

**STUDENT CODE OF CONDUCT PROCEDURES**

**I. PROCEDURE STATEMENT**

The Student Code of Conduct Procedure outlines the process for the enforcement of the Student Code of Conduct and other student policies listed on the [University policy page](#).

Students may file a report of an alleged violation to the Department of Public Safety, Division of Student Affairs, the Dean of Students Office, or a Residence Director/ Resident Assistant. Each of these resources will complete a report that will begin the judicial process.

**JUDICIAL PROCESS**

The judicial process is an overview of the procedures of alleged violations of the Student Code of Conduct:

- A. **AN INCIDENT OCCURS.** This results in a written report by Public Safety, Resident Assistant, Student Affairs staff member, or any member of the campus community.
- B. **INVESTIGATION.** The object of the investigation is to ascertain facts and determine whether charges should be filed against one or more students. It is conducted by the Department of Public Safety and the Dean of Students or their designee.
- C. **FILING OF CHARGES.** Depending upon what is discovered in the investigation; a student may or may not be charged with a violation of the Code of Conduct. A charge does not automatically mean responsibility; students who are charged will receive a letter electronically to their my.liu.edu email address which outlines the requirement of an administrative hearing.
- D. **PROCESS AND TIMELINE FOR HEARING and DECISION.** If a violation of the Code of Conduct is alleged, an administrative hearing is held with a hearing officer that is assigned by the Dean of Students or designee.

The judicial process occurs over a period of several days. To facilitate an expedient and consistent system, guidelines have been established according to a timeline of events as follows:

- The student will receive a letter from a hearing officer notifying them of the alleged charges and requiring the scheduling of an administrative hearing. This Pre-Hearing Letter will be issued electronically to the student's my.liu.edu email address. Failure to check or utilize the email account will not be the responsibility of the hearing officer serving as the adjudicator of the pending case/investigation.
- The student has three (3) business days from the electronic issuance of the letter to schedule an appointment with the Student Conduct officer specified in the letter. The administrative hearing is convened in two phases: The first phase of the administrative hearing will include a discussion of the process and a review of the student's rights. During the second phase the hearing officer discusses the evidence with the student, and if possible, decides if responsible or not responsible, and determines an appropriate sanction if necessary. Note: The student has a right to proceed immediately from the first to the second phase or to schedule the second phase later.
- The outcome of the administrative hearing, in conjunction with other evidence, will be communicated, electronically to the student's my.liu.edu email address, within three (3) to five (5) business days after the hearing in the form of a Decision Letter.

- If the student wishes to request an appeal to the outcome of their case, the student must complete and return the Appeal Request Form, available in the Office of Dean of Students, within three (3) days of the receipt of the outcome letter.
- The student will be notified, electronically to the student's my.liu.edu email address, within three (3) business days as to whether an appeal hearing is granted.
- If an appeal hearing is granted, the student will be required to schedule an appointment with the appeal officer within three (3) business days.
- The outcome of the appeal hearing will be communicated electronically to the student's my.liu.edu email address, within five (5) to seven (7) days. (Refer to "Appeals Procedure," below, for further details)

### IMPORTANT NOTES

- The judicial process timeline is approximate and may require adjustment due to continuing investigations by the Department of Public Safety, the Dean of Students or designee and/or other campus officials. The timeline may also require adjustment because of the academic calendar; university holidays; availability of the student and/or hearing officer, faculty, and staff.
- Every student has the right not attend a hearing. If a student chooses to exercise this right, he or she must do so in writing. A hearing will still be conducted and evidence in support of the charge will still be presented and considered in their absence and a decision will be made based on the evidence and without the student's input. The student will be notified of the decision by the hearing officer to the student's my.liu.edu email address, following the completion of the investigation and subsequent hearing.
- The appeal hearing is not automatic. It must be requested based on the criteria detailed in the section below, "Appeals Procedure."

### **SANCTIONS**

If the student is found responsible for the violation(s), a sanction will be determined by the hearing officer. The sanction is the action which will be taken against the student. A listing of sanctions utilized by the Division of Student Affairs is provided under the Code of Conduct – Disciplinary Actions and Sanctions for Violations section. Notification of the decision and the sanction(s) will be sent to the student electronically to the student's my.liu.edu email address following the hearing.

- Notification and all correspondences regarding the community standards process are issued electronically to the student's my.liu.edu email address.
- The university reserves the right after 45 days to render a decision when deemed appropriate if every reasonable effort has been made to contact the student involved in the community standards process.

The sanction(s) goes into effect immediately. If the student requests an appeal, the sanction(s) may be suspended or modified at the discretion of the Dean of Students or their designee.

### DISCIPLINARY ACTIONS AND SANCTIONS FOR VIOLATIONS

The purpose of disciplinary action is to encourage appropriate student behavior about campus community norms, standards, and policies. When imposing sanction(s), the student's past disciplinary record will be taken into consideration to determine the appropriate level of action/sanctioning.

The hearing officer reserves the right to provide to the student a written directive(s) in lieu of a formal sanction when a preponderance of evidence is not found to find a student responsible for the alleged violation of the Student Code of Conduct, if the complete adjudication process is unnecessary to compel compliance/clarify concern, or in instances where the safety and welfare of the student(s) involved in the incident require additional directives to be completed or followed by the student(s) involved in the incident.

## **ENFORCEMENT**

The following sanctions or directives may be imposed at the discretion of the hearing officer:

### ADMINISTRATIVE WARNING

A formal notification to a student documenting that a violation of the Code of Student Conduct has occurred. Warnings may be oral or written.

- A. *Verbal Warning*: A Verbal Warning may be given to a student indicating that his or her action was in violation of a specific rule. The warning will include an explanation of the rule and possible punishments following a second violation of that rule. Such warnings will be noted in the student's file.
- B. *Written Warning*: A Written Warning is a written notification from a campus official to a student containing a warning that repeated infractions of rules and regulations may result in more severe disciplinary actions, such as suspension. A record of the action is kept by the official writing the letter and in the campus disciplinary files. Examples of violations which would warrant a Written Warning, or a more serious sanction include but are not limited to failure to cooperate, soliciting/commercial activities, ignoring courtesy hours. In most cases, a Written Warning may include restrictions and additional sanctions.

### DISCIPLINARY PROBATION

Serves as a formal notification that the activity in question is unacceptable and that if continued or other inappropriate behavior follows, more severe action may be taken. Additional violations of the Code of Student Conduct while on Disciplinary Probation will likely result in a higher level of inactive sanction. In most cases, Disciplinary Probation will not exceed one year but may include restrictions and additional sanctions such as:

- The terms of probation may include a recommendation for substance abuse/psychological counseling or satisfactory attendance at a substance abuse education workshop, program, or group, or the completion of other projects and service to the campus or its related bodies.
- Students found responsible for violations of the Student Code of Conduct and placed on disciplinary probation may not hold student leadership positions, e.g., Resident Assistant, Orientation Leader, Peer Mentor, club officer or other student leadership positions at an LIU campus for the duration of the probationary period.
- Students placed on disciplinary probation may be restricted from participating in certain specified events and activities and may be prohibited from entering certain facilities and offices. This may include participation in intercollegiate sports.
- Students on disciplinary probation may also be prohibited from living and/or working on campus during the summer.
- Probation follow-up may include the scheduling of periodic meetings with the Dean of Students or

designee and/or disciplinary status reports from other campus officials.

- Violation of any campus regulations during the period of probation will result in further disciplinary action up to and including restriction or expulsion from the residence halls and/or campus. Examples of violations which would warrant Disciplinary Probation, or a more serious sanction include but are not limited to those involving alcohol and/or substance abuse, fire safety, vandalism, and on-going repeated violations.
- Housing Probation is a higher level of probation status that remains in place for a specified period. Housing Probation indicates that any similar or more severe violation of the Code of Student Conduct while on this status will generally result in placement on University Probation and/or the imposition of a restriction or dismissal from university housing.
- University Probation is the highest level of probation status, which remains in place for a specified period of time. University Probation indicates that similar or more severe violations of the Code of Student Conduct while on this status will result in the mandatory imposition of a suspension or dismissal from the University, the length being a minimum of the balance of the semester or one full semester. University Probation is a serious matter. While on University Probation, certain privileges may not be available to the student based upon the discretion of the hearing officer.
- Restriction from University housing requires moving out of housing for the length of time specified at the hearing.
- Housing dismissal requires permanently moving out of housing. The student may not reapply for residency and is permanently banned from University housing.
- Delay in Awarding Degrees. The University reserves the right to delay the awarding of any degree in instances where an allegation remains pending against a student.
- Revocation of Degree. A student may have their degree revoked, and such revocation would be noted on the student's academic transcript.
- Suspension (Held in Abeyance) Suspension, Held in Abeyance, may be for a specific period of time up to a maximum of one year. A person who has been Suspended, Held in Abeyance, may be permitted to attend classes if there be no further violations of LIU's policies. Further violations of LIU's policies will result in the immediate imposition of the sanction of Suspension without further disciplinary proceedings. Suspension, Held in Abeyance, may include Special Conditions or restrictions.
- University Suspension Requires that the student no longer be present on any LIU owned or leased property for the time specified at the hearing (minimum of one semester or the balance of the semester). While on suspension, a student may not take courses to advance his or her degree. Students cannot be readmitted until after the date their suspension ends, nor may they register or pre-register for the following semester's courses. The graduation date will be adjusted upon readmission according to the length of the suspension. Students should contact their academic dean's office for additional information about the impact of a University suspension upon their graduation date. In addition, students who have been suspended from the university may have lost certain privileges upon their return to the University at the discretion of the hearing officer including, but not limited to, study abroad and leadership position restrictions. Students returning from University Suspension will have a sanction of University Probation for at least one full semester upon their return to campus.
- Dismissal from the University requires that the student completely and permanently sever all connection with LIU's undergraduate, graduate, and professional schools. A dismissal for conduct reasons will be indicated on the student's transcript.

- Privilege sanctions limit and/or restrict a student from being able to participate in and/or utilize specified programs, services, and/or processes.
- Order of No Contact/Campus Restriction. Students with Orders of No Contact are not allowed to contact each other through any platforms including verbal, written or electronic communication including social media. Student who are banned are restricted from being present on campus or specified areas of the campus.
- Restrictions. Denial of the use of certain facilities or the Disciplinary Probation Serves as a formal notification that the activity in question is unacceptable and that if continued or other inappropriate behavior follows, more severe action may be taken. Additional violations of the Code of Student Conduct while on Disciplinary Probation will likely result in a higher level of inactive sanction. In most cases, Disciplinary Probation will not exceed one year but may include restrictions and additional sanctions such as: right to participate in certain activities or privileges for a specified period may be imposed.
- Fines. Fines will be assessed for some policy violations, including but not limited to solicitation, unauthorized entry/exit, alcohol and drugs, smoking, and fire safety.
- Residence Halls Room Re-Assignment. One or more students may be required to move to a different space in the residence halls. The student shall be required to move to the new assignment within a specified period or be subject to immediate restriction from the residence halls.
- Additional Sanctions. Additional sanctions such as educational classes, mandatory referrals to the Center for Healthy Living, community service projects, negative service indicator, or disciplinary block on the student's account, payment of damages, and campus restrictions may be imposed.

### EMERGENCY INTERIM ADMINISTRATIVE ACTION

The Dean of Students or designee shall have the authority to immediately restrict a student from the campus or a residence hall, relocate an individual within the residence halls, and restrict activities of the individual on campus, pending disciplinary procedures, when it is believed that the presence of the student would seriously disrupt the campus or constitute a danger to the health, safety, or welfare of the campus, to property, to others, or to the student. Restriction is for a specified time and is a complete removal from the campus premises and off premises events. The student will be notified in writing of the emergency administrative action. Parents, academic deans, Public Safety, or other personnel may also be notified of the action. The student must then schedule a hearing and they will receive written notification of the charges. Unless otherwise approved, the emergency administrative action will remain in effect on an interim basis pending completion of the student conduct process.

### **APPEALS**

If a student wishes to appeal the sanction of a discipline letter, they may request an appeal to the Dean of Students or their designee. A request for an appeal must be made to the Dean of Students or their designee in writing within three (3) business days of receipt of the decision. Requests for appeals will be granted only if they meet certain criteria.

Grounds for an appeal include:

- Significant procedural rules were not adhered to, to the detriment of the party requesting the appeal.
- Sanction, only if found to be arbitrary or capricious and not in keeping with the gravity of the violation.
- New and credible evidence, with these stipulations:
  - evidence was not knowable at the time of the hearing, and
  - evidence reasonably has a material effect on the decision.

Decisions as to whether at least one of the above criteria has been met and if an appeal hearing will be held are made by the Dean of Students or their designee.

The Dean of Students or designee hears the appeal and reviews all written materials or statements. A written decision will be sent to the student who made the appeal in a timely manner. The decision of the Dean of Students or designee is final, and no further appeals are permitted.

After a period of one semester has elapsed from the sanction date, a student may submit a written document to request an Administrative Review for possible modification of their sanction(s). This request shall be addressed to the Dean of Students or their designee and will only be entertained if the student has not been involved in any disciplinary incidents and has demonstrated significant personal progress. The Dean of Students or their designee shall consult with the appropriate hearing officer in all Administrative Review cases to determine the appropriateness of a student request for sanction modification.

### **STUDENT CONDUCT RECORDS RETENTION**

With the exception of those conduct records which have been successfully appealed by the student, and/or the student was otherwise exonerated of the charges, the existence of all student conduct records, and the contents of such records are kept and maintained by the Division of Student Affairs in accordance with the Family Educational Rights and Privacy Act of 1974, as amended; and in accordance with the policies and procedures outlined by Long Island University. While most records will be retained for a period of seven years, at its discretion, the University reserves the right to retain student conduct files permanently in accordance with the policies and procedures outlined by the University; and pursuant to U.S. Department of Education, Office of Civil Rights.

Student conduct records are retained by the Dean of Students Office or designee in accordance with the policies and procedures outlined by Long Island University.

### **STUDENT RIGHTS IN THE CONDUCT SYSTEM**

Students have the following rights in the conduct system:

- To request in writing prior to the Administrative Hearing that any person conducting an Administrative Hearing be disqualified on the grounds of conflict of interest.
- To be considered innocent of the charges until proven responsible by a preponderance (51 percent) of evidence.
- To have prior knowledge of the charges and have the charges explained clearly and fully at every level of the conduct process.
- To be advised by a person of their choice. Advisors must be members of the campus community. Advisors may not speak during the proceedings and advisors may not be attorneys.
- To hear testimony and/or see all written statements concerning the charges.
- To refute oral and written statements made by witnesses.
- Not to participate in their proceedings, understanding that in their absence, the case will be determined on the evidence presented.
- To be advised of the appropriate appeal process.

- If a student is determined to be the victim of violence or threat of violence as defined by the Family Educational Rights and Privacy Act, that student may request written notification of the final sanctions assessed to the student responsible for misconduct.

**Student Affairs/ Dean of Students**

516-299-1200 or 718-299-1200

[studentaffairs@liu.edu](mailto:studentaffairs@liu.edu)

[deanofstudents@liu.edu](mailto:deanofstudents@liu.edu)

**Public Safety**

<b>Campus</b>	<b>Phone Number</b>	<b>Campus Location</b>
Post	516-299-2222	Public Safety and Facilities Building, 1 <sup>st</sup> Floor
Brooklyn	718-488-1078	LLC, Public Safety Entrance
Brentwood	631-451-4242	Office of Public Safety, North Cottage
Riverhead	516-299-2480	Office of Public Safety, Peconic Building, Room 119
Hudson	914-831-6911	Police Headquarters, CMFT Building, Basement Level