

Conduct Policy

Issued By: Division of Student Affairs
Contact: Judicial & Mediation Services, 814-393-1918

Purpose:

Clarion University students are expected to regulate their conduct according to the laws of society, of which the university is a part, as well as the rules of the educational community. It is an implicit expectation of the educational community that student members will engage in the activities associated with that role.

Therefore, a student may be charged with misconduct and be subject to university discipline for offenses against the law or the rules of the university.

Jurisdiction:

University authority will be used only to discipline students for misconduct which violates university rules and regulations. The exercise of university discipline authority, however, does not protect the student from, nor does the university consider it to be a substitution for, civil or criminal prosecution. In general, the scope of university disciplinary authority is limited to the university's:

1. concern with matters which impinge upon academic achievement and standards, and the personal integrity of its students;
2. obligation to protect its property and the property of members of its community;
3. interest in the mental and physical health and safety of members of its community;
4. concern for preserving the peace, for ensuring orderly procedures, and for maintaining student morale;
5. responsibility for character development, for maintaining standards of decency and good taste, and for providing an appropriate moral climate on the campus; and
6. protection of its good relations with the community.

Regulation:

As members of society, students have a responsibility to be familiar with the law. Among the acts prohibited by law and university regulations are:

1. acts against people including:

a. **Assault** which may be thought of as attempts to cause bodily injury to another which may include the use of an object to cause harm, striking with hands, striking with fists, or striking with other appendages, use of submission holds, choking, strangling, and the like.

b. **Harassment** which may be thought of as when the person uses intent to harass, annoy or alarm another person by striking, shoving, kicking or otherwise subjecting the person to physical contact, or attempts, or threatens to do the same. Harassment also includes following the person in or about a public place, or uses a course of repeated conduct serving no legitimate purpose after being told to cease this action.

c. **Coercion** which may be thought of as the use or risk of force or blackmail to compel another person to do something against their general will to do such acts. This may include but is not limited to compelling another person to commit a crime and/or violation of University policy, wrongfully accuse a person of a violation of the law or University policy should they refuse to act on a request, or expose a secret about an individual which may subject them to hatred, contempt, or ridicule if they refuse the request.

d. **Other Acts** causing or threatening injury or danger to people;

2. acts against property, including vandalism, theft, trespass, tampering, and other acts causing or risking damage or loss of property;

3. acts of disorderly conduct; intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk; and/or

a. Engaging in fighting, threatening, violent, or tumultuous behavior.

b. Making unreasonable noise which violates University Policy, Clarion Borough Loud Noise Ordinance, or other applicable noise restrictions covered by the law or residential policy;

4. acts of sexual misconduct

a. **acts of engagement in, or attempt to engage in, a sexual assault.** Sexual assault is the imposition of non-consensual sexual conduct (excluding rape). It includes, but is not limited to caressing, fondling, or touching a person's genitalia, buttocks, or breasts. It shall also be considered sexual assault when the victim is compelled to caress, fondle, or touch the assailant's genitalia, buttocks, or breasts.

b. **acts committed, or an attempt to commit, a rape.** Rape (date, acquaintance, and stranger) includes all acts of non consensual sexual intercourse involving any penetration of

a bodily cavity with a foreign object, tongue, digit, or genitalia. A rape occurs when imposed under any of the following circumstances:

* When the complainant is incapable of giving legal consent for mental, developmental, or physical reasons and this fact is known or reasonably should have been known by the person committing the act;

* When the act is committed without the person's explicit consent or is against the person's wishes. Rape incorporates any or all of the following: the use of force, threat, intimidation, coercion, duress, violence, or by causing a reasonable fear of harm;

* When the complainant is prevented from consenting or resisting because of intoxication or unconsciousness at the time of the act.

* Use of intoxicating substances shall not be viewed as justification for the commission of rape or sexual assault.

* **Consent** means explicit cooperation, both verbally and behaviorally. It must be voluntary and with full knowledge concerning the nature of the interaction/encounter. Previous sexual interactions shall not be considered implied consent. Silence or passivity shall not constitute consent.

c. **Domestic Violence** is defined as violence committed by a current or former spouse or intimate partner of the survivor, by a person with whom the survivor shares a child in common, by a person who is cohabitating with or has cohabitated with the survivor as a spouse or someone similarly situated to a spouse, or by a person from whom the survivor is protected under the domestic or family violence laws.

d. **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 survivor. The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; the frequency of interaction between the persons in the relationship.

e. **Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others; or (2) suffer substantial emotional distress. Stalking includes but is not limited to cyberstalking, verbal contact, writing, by phone, electronic media, a third party or by other means to pursue or track another person.

5. acts of intimidation and/or discrimination committed against a person, with malicious intent and in direct combination with the violation of other policies, due to the race, color, ethnicity, religion, sexual orientation, gender identity, disability, veteran status, or national origin of another individual or group of individuals;

6. possession, use, and sale of controlled narcotics and drugs, including drug paraphernalia;

7. possession or use by, and sale or furnishing of, alcoholic beverages to those under 21 years of age;
8. false alarms of fires, bomb threats, and other emergencies; and
9. misuse or tampering with fire fighting equipment.

As members of the university community, students have a responsibility to be familiar with the conduct regulations found in the Students Rights, Regulations and Procedures handbook, and other university documents. These university regulations include the following prohibitions:

1. acts of academic dishonesty, including plagiarism or cheating on assignments, examinations, or other academic work;
2. misuse or unauthorized use of university transcripts, records, or identification;
3. possession or use of firearms, firecrackers, explosives, or other dangerous substances or articles in or around university and university-supervised facilities or on university property (see Appendix I: Weapons, Firearms and Dangerous Devices Policy);
4. possession or consumption of alcoholic beverages in or around university and university supervised facilities or on university property; unless otherwise authorized for those 21 years of age or older by the President in designated areas;
5. unauthorized use of or possession of university and university-supervised facilities or property;
6. breach of building security measures in university and university-supervised facilities;
7. falsification of information given during a university disciplinary investigation or hearing;
8. willful obstruction of a university staff member in the performance of duties;
9. failure to comply with university disciplinary procedures and decisions;
10. failure to provide identification upon the request of a properly identified university staff member;
11. acts of sexual harassment; defined as a form of sex discrimination occurring when there is deliberate or repeated use of sexual comments, attempted physical contact, or actual physical contact in the workplace or academic environment that creates a hostile environment for the recipient. Notably, sexual harassment involves knowledge that a sex-based condition is being imposed in exchange for personal advancement, academic achievement, or any other benefit. For purposes of this policy, unsolicited sexual advances, requests for sexual favors, verbal comments, gestures, or physical contact of a sexual nature which are unwelcome constitute sexual harassment when: Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic standing.

The conduct directed at an individual is so severe, pervasive, and objectively offensive that it undermines and detracts from the victim's educational experience. A reasonable person exhibiting the same characteristics of the victim of the harassing conduct would be adversely affected to a degree that interferes with their abilities to participate and utilize the benefits of an institutional activity, employment, academic performance, or resources.

12. acts prohibiting the Acceptable Use of Technology Resources policy including but not limited to copying and copyright infringement; use of network to abuse, defame, harass, or threaten individuals or groups; and other acts not in accordance with university policies. The [policy in its entirety](#) can be found at Clarion University's Human Resources. Related policies pertaining to the [Legal use of Copyrighted Material](#) and File Sharing at Clarion University can be found with Human Resources.