STUDENT CODE OF CONDUCT
and
JUDICIAL PROCESS

2019—2020
Office of the Dean of Students
As an institution of higher learning and a community of persons with a special purpose, Bloomsburg University accepts its obligation to provide its members with an atmosphere which protects and promotes its educational mission and that guarantees its orderly and effective operation. To accomplish these goals, the University must require certain standards of conduct, both on and off campus, which are then expressed through the Student Code of Conduct and Judicial Process. In addition, Bloomsburg University students aspire to, follow and promote integrity, community, social justice, respect, and responsibility.

- **Integrity** - Huskies exemplify honesty, honor, and respect for the truth in all of their actions.
- **Community** - Huskies build and enhance their community; understand and appreciate how decisions and actions affect others and are just and equitable in the treatment of all members of the community.
- **Social Justice** - Huskies respect the dignity of every person and act to discourage and challenge those whose actions may be harmful to or diminish the worth of others.
- **Respect** - Huskies show positive regard for each other and for the community.
- **Responsibility** - Huskies accept responsibility for learning, personal behavior, and future success, and appropriately challenge others to do the same. Huskies use good judgement, are trustworthy, and take personal responsibility for actions.

### I. Code of Conduct

In matters related to the Student Code of Conduct and Judicial Process, every effort will be made to contact students via the following means: University assigned e-mail address, campus mail, in-person (when possible), text messages, or the US postal service. E-mail messages sent from the Office of the Dean of Students to students through University-assigned e-mail addresses constitute the official means of communication. Correspondence involving incidents may also come from the Office of Residence Life, Office of Greek Affairs, Office of the Vice President for Student Affairs, or other offices on campus. It is the student’s responsibility and obligation to access and respond to official University e-mail correspondence.

Violation of any of the regulations listed below by any student or student organization, whether the occurrence is on or off campus, may lead to University disciplinary action and criminal arrest, pursuant to local, state, and federal laws.

Students whose actions negatively affect the University community and are a risk to Bloomsburg University are subject to interim suspension or loss of on campus housing privileges (or both) pending a judicial hearing. Examples of such actions include, but are not limited to, harm to others, furnishing alcohol to minors, selling or providing drugs or controlled substances, and sexual misconduct, including rape. Students residing in on-campus housing, accused of policy violations may be required to participate in an interim move during an investigation by the University and until allegations can be resolved.

The following are violations of the Student Code of Conduct:
A. **Academic Integrity** – Incidents of plagiarism, cheating, and other forms of academic dishonesty as set forth in the Academic Integrity Policy ([PRP 3512](#)). Such incidents are adjudicated by the appropriate faculty member or through The Office of the Dean of Students.

B. **Alcohol** – In addition to violations of the University Alcoholic Beverage Policy ([PRP 4810](#)) violations include, but are not limited to:

1. Possession/transportation/consumption of alcohol on University property (excluding the use of ethanol/alcohol as a scientific reagent, solvent, or antimicrobial under the supervision of faculty or staff in an educational environment).
2. Underage students in possession of/transporting/consuming or who consumed alcohol.
3. Public intoxication.
4. Driving under the influence of alcohol.
5. Possession of a fake ID, use of a fake ID, providing false identification, or misrepresentation of identification.
6. Furnishing alcohol to minors or actively planning or organizing a party or event where alcohol is being served illegally or furnished to minors. Actively planning or organizing a party or event includes but is not limited to providing cups, collecting money, or transporting either alcohol or attendees to or from the event.
7. Hosting a social gathering, whether intentional or unintentional, where an alcohol policy violation occurs.
8. Other alcohol-related misconduct.

C. **Unauthorized Access** – Forcibly entering, trespassing, or unauthorized entry of any facility, University or privately owned or rented property is a violation.

D. **Computer and Network Misuse** – In addition to violations of the Acceptable Use of Technology Policy ([PRP 2550](#)), violations include, but are not limited to: misuse, abuse, or other illegal activity related to University computers or networks, using computers/the network to distribute, download or upload obscene or indecent images or language, harass individuals, or to hinder the universal functions of the university network.

E. **Controlled Substances/Drugs** – In addition to violations of the University Drug Policy ([PRP 4805](#)), violations include but are not limited to:

1. The illicit use or possession of controlled substances/drugs.
2. The sale of controlled substances/drugs.
3. The manufacturing of controlled substances/drugs.
4. The distribution or transfer of controlled substances/drugs.
5. The distribution or transfer of prescribed medications/drugs.
6. The use or possession of any equipment, product, or material of any kind containing evidence of or primarily intended for use with any illegal controlled substance/drug.
7. The illicit use of legal substances, in a manner other than the intended purpose, in ways that alter one’s mental or physical state.
8. Driving under the influence of controlled substances/drugs.
9. Knowingly providing a location for individuals to illicitly use or possess, sell, distribute, or transfer controlled substances/drugs.
F. Creating Safety Hazards – In addition to misuse of safety equipment or ignoring safety procedures violations include, but are not limited to:
   1. Tampering with fire equipment, smoke detectors, exit lights, guardrails, elevators, or fire alarms.
   2. Initiating false alarms.
   3. Creating a safety hazard due to reckless or negligent conduct.

G. Disorderly Conduct – No student or organization shall:
   1. Engage in conduct that is disorderly.
   2. Engage in conduct that unnecessarily disturbs others.
   3. Engage in conduct that is disruptive to the normal practices, processes, and functions of the University or the local municipalities.

H. Disruptive Classroom Conduct – Conduct that disrupts the classroom environment is a violation. This includes but is not limited to creating an unsafe or hostile environment, continually undermining the authority of the faculty member, or other conduct that infringes on an orderly learning environment. Issues of classroom management such as cell phone and other electronic device usage during class, tardiness, and negative class participation are to be addressed in the syllabus or by the faculty member.

Questions regarding academic-related conduct such as alleged academic injustice or questions of academic integrity should be addressed through the appropriate academic venue, PRP 3592 Academic Grievance Procedure, PRP 3512 Academic Integrity, and other related policies.

I. Failure to Comply – Defying instructions or reasonable requests made by University Officials. This includes, but is not limited to refusal to present identification when asked, noncompliance with University sanctions or a no contact letter, and refusal to respond to a request to report to an administrative office.

J. Firearms/Weapons – In addition to violations of the University Weapons, Firearms and Dangerous Devices Policy (PRP 5240), violations include, but are not limited to:
   1. The unauthorized possession of firearms, weapons, or other dangerous objects or substances on University property.
   2. The transfer of firearms, weapons, or other dangerous objects or substances on University property.
   3. Use of firearms, weapons, or other dangerous objects or substances on University property.
   4. The brandishing of any object or item used in a threatening or violent manner, such as a butane lighter, lit tobacco products, baseball bat or other blunt instrument, or razor blade that inflicts, or is intended to inflict bodily harm, or cause property damage.

   This policy includes, but is not limited to: firearms, ammunition, explosives, billy clubs, martial arts weapons, bows and arrows, sabers, swords, daggers, switchblades, knives used primarily for hunting purposes, fireworks, pellet guns, air guns, BB guns, stun guns, tasers, paint ball guns, and dangerous/flammable chemicals/fuels.

K. Forgery/Misrepresentation of Identity – Altering or misusing University or privately owned documents, records, identification cards, papers, or any and all forms of electronic media.

L. Gambling – Any act of gambling including solicitation on campus is prohibited except for those sanctioned by Bloomsburg University and the Commonwealth of Pennsylvania.
M. Harm to Others – Students and organizations are prohibited from the following:

1. Engaging in harassing or intimidating conduct.
2. Engaging in conduct that harms or threatens to harm another person.
3. Engaging in conduct that harms or threatens to harm another person’s property.
4. Physically harming or exhibiting threatening, intimidating, or harassing conduct toward any party or witness involved in a judicial case or cause damage to his or her property with the intent of influencing outcomes or for retaliation.
5. Engaging in conduct that constitutes unlawful discrimination based on another person’s race, color, religion, sex, sexual orientation, gender identity, age, national origin, ancestry, disability, or veteran status.

N. Hazing – In addition to violations of the University Hazing Policy ([PRP 4650](#)), violations include, but are not limited to causing, coercing, or forcing an individual to do any of the following:

1. Consume any food, drink, liquid, alcoholic liquid, drug, or other substance which subjects the individual to a risk of emotional or physical harm.
2. Endure any brutality or act of a physical nature, which may include but is not limited to whipping, beating, branding, paddling, kicking, pushing, shoving, tackling, calisthenics, or exposure to the elements.
3. Endure brutality or act of a mental nature, which may include but is not limited to activity adversely affecting the mental health, or dignity of the individual, sleep deprivation, exclusion from social contact, or conduct which could result in extreme embarrassment or degradation.
4. Any activity which has the potential to be frightening, morally compromising, degrading, and/or unduly deceptive, including deception designed to convince the individual of impending pain, injury, or non-initiation including but not limited to promoting servitude, berating or verbally harassing individuals, throwing items at or on individuals, forcing individuals to carry items or wear apparel which is undignified, requiring public stunts such as forcing individuals to yell when entering or departing a physical structure or in the presence of designated individuals, forcing individuals to use designated entrances or exits, requiring individuals to run personal errands, intentionally creating labor or clean-up work, and requiring individuals to wear scant clothing or to be nude.
5. Endure brutality or an act of a sexual nature.
6. Any activity which endangers or has the potential to endanger the academic performance of the individual, such as not allowing adequate time for, or interfering with academic commitments; activities conducted between the hours of midnight and 8:00 a.m., and forced exclusion from social or verbal contact with any other individual.
7. Any destruction or removal of public or private property.
8. Any violation of federal, state, or local law or rule or University policy.

Any action listed above that has a direct relation to the initiation, admission into, or affiliation with an organization/group, regardless of an individual’s willingness to participate, is considered a violation of the hazing policy.

O. Laws – Students who are cited or arrested by a law enforcement agency or convicted of a crime in civil or criminal court may be subject to separate charges and to University disciplinary proceedings.

P. Pledging Greek Social Organizations – It is a violation for a Greek Social Organization to accept an unauthorized pledge/new member (also referred to as an “illegal” pledge/new member). It is also a violation for a student to pledge, join, or attempt to join a Greek Social Organization if they do not meet the eligibility requirements.
Q. University Policies – Violations of written or published University policy or regulations contained in any official publications, administrative announcements, contracts (e.g. residence hall/apartment contracts or leases) or postings including university websites. This includes residence hall/apartment policies. For more information regarding residence hall/apartment policies, please see the "Guide to Campus Living".

R. Sexual Misconduct – A violation of the University’s Student Sexual Misconduct Policy (PRP 4790). Sexual misconduct at Bloomsburg University is strictly prohibited and will not be tolerated. Sexual misconduct includes sexual harassment, sexual assault (including rape), sexual exploitation, stalking, dating violence and domestic violence, as defined in Section VII. Violations include, but are not limited to:

1. Sexually harassing or attempting to sexually harass another individual as defined in Section VII of this document.
2. Sexually assaulting or attempting to sexually assault another individual as defined in Section VII of this document.
3. Sexually exploiting or attempting to sexually exploit another individual as defined in Section VII of this document.
4. Stalking or attempting to stalk another individual as defined in Section VII of this document.
5. Violence, including but not limited to sexual or physical abuse, against another individual who is or has been in a social relationship of a romantic or intimate nature with the complainant (Dating Violence, as defined in Section VII of this document).
6. Violence against another individual who is or was a spouse or cohabitant or who is otherwise protected under Pennsylvania domestic or family violence laws (Domestic Violence, as defined in Section VII of this document).

Complaints of sexual misconduct will proceed pursuant to Sexual Misconduct Judicial Procedures set forth in Section VII.

S. Theft/Stolen Property –
1. Theft, attempted theft, or unauthorized possession of University property.
2. Theft, attempted theft, or unauthorized possession of retail property.
3. Theft, attempted theft, or unauthorized possession of individually owned or rented property.
4. Other related theft/stolen property misconduct.

T. Vandalism – Any acts of abuse or destruction of University or private property by any means.

II. REPORTS OF VIOLATIONS

Allegations of violations of the Student Code of Conduct (PRP 4802) are received by the Office of the Dean of Students via campus incident reports, police reports, or various other means of communication from students, faculty, staff, or community members. Once a report is received, the Office of the Dean of Students or designee investigates the allegations.

At the completion of an investigation or fact finding, the Office of the Dean of Students will: 1) determine that more information is needed; 2) dismiss the allegation for lack of evidence that a violation occurred; or 3) charge the individual(s) or organization.
III. STATEMENT OF HEARING PROCEDURES

Introduction: As required by the Board of Governors of the State System of Higher Education regarding student discipline and due process, Bloomsburg University has established a hearing procedures system. Its primary intent is educational in nature, attempting to create behavioral changes in students while simultaneously protecting their rights and the rights of the community-at-large. The hearing procedures exist to review complaints against students/organizations for alleged violations of the Student Code of Conduct.

Student/organization hearings are intended to foster an understanding of the rights and responsibilities of members of the University community. When students/organizations are involved in a hearing, it is important that both the complainant and respondent be afforded every opportunity to understand the alleged violations and the principles of due process under which the hearing will be conducted.

When an individual or organization wishes to file charges against another student or student organization, the complainant may be required to submit in writing a detailed account of the incident which resulted in the charges being filed, along with the names of the individual(s) charged ("respondent"), witnesses who were present, and the relevant section of the Student Code of Conduct.

Student Affairs professional staff members may require a respondent to report for an information gathering meeting relative to an alleged violation. During this information gathering meeting, the allegation(s) and options within the University hearing process will be reviewed.

A. Hearing Process: The respondent has the right to choose between a formal hearing before a board or an informal hearing before a designated hearing officer. For violations that could result in a suspension or expulsion, the respondent may not have the option of an informal hearing and may be required to participate in a formal hearing process. Students participating in an informal hearing waive their right to a formal hearing.

The University reserves the right to hold a hearing even where the respondent or the complainant do not attend ("in absentia") whenever necessary and appropriate. If the hearing is held in absentia, the respondent may not have the opportunity to respond to the alleged violation(s) or the complainant may not have the opportunity to present their case. Should the respondent elect not to appear, it shall not be taken as an indication that the respondent has violated a University policy and must be noted without prejudice. The decision in such cases will be made after considering the evidence available. If the initial complainant is unable or unwilling to participate, the University may proceed as the complainant where necessary to provide a safe and nondiscriminatory environment for all students.

The Hearing Chairperson is a non-voting member selected by the Assistant Vice President/Dean of Students or other designee of the Vice President for Student Affairs. The role of the Chairperson is to maintain control over the hearing by ensuring orderly and efficient administration of the hearing. Any procedural or process issues are the sole responsibility of the Chairperson. The Chairperson controls all questioning, informing the parties and board members when they may ask questions and determining what questions are allowed. In addition, the Chairperson facilitates discussion, guides board deliberations, and assists the board with rendering a decision and applying consistent sanctioning. Anyone who displays disorderly or disruptive behavior and refuses to comply with the request of the Hearing Chairperson during a hearing will be asked to leave the hearing and could be subject to disciplinary action.

Hearing Chairpersons, the University formal hearing board, and the appeals board have full delegated authority from the President of the University to hear student disciplinary cases.
If it is determined that a student’s continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property the Assistant Vice President/Dean of Students or Vice President for Student Affairs or other designee may issue an interim suspension of a student from the University. The interim suspension may include temporary suspension of a student’s privilege to enter any University property or facility. The interim suspension is pending the results of a hearing process. In the event a student is suspended under such conditions, a hearing shall be convened within ten business days, unless extenuating circumstances warrant an extension, in which case a hearing would be provided at the earliest possible date.

B. Due Process and Procedures for a Formal Hearing
The following procedural guidelines are established for the direction of all formal disciplinary hearings:

1. **Recordings:**
   i. All formal hearings are recorded. Recordings are utilized in the event of an appeal or for the review of the board during their deliberation.
   ii. Any individual or organization involved in a hearing is not permitted to use any type of recording device to record the formal hearing proceedings. Anyone found recording the proceedings will have the device automatically confiscated, may be removed from the proceedings, and may face additional charges/sanctions.
   iii. For access to recordings, please see section V. Records.

2. **Notification:**
   i. The respondent and complainant shall be notified, in writing, by an appropriate University official of the alleged violation(s) of the Student Code of Conduct and of how the alleged violation(s) came to the Office of the Dean of Students’ attention.
   ii. The respondent and complainant (the “Parties”) shall receive written notification of the time and place of the hearing at least three business days prior to the hearing.
   iii. The Parties shall receive written statement of charges, with sufficient particularity to enable the respondent and complainant to prepare for the hearing, a minimum of three business days prior to a hearing.
   iv. The Parties shall receive written notification of all hearing rights, procedures, and responsibilities regarding the judicial process.
   v. The Parties shall receive written notification of the hearing results within 10 business days of the conclusion of the hearing, unless extenuating circumstances warrant an extension.
   vi. The Parties shall receive written notification of an appeal decision within 20 business days after filing the appeal, unless extenuating circumstances warrant an extension.
      a. The University official shall notify the Parties within 20 business days after filing the appeal that extenuating circumstances exist, a brief explanation of those circumstances to the extent the circumstances do not reveal confidential information and a new deadline for the decision. The University shall be cognizant of the rights of the Parties before initiating this provision. Prior to invoking this provision more than once, the University shall exhaust all alternative methods to provide the decision.

For all necessary notifications, the Office of the Dean of Students will make every effort to notify both the Parties at the same time.

3. **Witnesses:**
   i. The Parties have the right to appear in person, to present information regarding the violations, and to call witnesses on their behalf.
ii. The Parties as well as the board shall have the opportunity to hear and question all witnesses.

iii. The Parties must present the names of the witnesses appearing in writing at least 48 business hours prior to the scheduled hearing to the Office of the Dean of Students.

iv. A witness is a person who has relevant knowledge pertaining to an alleged violation. Witnesses and statements meant to solely bolster the character of a Party will not be allowed.

v. No hearing participant, including the respondent, complainant, and any witnesses, will be required to answer any question posed.

4. Advisor:
   i. A respondent and complainant the right to be accompanied by one advisor of their choosing during any part of the disciplinary proceedings. If a respondent or complainant wishes to have an advisor, formal written notification must be received by the Office of the Dean of Students 48 business hours prior to the hearing. The University may consult with legal counsel, who may also be present.

   ii. Students involved in the same incident cannot serve as advisors to each other.

   iii. A witness cannot also serve as an advisor.

   iv. During a hearing, the role of an advisor is limited to suggesting questions and providing individual consultation to the respondent or complainant being represented. The advisor may not directly question a hearing participant, including the complainant, the respondent, witnesses, board members, or the Hearing Chairperson.

   v. In consideration of the limited role of an advisor and of the compelling interest of the University to expeditiously conclude the matter, the work of the hearing board will not, absent special circumstances, be delayed due to the unavailability of an advisor.

5. Formal Hearing Board:
The Formal Hearing Board is responsible for adjudicating all formal hearings regarding alleged violations of the Student Code of Conduct.

   i. The composition of the Formal Hearing Board will include:

      a. A Hearing Chairperson (selected by the Assistant Vice President/Dean of Students or other designee of the Vice President for Student Affairs). The role of the Hearing Chairperson is to maintain control over the hearing by ensuring orderly and efficient administration of the hearing. Any procedural or process issues are the sole responsibility of the Chairperson. The Chairperson controls all questioning, informing the parties and board members when they may ask questions and determining what questions are allowed. In addition, the Hearing Chairperson facilitates discussion, guides board deliberations, and assists the board with rendering a decision and applying consistent sanctioning. The Hearing Chairperson does not vote.

      b. A three-member combination of Bloomsburg University students, faculty, or staff, selected by the Assistant Vice President/Dean of Students or other designee of the Vice President for Student Affairs.

         1. Students are selected to serve on the board from a pool of interested students who:

            a. have completed at least 24 credits
            b. maintain a 2.00 GPA
            c. maintain good conduct standing
            d. complete required training

         2. Faculty and staff will be selected from volunteers, and will have
completed required training.

c. Board members are responsible for objectively listening to information provided, evidence, and statements presented during the hearing process. Upon the conclusion of the hearing process, the board discusses first whether or not the respondent is responsible. If the respondent is found responsible, then the board recommends appropriate sanctions, which are then forwarded to the Assistant Vice President for Student Affairs/Dean of Students.

ii. The Parties will be notified of the members of the respective board a minimum of three business days in advance of the scheduled hearing. A request to disqualify a board member whom the complainant or respondent feels is biased or otherwise involved in the case must be submitted in writing to the Hearing Chairperson and must state the reason for seeking disqualification. A challenge to the Hearing Chairperson should be submitted to the Assistant Vice President for Student Affairs/Dean or other designee. The Chairperson or the Assistant Vice President for Student Affairs/Dean or other designee will determine the final composition of the board.

6. Formal Hearing Process: Outlined below is an example of the standard formal hearing process.

A. Introduction
   i. The Hearing Chairperson informs all that the proceedings will be recorded.
   ii. The Hearing Chairperson states date/time/location/purpose of the hearing for the record.
   iii. The Hearing Chairperson asks members of the board to introduce themselves for the record. The complainant and the respondent are asked if they object to any members of the board.
   iv. The Hearing Chairperson has complainant and respondent introduce themselves for the record. Advisors, if any, introduce themselves at this time.

B. Charges and Statement of the Case
   i. The Hearing Chairperson reads the charges of policy violations brought against the respondent.
   ii. The Hearing Chairperson asks the respondent to respond to each charge by saying that the respondent is “responsible” or “not responsible”.
   iii. The Hearing Chairperson asks the investigator to present a summary of the findings report.

C. Complainant Process
   i. Present Information: The Hearing Chairperson asks the complainant or individual presenting charges to state their case. In no circumstance may a written statement be entered into the record or received by the either the Hearing Chairperson or Board.
      i. Questioning: The Hearing Chairperson will then instruct the board that they may ask questions regarding the information presented by the complainant.
      ii. Once the board is finished with their questions, the Hearing Chairperson will ask the respondent if they have any questions regarding the information presented. All questions from the respondent must be presented to the Hearing Chairperson and will be asked by the Hearing Chairperson at the Chair’s discretion.
      iii. The board then has a final opportunity to ask questions of the complainant.
   ii. Witnesses: The complainant then has an opportunity to call witnesses.
      i. The witness may make a statement and the complainant then has an
opportunity to ask questions of their witness.
ii. Once the complainant’s questions are complete, the board may ask questions, and the respondent may submit questions to the Hearing Chairperson who will ask the questions at the Chair’s discretion.
iii. This process is repeated until all witnesses for the complainant are called and have presented their information.

D. Respondent Process
i. Present Information: The Hearing Chairperson asks the respondent to state their case. In no circumstance may a written statement be entered into the record or received by the either the Hearing Chairperson or Board.
   i. Questioning: The Hearing Chairperson will then instruct the board that they may ask questions regarding the information presented by the respondent.
   ii. Once the board is finished with their questions, the Hearing Chairperson will ask the complainant if they have any questions regarding the information presented. All questions from the complainant must be presented to the Hearing Chairperson and will be asked by the Hearing Chairperson at the Chair’s discretion.
   iii. The board then has a final opportunity to ask questions of the respondent.
ii. Witnesses: The respondent then has an opportunity to call witnesses.
   i. The witness may make a statement and the respondent then has an opportunity to ask questions of their witness.
   ii. Once the respondent’s questions are complete, the board may ask questions, and the complainant may submit questions to the Hearing Chairperson who will ask the questions at the Chair’s discretion.
   iii. This process is repeated until all witnesses for the respondent are called and have presented their information.

E. Final Statement
i. The complainant and the respondent are each permitted, if they wish, to make a final statement.
ii. Once final statements are finished, the Hearing Chairperson dismisses the parties involved and ends the recording.

F. Decisions:
   i. The board shall immediately convene following a formal hearing to discuss and reach a decision by majority vote.
   ii. The board applies a preponderance of the evidence standard. That is, the board must determine if the testimony and evidence presented is sufficient to make a reasonable person believe that it is more likely true than not that the violation(s) occurred.
   iii. After a hearing the board may render one of the decisions listed below:
      i. Not a Violation - No violation of policy occurred.
      ii. Violation - A violation of policy occurred and was proven by a preponderance of the evidence. In this case, the board may select from the sanctions noted below which can be imposed upon a respondent for a stated specific period of time.
   iv. The decision is then forwarded to the Assistant Vice President for Student Affairs/Dean of Students in the form of a recommendation who will review the recommendation for appropriateness and consistency.
   v. Within 10 business days (unless extenuating circumstances warrant an extension), the Assistant Vice President for Student Affairs/Dean of Students will review the formal letters to the Parties regarding the decision, setting forth the facts and rationale with reasonable specificity.
G. Sanctions:
   i. Students failing to complete the provisions of a given sanction may face additional sanctions or an administrative hold.
   ii. Sanctions may be imposed for a period of time, remains in a student’s disciplinary record, and further violations may result in progressive sanctioning.
   iii. Where a violation is found by a preponderance of the evidence, the board may impose any one or more of the following as set forth in Sections VI and VII:

C. Due Process and Procedures for an Informal Hearing
The following procedural guidelines are established for the direction of all informal disciplinary hearings:

1. Notification:
   i. The respondent shall be notified in writing via email by an appropriate University official of the allegation that the respondent has violated the Student Code of Conduct.

2. Review/Response to Charges:
   i. The respondent shall have the opportunity to review and respond to the charges.
   ii. The respondent shall have the opportunity to respond to the charges and provide additional information relative to the incident/conduct in question.

3. Decisions: The respondent will receive a written decision in which facts and reasons are set forth with reasonable specificity, which will be issued within ten business days of the informal hearing unless extenuating circumstances warrant an extension.

D. Appeals: An appeal is a review of the record of the original hearing, not a new hearing. An appeal may only be initiated when one or more of the listed grounds exist. A student or organization will not appear before the appellate officer. Appeals must be filed in writing with the Office of the Dean of Students within five business days after receiving an official written notice of outcome, unless extenuating circumstances warrant an extension as determined by the Assistant Vice President for Student Affairs/Dean of Students or designee.

1. Reasons for appeals:
   a. New evidence that could substantially affect the outcome of the hearing has been discovered since that hearing. The appeal must indicate, in detail, what new evidence exists. The information must not have been available at the time of the original hearing. Failure to present information that was available is not grounds for an appeal under this provision.
   b. Disciplinary action disproportionate to the violation. The appeal must specify and describe why the disciplinary action is disproportionate to the violation. Simple dissatisfaction with a sanction is not grounds for an appeal under this provision.
   c. Denial of due process, in that the hearing and student conduct process was not conducted in conformity with the prescribed procedures, and substantial prejudice to the complainant or the respondent resulted.

2. Upon the receipt of an appeal from either the complainant or respondent, the other party has the opportunity to respond to the appeal.

3. Appeals are reviewed by a professional staff member, who has no prior relation to the case, designated by the Assistant Vice President for Student Affairs/Dean or Vice President for Student Affairs.

4. After review of the written appeal, the designee has the following options:
   a. Deny the appeal
   b. Uphold the outcome
   c. Amend the outcome
d. Convene an additional hearing with an appeal board (only applicable for cases that resulted in suspension or expulsion)

5. Decisions of the appeal will be issued to the respondent, in writing, within fifteen business days after receipt of the appeal, unless extenuating circumstances warrant an extension.

6. Appeal Board:
   a. If an appeal board is convened, the appeal board will review the case file and all related documentation and evidence, including the original recording of the related hearing if applicable.
   b. The appeal board has the authority to conduct an additional hearing if additional information from the complainant or respondent is necessary.
   c. The appeal board has the option to:
      i. Uphold the outcome
      ii. Amend the outcome
      iii. Overturn the original hearing board’s decision

7. Upon the denial of an appeal, any initial outcome shall be immediately implemented.

8. There are no additional appeals.

V. Records

1. Records include all documents, reports, recordings, letters, or other forms of evidence relating to a student’s disciplinary/judicial process.

1. Access to records (not already provided)
   i. Access to records shall be limited to the Hearing Chairperson, the complainant, the respondent, and those University personnel approved by the Assistant Vice President for Student Affairs/Dean of Students.
   ii. To gain access, a complainant or respondent must submit, in writing, a request to the Assistant Vice President for Student Affairs/Dean of Students.
   iii. If access is granted, the requestor may read or listen to the specific approved records under the supervision of the Office of the Dean of Students.
   iv. Any document that includes another student’s name or information may be redacted.
   v. No third party requests for access to recordings or records will be honored.

VI. Decisions and Sanctions

1. Student
   a. After an informal hearing is held regarding violations of the Student Code of Conduct, the Assistant Vice President/Dean of Students or designee makes the decision regarding sanctions.
   b. In a formal hearing process, the Hearing Chairperson submits the hearing board’s recommendation of responsibility and any sanctions to the Assistant Vice President for Student Affairs/Dean of Students who will make the final determination of responsibility and sanctions.
   c. Students failing to complete the provisions of a given sanction may result in an administrative hold.
   d. Sanctions will remain in a student’s disciplinary record, and further violations may result in progressive sanctioning.
   e. Decisions and sanctions may include:
**Not a Violation**- No violation of policy occurred.

**Restitution**- A written directive to replace, repair, or make specific compensation for property of the University or member of the University community that was destroyed, damaged, misused or lost.

**Educational Sanctions**- Educational sanctions typically include one or more of the following: workshops, community service, behavioral contract, administrative referral, and other related educational assignments. These sanctions are designed to promote self-awareness of behavior, awareness of appropriate/inappropriate behavior, awareness of institutional expectations, and to educate the student in the specific area of their violation. Educational sanctions often accompany other sanctions such as a probationary status.

**Written Warning**- A student will receive a written warning in circumstances when a policy violation has not been determined to have occurred, but questionable conduct has been reported. A student receiving a written warning shall continue to exercise the rights and privileges of a student in good standing.

**Disciplinary Warning**- A written reprimand noting that a policy violation occurred emphasizing that further violations would result in progressive sanctioning. Additional stipulations may be imposed that are consistent with the nature of the offense. A student receiving a disciplinary warning shall continue to exercise the rights and privileges of a student in good standing.

**Disciplinary Probation**- An imposed probationary status rendering a student not in good disciplinary standing with Bloomsburg University. Further violations could result in progressive sanctioning. Additional stipulations may be imposed that are consistent with the nature of the violation.

**Alcohol and Other Drug Probation Level One**- An imposed probationary status, noting that a policy violation occurred specific to alcohol or other drugs, thus rendering a student not in good disciplinary standing with Bloomsburg University. Further violations could result in progressive sanctioning, suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense.

**Alcohol and Other Drug Probation Level Two**- An imposed probationary status, noting that a policy violation occurred specific to a progressive or more serious violation relating to alcohol or other drugs. Thus, rendering a student not in good disciplinary standing with Bloomsburg University. Further violations could result in suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense.

**Suspension in Abeyance**- The highest probationary status rendering a student not in good disciplinary standing with Bloomsburg University. Further violations will most likely result in suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense. This is a student’s last opportunity to make serious changes in behaviors in order to remain a student at Bloomsburg University.

**Suspension**- The termination of a student’s right to register or attend classes for a period, after which the student may return following a re-enrollment process. Suspended students may not be present on University property, or at University sponsored events during the time of suspension. Additional stipulations may be imposed that are consistent with the nature of the offense in order for a student to be eligible for re-enrollment.
**Interim Suspension**- If it is determined that a student’s continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property, the Assistant Vice President/Dean of Students or Vice President for Student Affairs or other designee may issue an interim suspension of a student from the University. The interim suspension may include temporary suspension of a student’s privilege to enter any University property or facility, which could result in being prohibited from attending class. The interim suspension is pending the results of a hearing process. In the event a student is suspended under such conditions, a hearing shall be convened within ten business days, unless extenuating circumstances warrant an extension, in which case a hearing would be provided at the earliest possible date.

**Expulsion**- The permanent termination of a student’s enrollment. The student may not be present on University property or attend a University sponsored event.

**Loss of Campus Housing Privileges**- The student no longer has the privilege of residing in any on-campus residential facility which includes the lower and upper campus and any off-campus properties which are managed by the Office of Residence Life. Students removed from housing may remain liable for all housing costs and may not be eligible for any refunds.

**Removal from Class**- The student is barred from attending a particular class or may be reassigned to a different section of the same class. Details will be coordinated between the Vice President/Dean of Students or designee and appropriate academic dean and faculty member.

**Loss of Privilege(s)**- Loss of privilege(s) could entail denial of specifies rights or opportunities for a designated period of time.

**Counseling Referral**- The student is referred to counseling. A student will be required to sign a waiver to permit a counselor to verify attendance.

**Parent/guardian notification**- A notification letter is sent to parents/guardians of students who are of dependent status. The University reserves the right to send a parent/guardian notification in cases involving violations of Alcohol policies and Controlled Substances/Drugs policies and in decisions that may affect a student’s enrollment at the University such as loss of campus housing privileges, suspension, interim suspension, and expulsion. Students may contact the Office of the Dean of Students within 24 hours after receiving notification of their student conduct hearing results to notify the office of independent status based on financial aid and income tax records.

2. Organization Sanctions
   a. After an informal hearing is held regarding violations of the Student Code of Conduct for an organization, excluding Sexual Misconduct (see Section VII (f) below) The Assistant Vice President/Dean of Students or designee makes the decision regarding responsibility and any sanction, if imposed.
   b. In a Formal Hearing process, the Hearing Chairperson submits a recommendation of responsibility and any sanctions, if imposed to the Assistant Vice President/Dean of Students who will make the determination of responsibility and sanctions.
      - Activities of the organization for past years will be taken into account when applying any sanctions.
      - Organizations failing to complete the provisions of a given sanction may face additional sanctions.
      - When members of an organization are found in violation of the drug policy at the organization’s house, meetings, social functions or other activities, the violation may reflect upon the entire organization. The organization as well as the
individuals involved may be sanctioned at Alcohol & Drug Disciplinary Probation Level Two. The organization may have its University recognition suspended. The individuals may also be suspended from the university.

c. Decisions and sanctions may include:

Not a Violation - No violation of policy occurred.

Restitution- A written directive to replace, repair, or make specific compensation for property of the University or member of the University community that was destroyed, damaged, misused or lost.

Educational Sanctions- Educational sanctions typically include one or more of the following: workshops, community service, behavioral contract, administrative referral, and other related educational assignments. These sanctions are designed to promote self-awareness of behavior, awareness of appropriate/inappropriate behavior, awareness of institutional expectations, and to educate the organization in the specific area of their violation. Educational sanctions often accompany other sanctions such as a probationary status.

Written Warning- An organization will receive a written warning in circumstances when a policy violation has not been determined to have occurred, but questionable conduct has been reported. An organization receiving a written warning shall continue to exercise the rights and privileges of a student in good standing.

Organizational Probation Level One- An imposed probationary status, noting that a policy violation occurred, thus rendering an organization not in good disciplinary standing with Bloomsburg University. Further violations could result in progressive sanctioning, suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense.

Organizational Probation Level Two- An imposed probationary status, noting that a policy violation occurred specific to a progressive or more serious violation. Thus, rendering an organization not in good disciplinary standing with Bloomsburg University. Further violations could result in suspension or expulsion. Additional stipulations may be imposed that are consistent with the nature of the offense.

Suspension in Abeyance- The highest probationary status rendering an organization not in good disciplinary standing with Bloomsburg University. Further violations will most likely result in suspension of University recognition or revocation of University recognition. Additional stipulations may be imposed that are consistent with the nature of the offense. This is an organization’s last opportunity to make serious changes in behaviors in order to remain a recognized organization at Bloomsburg University.

Suspension of University Recognition - Suspension of recognition includes an organization’s immediate loss of all rights and privileges associated with University recognition, complete suspension of all organizational activities, and may include conditions for reinstatement of recognition. The organization will be notified that the University no longer recognizes them for a specified period. An organization that violates the terms of the suspension may be subject to revocation of University recognition.

Revocation of University Recognition- Revocation of recognition includes an organization’s permanent loss of University recognition. Organizations that violate policies and regulations or the terms of any previous disciplinary action are subject to permanent loss of recognition.

Interim Suspension- If it is determined that an organization’s presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property the Assistant Vice
President/Dean of Students or Vice President for Student Affairs or other designee may issue an interim suspension of an organization from the University. The interim suspension may include temporary suspension of an organization’s privilege to use any University property or facility. The interim suspension is pending the results of a hearing process. In the event an organization is suspended under such conditions, a hearing would be provided at the earliest possible date pending the outcome of an investigation or fact finding.

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

VII. Sexual Misconduct Judicial Procedures (refer to The Student Sexual Misconduct PRP 4790)

The following definitions apply to complaints of sexual misconduct:

People Involved:

1. **Respondent:** The person whose actions are alleged to have violated the Student Code of Conduct and Judicial Process.

2. **Complainant:** The person who is alleging in good faith, the occurrence of a violation of the Student Code of Conduct and Judicial Process.

3. **Advisor:** A person who may advise the complainant or the respondent throughout the judicial/investigation process.

4. **Confidential Resources:** University employees who are not required to report any information regarding an incident of alleged sexual violence to the Title IX Coordinator.

5. **Limited Confidential Resources:** University employees who are not required to report personally identifying information regarding an incident of alleged sexual violence to the Title IX Coordinator. Only general information such as the nature, date, time and general location of the incident is reported by these individuals.

6. **Mandatory Reporters/Responsible Employees:** All other University employees not identified as confidential or limited confidential resources.

General Terms:

1. **CONSENT:** “Consent” means words or actions that demonstrate an affirmative, knowing and voluntary agreement to engage in a mutually agreed-upon sexual act. Consent must be informed and freely given. Consent is invalidated when it is forced, coerced, or when a person is physically or mentally incapable of giving consent. For example, a person who is substantially impaired by drugs or alcohol may not be able to consent. Some signs of substantial impairment may include, but are not limited to, loss of balance/inability to walk without stumbling, slurred speech, inability to focus one’s vision, vomiting, erratic or extreme behavior, knowledge of person’s significant use of drugs or alcohol, or passing out.

   Consent is an active, on-going process. It can be withdrawn at any time, and consent for one sexual act does not imply consent for another subsequent sexual act. Consent, a lack of consent or a withdrawal of consent can be expressed by words or actions or both. For example, verbal silence or the absence of physical resistance does not automatically mean someone has consented to a sexual act; nor is physical resistance required for a person to verbally communicate a lack of consent or to withdraw consent.
In reviewing an allegation of sexual misconduct, consent is a critical factor in determining whether there is a violation of this policy. Although all parties must give their consent to any sexual act and it is the best practice for both partners to be responsible for confirming that they have obtained the other’s consent, it is the responsibility of the person initiating the sexual act to obtain consent from the other.

During a formal hearing process, the Hearing Chairperson or hearing board may examine the issue of consent from a variety of perspectives, including whether the respondent believed they had obtained consent and whether a reasonable person would have believed that the respondent had obtained consent. Although neither perspective is outcome-determinative for every case, students are strongly advised to be mindful of and conduct themselves according to the reasonable person standard and to avoid any ambiguity in obtaining and giving consent.

The following are clarifying points:

- Consent is required each and every time there is sexual activity;
- Consent to some levels of sexual activity does not imply consent to all levels of sexual activity. Each new level of sexual activity requires consent;
- At any and all times when consent is withdrawn or not verbally agreed upon, the sexual activity must stop immediately;
- The person(s) who initiate(s) a new level of sexual activity is responsible for asking for consent;
- Use of agreed upon forms of communication such as gestures or safe words is acceptable, but must be discussed and verbally agreed upon by all parties before sexual activity occurs;
- A current or previous dating or sexual relationship with the initiator (or anyone else) does not constitute consent;
- Being intoxicated does not diminish one’s responsibility to obtain consent;
- Silence, passivity, or lack of active resistance is not consent;
- Intentional use of alcohol/drugs does not imply consent to sexual activity;
- Seductive dancing or sexy/revealing clothing does not imply consent to sexual activity;
- Anyone under the age of 16 cannot give consent;

2. INCAPACITATION: An incapacitated individual cannot give consent. Incapacitation can result from a psychological health condition, voluntary or involuntary intoxication, use of any drug, intoxicant or controlled substance.

An individual must not engage in sexual activity with another person if the individual knows or should have reasonably known that the other person is incapacitated. An individual is considered incapable of giving effective consent when an individual lacks the ability to appreciate the fact that the situation is sexual, or cannot rationally and reasonably appreciate the nature and extent of that situation. One who is unconscious, unaware, asleep, or otherwise helpless, is incapable of giving consent.

3. SEXUAL HARASSMENT: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other harassing conduct of a sexual nature whether intentional or not. Sexual harassment occurs when:

- The unwelcome conduct of a sexual nature is sufficiently severe, persistent, or pervasive as to substantially limit or interfere with an individual’s work, educational performance, participation in extra-curricular activities, or equal access to the University’s resources and opportunities; or
• Submission to the unwelcome conduct of a sexual nature is made either explicitly or implicitly a term or condition of an individual’s employment or status in a course, program, or activity; or
• Submission to or rejection of the unwelcome conduct of a sexual nature by an individual is used as the basis for an academic or employment-related decision affecting such an individual; or
• Sexual violence is a form of sexual harassment. Sexual violence refers to physical acts perpetrated without a person’s consent or where a person is incapable of giving consent due to the person’s use of drugs, alcohol, or disability. Physical sexual acts include rape, sexual assault, and sexual exploitation. Such contact creates an intimidating, hostile, or abusive living, working, or educational environment.

4. SEXUAL ASSAULT/RAPE: Sexual assault, including rape, is any type of sexual act directed against another person that occurs without the consent of the complainant, including where the complainant is incapable of giving consent. Rape is any penetration, no matter how slight, of the vagina or anus with any object or body part, or oral penetration by a sex organ by a person of any gender or sexual orientation that is without consent.

5. SEXUAL EXPLOITATION: Sexual exploitation occurs when a person takes non-consensual or unfair sexual advantage of another for their own advantage or benefit, or to benefit someone other than the one being exploited.
Examples of sexual exploitation include, but are not limited to:
• non-consensual video, photographing, or audio-taping of sexual activity;
• non-consensual distribution of a video, photograph, or sound recording of sexual activity;
• non-consensual photographing of nudity;
• non-consensual distribution of a nude photograph;
• going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
• engaging in peeping or indecent exposure;
• inducing incapacitation through alcohol or drugs in order to sexually assault another person (whether or not sexual contact actually takes place); an example could include “spiking” someone’s drink.

6. STALKING: Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for the person’s safety or the safety of others, or (B) suffer substantial emotional distress. For the purpose of this definition:
• “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
• “substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
• “reasonable person” means a reasonable person under similar circumstances and with similar identity to the complainant.

Cyberstalking is another form of stalking where a person engages in a course of conduct using the Internet, e-mail, or other electronic communications devices to pursue or track another person that would cause a reasonable person to – (A) fear for the person’s safety or the safety of others; or (B) suffer substantial emotional distress.
Stalking can include, but is not limited to:
- unwanted telephone calls
- unwanted letters, e-mails, or other forms of communication/messaging
- unwanted or threatening gifts
- pursuing or following a person without his or her consent
- unwanted appearances at a person’s place of residence, school, or work
- surveillance or other types of observation
- use of electronic devices or software to track or obtain private information

7. DATING VIOLENCE: Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the following factors: the length of the relationship, the type of relationship, or the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence.

8. DOMESTIC VIOLENCE: Domestic violence is defined as violence committed by a current or former spouse of the complainant, by a person with whom the complainant shares a child in common, by a person who is cohabitating with or has cohabited with the complainant as a spouse or someone similarly situated to a spouse, or by any other person from whom the complainant is protected under the domestic or family violence laws in the jurisdiction in which the act occurred.

Interim Status

If it is determined that a student’s continued presence constitutes an immediate threat of harm to themselves, other students, University personnel, or to University property the Assistant Vice President/Dean of Students or Vice President for Student Affairs or other designee may issue an interim suspension of a student from the University. The interim suspension may include temporary suspension of a student’s privilege to enter any University property or facility. The interim suspension is pending the results of a hearing process. In the event a student is suspended under such conditions, a hearing shall be convened within ten business days, unless extenuating circumstances warrant an extension, in which case a hearing would be provided at the earliest possible date.

Informal Complaint Process

The respondent and the complainant involved in the case are entitled to a prompt, fair, and impartial investigation and resolution within sixty days of a report being filed with The Office of Social Equity or The Office of the Dean of Students, unless extenuating circumstances warrant an extension. The purpose of the informal complaint process is to encourage the reporting of complaints concerning non-violent sexual misconduct and to facilitate satisfactory resolution of the complaint as quickly as possible. An informal resolution may not be available for complaints of sexual assault, dating violence, domestic violence, and stalking, and may not be appropriate depending on the factual circumstances. A complainant may directly file an informal complaint with the Office of the Dean of Students, who will screen the complaint and make an initial determination of whether the allegations are appropriate for informal resolution.

If the allegations are not appropriate for informal resolution, the Office of the Dean of Students will inform the complainant that a formal complaint must be filed. If the allegations are appropriate for informal resolution, the Deputy Title IX Coordinator for students or designee, assigned by the Assistant
Vice President/Dean of Students, will meet with the complainant and the respondent, along with their advisors (optional), to resolve the complaint. This meeting may be held separately or with all parties. Informal resolution is voluntary and either party has the opportunity to withdraw at any time and the complainant may proceed with a formal complaint.

If an agreement is reached, the Deputy Title IX Coordinator for students or designee will provide a written statement of the resolution to the Assistant Vice President/Dean of Students, Title IX Coordinator, and to both parties involved in the case. If an agreement is not reached, the Deputy Title IX Coordinator or designee will inform the complainant of their right to file a formal complaint and will inform the Assistant Vice President/Dean of Students and Title IX Coordinator of the outcome.

**Formal Complaint Process**

The respondent and the complainant involved in the case are entitled to a prompt, fair, and impartial investigation and resolution within sixty days of a report being filed with The Office of Social Equity or The Office of the Dean of Students, unless extenuating circumstances warrant an extension.

Once a complainant files a formal sexual misconduct report, an initial fact-finding investigation will be conducted by a trained investigator designated by the Office of Social Equity or the Office of the Dean of Students. The investigator will speak with the complainant, the respondent, and additional individuals with knowledge related to the alleged misconduct. The investigator will also review related evidence such as text messages, phone records, emails, photographs, or videos.

The investigator will draft a factual summary of each person’s statement and a list of evidence, noting the source of that evidence. To the extent possible, a copy of all evidence to be included in the report will be attached to the report. The investigator’s report will then be provided to both the complainant and the respondent. Within five business days of receiving the report, either party may submit a written response to the report noting any discrepancies or additional information.

In some instances, after the respondent is presented with a formal charge, the respondent may wish to accept responsibility without a hearing. The Office of the Dean of Students or designee will then determine an appropriate sanction and will inform the complainant and the respondent of the proposed sanction. Where the complainant and respondent agree with the sanction, both will be required to sign a statement of agreement and waiver of any right to appeal. Where either the complainant or the respondent do not agree with the proposed sanction, either may insist on a formal hearing and both parties will then retain the right to appeal the outcome of the hearing.

For all other complaints, a formal hearing will be held before the formal hearing board. All hearings are closed and information will be shared only with the necessary decision makers. The purpose of a hearing is to hear the facts and circumstances of the alleged incident and to accept all evidence offered by the complainant and the respondent. In determining whether a sexual misconduct violation has occurred, the formal hearing board applies a preponderance of the evidence standard. That is, the formal hearing board must determine if the testimony and evidence presented suggests that it is more likely than not that sexual misconduct has occurred.

For procedures regarding formal hearings, please see section III, letter B.
VIII. Medical Amnesty

Under Pennsylvania law, a person under the age of 21 will be protected from prosecution for the purchase, consumption, possession, or transportation of alcoholic beverages and from hazing under certain circumstances if law enforcement, including Bloomsburg University Police, first became aware of the violation because the individual was seeking medical assistance for someone else.

The Crimes Code of Pennsylvania, specifically section 2810 (hazing) and section 6308.1 (purchase, consumption, possession, or transportation of alcoholic beverages) provides for immunity from prosecution for individuals seeking medical attention for another if the individual can establish all of the following:

1. A law enforcement officer first became aware of the individual’s violation because the individual placed a 911 call or contacted campus security, police, or emergency services, based on a reasonable belief that another individual was in need of immediate medical attention to prevent death or serious bodily injury.
2. The individual reasonably believed the individual was the first individual to make a 911 call or contact campus security, police, or emergency services and report that the individual needed immediate medical attention to prevent death or serious injury.
3. The individual provided the individual’s own name to the 911 operator or equivalent campus security officer, police, or emergency services personnel.
4. The individual remained with the other individual needing medical assistance until a campus security officer, police or emergency services personnel arrived and the need for the individual’s presence ended.

Additionally, the individual needing medical attention is immune from prosecution for the purchase, consumption, possession, or transportation of alcoholic beverages or for hazing only if another individual reported the incident and remained with the individual needing medical attention and the other (reporting) individual qualifies for safe harbor from prosecution.

Immunity may not apply if law enforcement, including Bloomsburg University Police, learn of the offense prior to and independent of the action of seeking or obtaining emergency assistance.

The safety and general welfare of the members of Bloomsburg University and the Bloomsburg community are of paramount importance. When individuals need help, the University encourages students to offer assistance regardless of location on- or off-campus property. Sometimes students may hesitate to offer help to others for fear that they may risk conduct consequences for their own behavior in a situation (for example, drinking alcohol while under the age of 21 or participating in or having knowledge of hazing activities). The community’s best interests are served when individuals report crimes, call 911, and seek help for those in need of assistance. It is the intent of this policy that a student, who would qualify for safe harbor under the provisions of the Crimes Code of Pennsylvania will not be referred to the Office of the Dean of Students for alleged violations related to alcohol or hazing. Although no student conduct record will be generated, a student may be required to participate in alcohol or other drug education or antihazing education.

Bloomsburg University does not discriminate on the basis of race, color, religion, sex, sexual orientation, gender identity, age, national origin, ancestry, disability, or veteran status in its programs and activities as required by Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of
1990, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, and other applicable statutes and University policies.

For information regarding civil rights or grievance procedures and for inquiries concerning the application of Title IX and its implementing regulation, contact: Title IX Coordinator, Bloomsburg University of Pennsylvania, Warren Student Services Center, 400 East Second Street, Bloomsburg, PA 17815; Phone: (570) 389-4529; Email: titleixcoord@bloomu.edu.

Additionally, inquiries concerning Title IX and its implementing regulation can be made to the U.S. Department of Education, Office of Civil Rights, Region III, The Wanamaker Building, 100 Penn Square East - Suite 505, Philadelphia, PA 19107; Phone: (215) 656-6010; Fax: (215) 656-6020.