsibilities. A complainant who has been negatively impacted by the alleged actions of the respondent(s) may be granted these same rights by the Director of Student Conduct.

1. ***The Right to Fair Treatment.*** Students have the right to expect a fair and impartial disciplinary process, in which it is the responsibility of the complainant to show that a violation has occurred before any sanctions are imposed. This includes the right to object to any member of a hearing authority based on a demonstrable and significant bias. These rights should not be construed to prevent the University from taking appropriate interim action when deemed necessary.

Students have the responsibility to notify the Director of Student Conduct and/or the Dean of Student Affairs if they believe fair treatment has not been provided.

2. ***The Right to Privacy.*** Students have the right to privacy with respect to all disciplinary action and records, subject to the *Family Educational Rights and Privacy Act (FERPA)*.

Students have the responsibility to notify the Director of Student Conduct and/or the Dean of Student Affairs if they believe their privacy has been compromised.

3. ***The Right to Written Notice.*** Students have the right to proper written notification of any hearing scheduled to consider allegations of misconduct, and the right to written notification of the results of such hearings.
 - a. Written notification of a hearing shall include the date, time and location of the hearing, the person or group conducting the hearing, the potential violations committed, a detailed description of the allegations to be considered, and a general timeline for the resolution of the disciplinary process.

- b. Written notification of a decision shall include a specific finding of fact, the violations committed (if any), the sanctions imposed (if any), and the process by which an appeal may be filed.

Delivery of written notice to both a student's postal address on file with the University and University e-mail account shall be considered sufficient to meet this requirement.

Students have the responsibility to ensure the University has been provided with accurate contact information so that their receipt of written notification is not unduly delayed.

4. ***The Right to an Advisor.*** Students have the right to the presence an advisor of their choice throughout the disciplinary process. Advisors may freely consult with the students they advise, provided they do not disrupt the proceedings. Advisors may not examine witnesses nor advocate in this advisory role.

Students have the responsibility to arrange for the presence of their chosen advisor. Disciplinary proceedings will not be rescheduled to accommodate an advisor.

5. ***The Right to Hear and Provide Testimony.*** Students have the right to hear and respond to all information and/or documentation used by a hearing authority to reach a decision, and the right to provide information and/or documentation of their own to the hearing authority. These rights should not be construed to allow direct cross-examination of witnesses.

Students have the responsibility to arrange for the presentation of any witnesses, testimony, and other information at the time of the hearing. Disciplinary proceedings will not be rescheduled to accommodate witnesses.

6. ***The Right to Appeal.*** Students have the right to appeal the decision of a hearing authority. The determination whether to implement a decision pending the outcome of any appeal is made at the discretion of the Director of Student Conduct. The University reserves the right to impose interim sanctions in limited circumstances, as described elsewhere in this *Code*.

Students have the responsibility to comply with all sanctions imposed, unless those sanctions have been modified or overturned as a result of an appeal.

ARTICLE II: STANDARDS OF CONDUCT

Subject to the precepts set forth in the Preamble of this *Code*, the underlying philosophy of the disciplinary process is an educational one. In enforcing reasonable expectations of its students, the University must maintain a careful balance between the needs of each individual and the rights of others to pursue their goals in a safe and welcoming environment.

Some guiding principles of this approach include:

- Students share in the responsibility for insuring compliance with this *Code*, which includes their participation and cooperation in the reporting, investigation, and resolution of their own misconduct and that of their peers.
- Misconduct is an opportunity for education of both individual students and the campus community.
- Students who violate University expectations have the responsibility to learn from their mistakes and the opportunity to become positive contributors to the educational environment.

A. Civility

Students at Colorado State University – Pueblo are expected to treat other members of the University community with appropriate consideration and respect for their shared educational goals. Violations of this standard include, but are not limited to:

1. **Disorderly Conduct.** Examples include, but are not limited to:

- a. Conduct that is disorderly, lewd, or indecent, or otherwise breaches the peace on University premises or at University sponsored or supervised functions.
- b. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, and/or other University activities, including its public service functions on or off campus, or of other authorized non-University activities that occur on University premises. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University sponsored or supervised functions.
- c. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of the University and/or infringes on the rights of other members of the University community. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.

2. **Harassment.** Examples include, but are not limited to:

- a. Harassment of any member of the University community on the basis of sex, race, age, national origin, sexual orientation, religion, disability or veteran status.
- b. The infliction of psychological and/or emotional harm upon any member of the University community through any means, including but not limited to e-mail, social media, and other technological forms of communication.
- c. Unauthorized use of electronic or other devices to make an audio or video record of any person or persons while on University premises without their knowledge, or without their effective consent when such a recording is made in a location where there is a reasonable expectation of privacy.

3. **Hazing.** Any act which endangers the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in, any University team or organization, even if performed with the consent of the victim(s). Members of the team or organization who are aware of hazing and fail to report it to the University are also in violation of this policy.

4. **Non-Compliance with University Directives.** Examples include, but are not limited to:

- a. Failure to comply with directions of University officials or public officials acting in the performance of their duties, and/or failure to identify oneself to these persons when requested to do so.
- b. Failure to abide by authorized signs and placards posted on University premises.

B. Honor

Students at Colorado State University – Pueblo are expected to exhibit honest and ethical behavior at all times. Violations of this standard include, but are not limited to:

1. **Dishonesty.** Examples include, but are not limited to:

- a. Cheating, plagiarism, and/or other forms of academic dishonesty.
- b. Furnishing false information to any University official, faculty member, office, or public official.

- c. Initiating a complaint in bad faith against any member of the University community.
- d. Forgery, alteration, or misuse of any University document, record, or instrument of identification and/or access to University facilities.

2. **Misuse of Technology.** Examples include, but are not limited to:

- a. Unauthorized access to University technology resources, such as through the use of another person's identification and/or password.
- b. Accessing, modifying, or transferring electronic files belonging to another person, or to the University, without authorization.
- c. Use of University technology resources in violation of copyright laws.
- d. Unauthorized use of electronic or other devices to make an audio or video record of any person while on University premises without that person's prior knowledge, or without that person's effective consent when such a record is likely to cause injury or distress.
- e. Any other act in violation of University policies on the use of technology resources.

3. **Property Violations.** Examples include, but are not limited to:

- a. Theft of University property, or of other personal or public property.
- b. Any act causing, or intended or likely to cause, damage to University property, or to other personal or public property without the consent of the lawful owner.

C. Citizenship

Students at Colorado State University – Pueblo are expected to conduct themselves as responsible citizens of our University, and to be accountable for their own safety, security, and welfare, and that of their fellow students. Violations of this standard include, but are not limited to:

- 1. **Abusive Conduct.** Physical abuse, verbal abuse, threats, intimidation, coercion, and/or other conduct which threatens the mental or physical well-being of any person.
- 2. **Alcohol Misuse.** Use, possession, manufacturing, or distribution of alcoholic beverages, except as expressly permitted by University policy. Alcoholic beverages may not be used by, possessed by, or distributed to any person under twenty-one years of age. Public intoxication is not permitted on University premises or at University sponsored or supervised functions.

Please refer to the University's published *Alcohol & Other Drug Policy* for more information.

- 3. **Drug Misuse.** Use, possession, manufacturing, or distribution of illegal drugs or other controlled substances, except as expressly permitted by law, or possession of items designed, fashioned, or modified to facilitate the use of such substances. Use or possession of marijuana on University premises, even with a valid state medical marijuana card, is prohibited.

Please refer to the University's published *Alcohol & Other Drug Policy* for more information.

4. **Endangerment.** Examples include, but are not limited to:

- a. Possession or use on University property of firearms or simulated weapons; other weapons such as blades larger than pocket knives; ammunition or explosives; dangerous chemicals, substances, or materials; or bombs, or incendiary devices prohibited by law. Use of any such item, even if legally possessed, in a manner that harms, threatens, or causes fear to others.

- b. Initiating any false report, warning, or threat of fire, explosion, or other emergency.
- c. Tampering with, disabling, or removing fire extinguishers or other items intended for use in an emergency. Any other conduct which endangers the health or safety of any person.

5. **Sexual Misconduct.** Examples include, but are not limited to:

- a. Any act that is sexual in nature and performed without the consent of all involved parties.
- b. Any act that is sexual in nature and intentionally performed in view of one or more uninvolved persons without the consent of all parties. This includes, but is not limited to, the surreptitious recording and/or broadcasting of sexual acts.
- c. Any act that is sexual in nature and performed in a public setting or without the consent of all persons reasonably in a position to observe such conduct. This includes, but is not limited to, the public fondling and/or exposure of one's own genitalia, buttocks, or breasts.
- d. Any sexual act or conduct that would be considered a crime under state law, such as sexual assault or rape.

Consent is informed, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity. Sexual activity with someone mentally or physically incapacitated, whether resulting from alcohol and/or other drug use, the taking of a so-called "date-rape" drug, unconsciousness, involuntary physical restraint, or mental disability, is a violation of this policy.

Please refer to the University's published *Sexual Misconduct Policy* for further information, or contact the University's Title IX Coordinators for assistance.

6. **Violation of Community Standards.** Examples include, but are not limited to:

- a. Violation of any University policy, rule, or regulation not specified in this *Code*.
- b. Violation of any federal, state, or local law.
- c. Failure to report any violations of this *Code*, University policies, and/or laws on the part of another student. Failure to immediately report any serious health or safety risk on campus to appropriate law enforcement and/or University officials.

Adjudication

ARTICLE III: JURISDICTION

This *Code* applies to all conduct that occurs on University premises and at University-sponsored activities, as well as to any off-campus conduct that adversely affects the University community and/or the pursuit of the University's educational mission. The decision whether to extend jurisdiction in a specific off-campus incident shall be made at the discretion of the Director of Student Conduct. The University further reserves the right to evaluate and sanction misconduct from the time of admission through graduation, even if such misconduct is discovered after the conferral of a degree.

A. Misconduct in General

The University cannot foresee all possible methods and/or forms of misconduct. As such, students may be subject to disciplinary action when their behavior is detrimental to the safety, security, and/or integrity of the University and/or any member(s) of the University community, but not specifically prohibited by this *Code*. The Director of Student Conduct shall be responsible for determining whether questionable behavior is referred for disciplinary action.

B. Relationship to Civil Litigation or Criminal Charges

Disciplinary action by the University is not intended to replace or conflict with other lawful means of accountability, including but not limited to criminal charges and/or civil litigation. Regardless of whether criminal charges are filed over alleged behavior, the University may pursue disciplinary action under this *Code* as it deems appropriate. Such action will not normally be waived or postponed solely due to concurrent criminal or civil proceedings, nor shall the reduction or dismissal of criminal charges be taken as sufficient reason to defer disciplinary action.

In exceptional circumstances, the University may deem it appropriate to delay formal disciplinary action due to the existence of external legal proceedings. Such decisions shall be made at the discretion of the Director of Student Conduct.

C. Student Organizations

As an essential part of the University community, student organizations are expected to conduct their activities at all times in a manner that reflects the values, mission, and goals of Colorado State University – Pueblo. Organizations are subject to this *Code* in the same manner as individual students.

Alleged violations on the part of student organizations shall be investigated by the Office of Student Conduct in conjunction with the appropriate University offices or departments. Any incidence of misconduct may result in disciplinary action against an organization as a whole as well as against one or more individual members.

ARTICLE IV: THE DISCIPLINARY PROCESS

A. Complaints

1. **Disciplinary Complaints.** Any person may file a complaint with the Office of Student Conduct alleging student misconduct. Complaints shall be delivered to the Office of Student Conduct in written form as soon as possible, preferably within thirty days of the alleged incident. Anonymous reports will not be considered for disciplinary action.

Once a complaint has been received, the University retains the right to proceed with the disciplinary process, even if a complainant later chooses to retract, rescind, or recant any or all of the report and/or chooses not to cooperate. Disciplinary action shall only be taken without the consent of a complainant if, in the judgment of the Director of Student Conduct, such action is necessary to protect the safety,

security, and/or integrity of the University and/or any member(s) of its community. The Office of Student Conduct may share or refer a complaint to other offices, agencies, and/or jurisdictions as appropriate (e.g. the Office of Affirmative Action & Equal Employment Opportunity, Department of Residence Life & Housing, Pueblo County Sheriff's Office, Pueblo Police Department, the University's Sexual Assault Response Coordinator, etc.)

In addition to referral for potential disciplinary action, individuals are encouraged to report complaints of:

- criminal activity that occurs on campus to the Pueblo County Sheriff's Office;
- criminal activity that occurs off-campus to the Pueblo Police Department and/or other appropriate law enforcement agencies;
- sexual harassment and/or discrimination to the Office of Affirmative Action & Equal Employment Opportunity and/or the Office of Human Resources;
- sexual misconduct, including rape and sexual assault, to the appropriate law enforcement agency (Pueblo County Sheriff's Office or Pueblo Police Department) and the University's Sexual Assault Response Coordinator (Ms. Marjorie Villani, Associate Dean of Student Affairs)

In addition to the rights specified in Article I of this *Code*, students who make an allegation of sexual misconduct against a fellow student are entitled to assistance from campus authorities in reporting the incident to law enforcement, to have an advisor present during all disciplinary proceedings, and to be notified of the outcome of any hearing conducted as a result of their complaint. In addition, timely and appropriate modifications to housing assignments and/or academic schedules may be made upon request from such students. Please refer to the University's published *Sexual Misconduct Policy* for further information.

Once a complaint has been filed, it shall be resolved in one of the following ways, at the discretion of the Director of Student Conduct. If a complaint involves multiple respondents, each may be resolved in a different manner.

- If it is found that there is no basis for the complaint, no further action shall be taken. The University may resume action on any complaint should further relevant information become available to substantiate the original complaint.
- Further investigation may be conducted if it is determined that the complaint may be substantive, but enough information is not yet available to effectively hear the complaint.
- The complaint shall be referred to a hearing if the complaint is determined to be substantive and enough information is available to effectively hear the complaint.

2. **Academic Complaints.** Academic faculty, departments, and colleges are responsible for establishing orderly procedures for academic and classroom discipline. Each faculty member is primarily responsible for communicating standards of academic integrity and classroom behavior, implementing University policies, and initial response to behavioral issues.

When academic misconduct is suspected, the faculty member and/or academic unit involved should discuss these suspicions with the student, and then come to a determination regarding appropriate academic consequences. Academic consequences are not subject to the appellate process outlined in this *Code*, but are instead governed by the Academic Appeals process as outlined in the University Catalog.

If a finding of academic misconduct is made, the faculty member and/or academic unit must report their findings, and the action taken (if any), to the Director of Student Conduct. The intent of this reporting structure is twofold: first, to ensure a student is not committing the same transgression in multiple courses; and second, to maintain consistency with the University's responses to other forms of misconduct. The Office of Student Conduct may impose additional sanctions as a result of the disciplinary hearing process.

B. Hearings

The purpose of a disciplinary hearing is to evaluate the complaint, determine whether any of the standards of conduct outlined in this *Code* may have been violated, and if so, what sanctions are to be imposed as a consequence. Decisions made as a result of any hearing shall be provided in writing to the respondent and complainant (if any).

1. **Evidence.** Types of evidence that may be considered by a hearing authority include:
 - **Direct evidence**, based on personal observation and/or experience.
 - **Circumstantial evidence**, from which a reasonable inference can be made to support the conclusion that a student is or is not responsible for an allegation.
 - **Documentary evidence**, including reports from University officials and/or law enforcement officers, written statements from eyewitnesses, etc.

In all cases, the primary source of the evidence shall be known and divulged to the respondent. For example, statements provided to a law enforcement officer may be accepted as evidence in a hearing, the identity of the person(s) who made those statements must also be provided. Anonymous information cannot be accepted.

2. **Burden of Proof.** Determinations shall be made on the basis of a preponderance of the evidence; *i.e.* whether it is more likely than not that a respondent committed the alleged violation(s). Formal rules of process, procedure, and/or technical rules of evidence, such as those applied in civil or criminal courts, are not utilized in student disciplinary proceedings.
3. **Types of Hearing.** Two basic types of hearing may be conducted:
 - An **informal hearing** is one in which the decision is made by an individual, such as the Director of Student Conduct. Informal hearings are usually limited to the hearing officer and the respondent; witnesses are not normally called to testify. Informal hearings may take on the character of a negotiation, in which possible sanctions are discussed prior to a decision being made.
 - A **formal hearing** is one in which the decision is made by the Student Conduct Board. Formal hearings are generally reserved for more serious cases and/or those involving multiple parties. Witnesses may be called to testify, and a clear distinction is made between the discussion and deliberation phases of the hearing.

Students may be given the option to request either an informal or formal hearing, although the Director of Student Conduct retains the authority to make the final determination. In cases involving more than one respondent, the Director of Student Conduct shall decide whether to conduct hearings separately for each student or jointly for all students.

4. **Hearing Authorities.** The following persons and groups have been empowered by the University to conduct hearings. The exact process by which each of these authorities convene, considers evidence, and determines sanctions is determined by the hearing authority in consultation with the Director of Student Conduct, provided the rights afforded to students by this *Code* are upheld.
 - a. The **Director of Student Conduct** or designee is authorized to consider all forms of misconduct and impose all forms of disciplinary sanction, up to and including suspension or dismissal from the University.
 - b. The **Director of Residence Life & Housing** or designee may be authorized by the Director of Student Conduct to consider certain complaints originating in University residences. Generally, such incidents will include alleged violations of residence hall policies and/or first-time violations of certain standards of conduct, such as alcohol use by a minor. The Director of Residence Life & Housing may

impose disciplinary probation with prior consent of the Director of Student Conduct. The Director of Residence Life & Housing may not impose suspension or dismissal from the University.

- c. The ***Student Conduct Board*** may be designated by the Director of Student Conduct to consider all forms of misconduct and impose all forms of disciplinary sanction, up to and including suspension or dismissal from the University. The Student Conduct Board shall consist of no less than three and no more than five individual members, at least one of whom shall be a student and at least one of whom shall be a faculty or staff member. Individuals may be required to complete training in policies and procedures to the satisfaction of the Director of Student Conduct prior to serving on the Student Conduct Board.

The decision to convene a Student Conduct Board to consider a specific complaint may be based on any or all of the following factors:

- The severity of the alleged misconduct.
- The existence of one or more complainants and/or eyewitnesses.
- The potential for an actual or perceived conflict of interest on the part of the Director of Student Conduct.
- The respondent's previous interactions with the Director of Student Conduct and/or other University officials.

Decisions of the Student Conduct Board shall be determined by a majority vote.

C. Appeals

A student who wishes to appeal a decision made by any hearing authority must submit an appeal request, in writing, to the Dean of Student Affairs no later than five business days after the student has been notified of the decision of the original hearing authority. The Dean of Student Affairs shall evaluate the appeal request to determine if sufficient cause to grant an appeal has been stated. Appeals shall be limited to a review of the hearing record and supporting documents to determine the following:

- Whether the initial disciplinary hearing was conducted fairly and impartially. Deviation from established procedures shall not be a basis for appeal unless that deviation resulted in significant prejudice or harm to the respondent or complainant.
- Whether the information presented in the initial disciplinary hearing was sufficient to establish that violation(s) of the *Code* occurred.
- Whether the sanction(s) imposed in the initial disciplinary hearing were appropriate for the violation(s) committed.
- Whether new information is available, sufficient to alter the decision, which was not known at the time of the initial disciplinary hearing.

After review of the appeal request, the Dean of Student Affairs may take one of the following actions:

- If there is no basis for appeal, deny the appeal request and uphold the decision of the original hearing authority.
- Return the case to the original hearing authority for additional consideration.
- Convene an appeal committee of three members to review the record of the original case. The appeal committee shall be selected by the Dean of Student Affairs. One member must be a student. The two remaining members may be students, faculty, or staff at the discretion of the Dean of Student Affairs.

The appeal committee's consideration shall be limited to a review of the record of the initial hearing, the written appeal, and any supporting documentation. A hearing may be conducted with the respondent and/or complainant to consider new information, if deemed appropriate by the Dean of Student Affairs. After this review, the appeal committee shall resolve the appeal in one of the following ways:

- Uphold the decision of the initial hearing authority.
- If the information presented was not sufficient to support the decision of the initial hearing authority, the appeal committee may modify or overturn the decision of the original hearing authority.
- If the sanction(s) imposed were not appropriate for the violation(s) committed, the appeal committee may alter or amend those sanctions.
- If prejudicial procedural errors are found and/or new information is presented that may reasonably call into question the validity of the decision of the original hearing authority, the appeal committee may return the case to a new Student Conduct Board for a *de novo* hearing.

The decision of the Dean of Student Affairs (if the appeal request is denied) or the appeal committee (if an appeal is granted) shall be considered final.

ARTICLE V: SANCTIONS

When a student has been found responsible for violation of the standards set forth in this *Code*, one or more disciplinary sanctions shall be imposed. Although the unavoidably punitive nature of disciplinary action is recognized, the primary intent of sanctioning is educational.

Especially intolerable is misconduct directed against individuals solely because of their identity and/or beliefs; this includes, but is not limited to, any act motivated by sex, race, age, national origin, sexual orientation, religion, disability or veteran status. Any such acts may subject students to a more severe level of sanctioning. The University may also impose harsher sanctions upon any student who directs misconduct at University officials in the performance of their duties.

Sanctions are assessed for an entire incident, not for each violation. All sanctioning decisions shall include one disciplinary sanction, and should include one or more educational sanctions. Although the University may publish recommended sanctioning guidelines to be consulted in various circumstances, the exact sanction(s) to be imposed shall remain at the discretion of each hearing authority.

A. Disciplinary Sanctions

Disciplinary sanctions are those which define the University's official response to student misconduct. In considering the appropriate sanction for a particular incidence of misconduct, any or all of the following factors may be considered:

- The circumstances surrounding the misconduct, including the respondent's intent when committing the offense.
- The actual and potential consequences of the misconduct.
- The precedent established by the University for similar misconduct.
- The previous disciplinary history of the student, if any.
- The student's attitude throughout the disciplinary process.

Disciplinary sanctions include the following:

1. A **warning** is given to notify a student that past behavior has been inconsistent with the expectations of the University. A warning has no immediate effect upon a student's standing at the University. However, once given a warning, students should expect more serious sanctions to result from any subsequent violations.
2. **Probation** serves to notify a student that further transgressions must be avoided for a finite and specified period in order for the student to remain a part the University community. Any further violations while on probation may result in a student's suspension or dismissal from the University.

3. A student who has been **suspended** from the University may not participate in any University activities, academic or otherwise, for a specific period, and may be restricted from University premises.

A suspended student who wishes to re-enroll must apply for re-entry to the University and must also petition the Director of Student Conduct, who shall determine whether any and all requirements for readmission have been satisfactorily completed.

4. A student who has been **expelled** from the University is permanently prohibited from participating in any University activities, academic or otherwise, and may be restricted from University premises.

Students on probation (or a higher level sanction) are not in good standing with the University; as a result, certain co-curricular activities may be prohibited to a student while on probation

B. Educational Sanctions

Educational sanctions may be assessed in order to facilitate the educational process and help students better understand the consequences of their decisions and actions upon themselves, their fellow students, and/or the University as a whole. In considering the appropriate sanctions for a particular incidence of misconduct, any or all of the following factors may be considered:

- Whether the sanction is likely to help the respondent learn from his/her misconduct.
- Whether the respondent can reasonably complete or comply with the sanction.
- Whether the misconduct was aggravated by the use of alcohol or other drugs.
- Whether the sanction is consistent with the precedent established by the University for similar misconduct.
- Whether the respondent has demonstrated an understanding of the consequences of his/her misconduct.

Some examples of educational sanctions include, but are not limited to:

1. Campus Presentations.
2. Community Service.
3. Disciplinary Fines.
4. Educational Programs.
5. Social Restrictions.
6. Written Assignments.

C. Interim Sanctions

All students have the right to continue their education free from the threat of harassment, abuse, retribution, and/or violence. The University may take whatever immediate measures it deems necessary in order to protect the safety, security, and/or integrity of a complainant, the University, and/or any member(s) of its community.

The Director of Student Conduct may therefore impose immediate interim sanctions pending the outcome of a disciplinary hearing. Such measures may include, but are not limited to, suspension from the University, involuntary removal from a course, academic or athletic program, or co-curricular activity, modifications to living arrangements, and/or prohibitions from contacting individual members of the University community.

An interim suspension will be effective immediately, without prior notice, if the Director of Student Conduct determines that the continued presence of the student on the University campus poses a substantial threat to any member of the University community and/or the stability and continuance of normal University functions.

During an interim suspension, students may be denied access to University premises and/or all University activities or privileges for which the student might otherwise be eligible, as may be deemed appropriate. Whenever an interim suspension is imposed, a disciplinary hearing shall be conducted in a timely manner.

ARTICLE VI: IMPLEMENTATION

A. Interpretation & Revision

Any question regarding the interpretation and/or application of this *Code* shall be referred to the Dean of Student Affairs, who shall have the discretion to interpret the *Code* and make a final determination.

The University reserves the right to amend this *Code* in writing at any time as may be determined by the President. This *Code* shall be subject to annual review by the Director of Student Conduct, who shall recommend to the Dean of Student Affairs those changes deemed necessary and/or expedient.

Any alteration or amendment to Articles I or II of the *Code* shall be subject to approval by the President of the University. Other changes may be made subject to the approval of the Dean of Student Affairs.

B: Disciplinary Records & Notice

The Office of Student Conduct shall maintain records of all disciplinary action in accordance with University policies and Federal legislation. A file shall be kept for each student found responsible for violation of University standards of conduct, and retained in accordance with appropriate legal requirements.

1. **Parental Notification.** The University may notify the parents or guardians of any dependent student under the age of twenty-one who has been found in violation of University alcohol and/or drug policies. The University may also notify the parents or guardians of any dependent student who has been found in violation of University policies related to the health and safety of the campus community, or who has demonstrated an established pattern of misconduct.
2. **Public Notification.** The University does not normally make disciplinary records public, even in cases where such notification is permitted by law. However, the Dean of Student Affairs may make an exception to this policy in order to notify the community of the University's response to behavior that had a significant impact on the safety and security of the campus.
3. **Victim Notification.** The University shall notify victims of alleged crimes of violence of the results of any disciplinary action taken against the alleged perpetrator(s), in accordance with the *Federal Educational Rights and Privacy Act (FERPA)*.

C. Definitions

1. *University* means Colorado State University – Pueblo.
2. The *Code* means this document, the *Code of Student Conduct & Adjudication*.
3. *Students* include all persons taking courses at the University, either full- or part-time, pursuing undergraduate, graduate, continuing education or professional studies, as well as persons who are not officially enrolled for a particular term but who have a continuing relationship with the University and/or who have been notified of their acceptance for admission.
4. *Faculty members* include any person hired by the University to conduct classroom or teaching activities, or who is otherwise considered by the University to be a member of its faculty.
5. *University officials* include any person employed by the University to perform assigned administrative or professional responsibilities.
6. *Student organizations* include any group of students who have complied with the formal requirements for University recognition.

7. *Members of the University community* include students, faculty, officials, and student organizations, as defined herein.
8. *University premises* include all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the University (including adjacent streets, vacant land, driveways, roadways, and sidewalks).
9. *Complainant* means a person who submits a complaint to the University alleging misconduct on the part of one or more students. A student who has been negatively impacted by the alleged actions of another student may be designated as a complainant, even if another party submitted the initial complaint.
10. *Respondent* means any student accused of violating the standards of conduct outlined in this *Code*.
11. *Sexual Misconduct* means any act in violation of the University's published *Sexual Misconduct Policy*.
12. *Shall* is used in the imperative sense.
13. *May* is used in the permissive sense.

D. Contact Information

Dr. Zav Dadabhoy, Dean of Student Affairs
 Occhiato University Center 003 (719) 549-2586 zav.dadabhoy@colostate-pueblo.edu

Daniel Kast, Director of Student Conduct
 Occhiato University Center 003 (719) 549-2092 daniel.kast@colostate-pueblo.edu

Rhonda Park-Uber, Director of Residence Life & Housing
 Belmont Residence Hall (719) 549-2602 rhonda.uber@colostate-pueblo.edu

Marjorie Villani, Associate Dean of Student Affairs / Title IX Coordinator
 Occhiato University Center 003 (719) 549-2586 marjorie.villani@colostate-pueblo.edu

LaNeece Williams, Director of AA & EEO / Title IX Coordinator
 Occhiato University Center 031 (719) 549-2210 laneeca.williams@colostate-pueblo.edu

Ken Nufer, Director of Human Resources
 Administration Building 306 (719) 549-2187 ken.nufer@colostate-pueblo.edu

Jason Turner, Director of Safety & Environmental Health
 Physical Plant Office (719) 549-2211 jason.turner@colostate-pueblo.edu

Pueblo Sheriff's Office
 Administration Building 118 (719) 549-2373 (non-emergency)

Pueblo Police Department
 200 South Main Street, Pueblo, CO (719) 553-2538 (non-emergency)

Board of Governors of t
Colorado State University System
Meeting Date: May 4, 2011
Action Item

Approved

Stretch Goal or Strategic Initiative: N/A. Board approval of this administrative action is required by statute, CCHE, Board, or university policy.

MATTERS FOR ACTION:

New Degree Program: Plan C Master Degree Program – Master of Agricultural Extension Education (M.A.E.E.) in the College of Agricultural Sciences

RECOMMENDED ACTION:

MOVED, that the Board of Governors approve the request from the College of Agricultural Sciences – to create a new Plan C Master of Agricultural Extension Education (M.A.E.E.) to be effective Fall Semester 2011.

EXPLANATION:

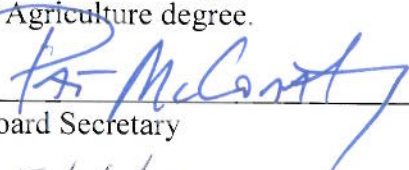
Presented by Tony Frank, President.

The College of Agricultural Sciences proposes to offer students the choice of earning a Master of Agricultural Extension Education (M.A.E.E.) degree utilizing the Plan C (coursework only) option. This is a degree oriented toward students who do not plan to pursue further graduate study and are interested in course content relevant to their professional interests and goals often in Extension.

Adding the Plan C degree option represents an additional and attractive element to the existing Plan A and B options in the Masters of Agriculture for those students who wish to enhance their academic credentials but have no desire to obtain a Ph.D. This degree option builds on the strengths of the existing graduate professional program leading to the Masters of Agriculture degree.

✓
Approved

Denied



Board Secretary

5/4/11

Date

Stretch Goal or Strategic Initiative: N/A. Board approval of this administrative action is required by statute, CCHE, Board, or university policy.

MATTERS FOR ACTION:

New Degree Programs: Plans A and B Master Degree Programs – Master of Science in Conservation Leadership in the Department of Human Dimensions of Natural Resources in the College of Natural Resources

RECOMMENDED ACTION:

MOVED, that the Board of Governors approve the request from the College of Natural Resources, Department of Human Dimensions of Natural Resources, to create new Plans A and B Master of Science Degree Programs in Conservation Leadership, to be effective Fall Semester 2012.

EXPLANATION:

Presented by Tony Frank, President.

The natural resources conservation field is in need of leaders who can tackle the increasingly complex and multi-dimensional conservation problems facing society. In talking with the principal employers of our graduate students across the public, private, and nonprofit sectors, we identified a strong need to train generalist practitioners who have a strong foundation in science, leadership, and management. These generalist practitioners will need to be able to engage in cross-disciplinary problem solving, to work in cross-cultural and cross-boundary contexts, and to be comfortable with and skilled at operating in an environment of increasing complexity and uncertainty. This masters degree program will take 18 months to complete and includes a rigorous set of course work in three general competency areas including:

- (1) natural sciences,
- (2) social sciences, and
- (3) management and leadership.

Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011
Action Item

Approved

From a curricular perspective, the goal is to create a learning environment that will motivate students to understand and tackle problems across disciplines and use this knowledge to develop effective real-world solutions.

Approved

Denied

R. McConaty

Board Secretary

5/4/11

Date

Stretch Goal or Strategic Initiative: N/A. Board approval of this administrative action is required by statute, CCHE, Board, or university policy.

MATTERS FOR ACTION:

New Degree Program: Doctor of Philosophy (Ph.D.) Degree Program in Social Work – School of Social Work - College of Applied Human Sciences

RECOMMENDED ACTION

MOVED, that the Board of Governors approve the request from the College of Applied Human Sciences, School of Social Work, to add a Doctor of Philosophy (Ph.D.) Degree Program in Social Work. If approved, this new degree program will be effective Spring Semester 2012.

EXPLANATION:

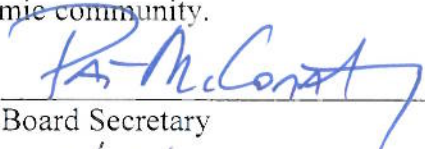
Presented by Tony Frank, President.

According to the request submitted by the School of Social Work, there is currently a shortage of Ph.D. graduates to fill faculty positions in social work education. The proposed Ph.D. program will have three primary goals:

1. to prepare high quality faculty for accredited social work programs in Colorado, the region, and the nation;
2. to prepare researchers to contribute to the fields of social welfare; and
3. to prepare faculty ready to assume leadership positions within social work education and the greater academic community.

Approved

Denied


Board Secretary

5/4/11
Date

Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011
Action Item

Approved

Stretch Goal or Strategic Initiative: N/A. Board approval of this administrative action is required by statute, CCHE, Board, or university policy.

MATTERS FOR ACTION:

Fees: Colorado State University Parking Fees


RECOMMENDED ACTION:

MOVED, that the Board of Governors of the Colorado State University System approve the modification of the four-year plan for increasing permit and meter fees and fines as submitted by Colorado State University – Fort Collins in June 2007.

EXPLANATION:

Presented by Amy L. Parsons, Vice President for University Operations

At its June 20, 2007 meeting, the Board approved a four-year plan for increasing parking permit fees. The original "Exhibit A" is attached. At its May 5, 2010 meeting, the Board approved the suspension of the parking permit fee increase for FY11 until FY12 due to the impact of the economic climate and no salary increases for faculty and staff (Exhibit B). That climate persists today and the University is again unable to raise salaries for faculty and staff in FY12, thus, the University is proposing suspending the parking permit fee increase for FY12 until FY13.


Approved

Denied


Board Secretary

5/4/11
Date

EXHIBIT "B"

Board of Governors of the
Colorado State University System
Meeting Date: May 5, 2010
Action Item

Approved



Stretch Goal or Strategic Initiative: N/A. Board approval of this administrative action is required by statute, CCHE, Board, or university policy.

MATTERS FOR ACTION:

Fees: Colorado State University Parking Fees

RECOMMENDED ACTION:

MOVED, that the Board of Governors of the Colorado State University System approve the modification of the four-year plan for increasing permit and meter fees and fines as submitted by Colorado State University – Fort Collins in June 2007.

EXPLANATION:

At its June 20, 2007 meeting, the Board approved a four-year plan for increasing parking permit fees. The original "Exhibit A" is attached. The University is proposing suspending the parking permit fee increase for FY11 until FY12 because of the current economic situation and because faculty and staff have not received a salary increase for two years.

Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011
Action Item

Approved

Stretch Goal: N/A

Strategic Initiative: #9 Active and Experiential Learning
#34 Master Building Plan
#36 Human Resources

MATTERS FOR ACTION:

Land: Acquisition and renovation of Washington Elementary School, 223 South Shields Street, for the expansion of the Early Childhood Center at CSU.

RECOMMENDED ACTION:

MOVED, that the Board of Governors approve the acquisition of the Washington School property located at 223 South Shields Street (Lots 25 thru 32, Block 7, Scott Sherwood, Fort Collins), four blocks north of the Colorado State University Main Campus, for \$630,000 for the use and benefit of Colorado State University.

FURTHER MOVED, that the President of Colorado State University is hereby authorized to sign implementing contracts and other documents necessary and appropriate to consummate the purchase transaction with modifications made in consultation with General Counsel.

FURTHER MOVED, that the President of Colorado State University is hereby authorized to enter into agreements for renovating the Washington School property for the purpose of expanding the Early Childhood Center.

EXPLANATION:

Presented by Stu MacMillan, Real Estate Executive for CSURF, and Amy Parsons, Vice President for University Operations

Background:

The current Early Childhood Center is a lab school for CSU's Human Development and Family Studies Program. It offers a quality preschool program for young children while training over 200 graduate and undergraduate students in important skills for their degree program. Because of limited space, the current program cannot grow to allow additional students to get the hands on training needed for their degrees. The current program can only accommodate 58 child slots and the demand is more than double that.

The purchase of Washington Elementary School on Shields would allow the ECC to grow from its current 5,500 square feet to 16,000 square feet and allow for over 150 children, including the addition of infant care and early toddler programs. Eventually,

after-school and drop-in care will be added. This would allow the program to expand the number of undergraduates to receive training and also allow for other majors to benefit such as: Food Science & Human Nutrition, Occupational Therapy, School of Teacher Education and Principal Preparation, Theater & Dance, Foreign Languages and Music Therapy. It would also offer many external training and learning partnerships.

In December, the University Facility Fee Advisory Board, (the student fee committee) recommended that \$1.2 million of their unallocated fees be allocated for the purchase and renovation of the Washington School project. The asking price for the school property was \$650,000, and the CSURF Real Estate Office has negotiated a purchase contract for \$630,000. Renovation of the building to meet ADA and childcare standards for the first phase is estimated to be \$700,000, for a total investment of \$1,330,000. The remaining funds will come from the college and energy conservation funds for this first phase. Additional fund raising will occur in the coming year to finish off the lower level to allow for expanding the program.

Facilities Management determined that building a new facility of similar size (16,000 square feet) would cost over \$4 million. Attached site plan shows the total site to be 190 x 400, or 1.74 acres.

Besides the UFFAB endorsement, the Student Fee Review Board approved this project with a unanimous vote, and the City Staff is recommending approval of the project to the Planning Commission as well.

Cost of operating will be paid from fees charged to users. The expanded facility will help meet a critical need by offering day care for students and the campus community as well as allow for a substantial increase in the number of CSU students who will receive training toward their degree programs.

Acquisition of Property:

As stated earlier, the purchase price for the school property is \$630,000. In May 2010, PSD had the property appraised for a range of \$607,000 to \$1,020,000 depending upon whether the building and lot remained intact, or the building was razed and the property re-develop into residential lots. The school property was re-evaluated in February 2011 to include the existing playground equipment, which added \$12,000-\$16,000 to the intact appraised value, for a new value range of \$619-623K, since the property would be used as an Early Childhood Center.

Due diligence activities including title and survey review, physical inspections, environmental assessment, and building plans and code review are ongoing and soon to be complete. Assuming there are no issues to address as a result of due diligence, closing is scheduled for the last week in May 2011.

Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011

Board Resolution

FY 2013 Colorado State University System Capital Construction Prioritization

MATTER FOR ACTION:

Approval of the Colorado State University System FY 2012-2013 Capital Construction
Prioritization List

RECOMMENDED ACTION:

MOVED, that the attached FY 2012-2013 Capital Construction prioritization list for
Colorado State University – Fort Collins and Colorado State University –
Pueblo is hereby approved.

FURTHER, that staff is authorized to submit any and all documents required by the
Department of Higher Education, Governors Office, and the General Assembly.

EXPLANATION:

Presented by Rich Schweigert, Chief Financial Officer, CSU System

Colorado State University System staff is annually required to present to the Board of
Governors a proposed combined capital construction priority list. This is the beginning
step in the new budget cycle for the following year and the capital list represents the
board and staff's best estimate as to what the CSU System might consider building in the
following year. Please note however that only one or two of the cash funded projects in
any given year would be brought forward to the board for final approval. This list is
required to be adopted by the board under Department of Higher Education guidelines.

✓

Approved

Denied



Board Secretary

5/4/11

Date

The Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011
Action Item



Approved

Stretch Goal: N/A Strategic Initiative: N/A

MATTERS FOR ACTION:

The Board of Governors of the Colorado State University System (Board): Approval of the Pueblo School of Arts and Sciences (“PSAS”) conversion to an independent charter school within Pueblo School District No. 60 (the “District”) and termination of PSAS as an administrative unit of Colorado State University-Pueblo (“CSU-Pueblo”).

RECOMMENDED ACTION:

MOVED, that the Board does hereby approve the termination of PSAS as an administrative unit of CSU-Pueblo effective June 30, 2011, thereby allowing PSAS to become an independent charter school responsible for its own affairs within the District.

FURTHER MOVED, that the Board hereby authorizes the President of CSU-Pueblo, or his delegate, to enter into such agreements and take all necessary action to wind up the affairs of PSAS as an administrative unit of CSU-Pueblo.

EXPLANATION:

Presented by CSU-Pueblo Interim President Julio Leon and Michael D. Nosler, General Counsel.

Since on or about 1993, PSAS has operated as a charter school within the District, subject to the control and administrative oversight of CSU-Pueblo. Further background regarding PSAS is set forth in the report to the Board dated August 12, 2009 attached hereto.

Effective July 1, 2002, PSAS contracted with the District for the creation and operation of PSAS, a charter school for grades kindergarten through eighth grade, as an administrative unit of CSU-Pueblo.

Effective November 18, 2010, PSAS and CSU-Pueblo entered into a Memorandum of Understanding whereby CSU-Pueblo, having agreed that PSAS should pursue independent status, agreed to a set of terms providing for PSAS’ systematic adoption of policies and procedures to convert to an independent entity.

The Board of Governors of the
Colorado State University System
Meeting Date: May 4, 2011
Action Item

PSAS, having adopted necessary policies and addressed personnel issues, budget issues and charter school requirements within the District, now seeks to become independent effective June 30, 2011, and such independence is supported by CSU-Pueblo.

There are a number of items and accounts that must be reconciled and or transferred before the effective date. The President of CSU-Pueblo or his delegate is authorized to take all actions necessary to wind down the affairs of PSAS as an administrative unit of CSU-Pueblo.

✓
Approved

Denied

Pat McCarty
Board Secretary

5/4/11
Date

Approval for Termination of Pueblo School of Art and Sciences
as Administrative Unit of CSU-Pueblo