

University of Pittsburgh



Student Code of Conduct and Judicial Procedures

Effective August 19, 2011

Division of Student Affairs

<http://www.studentaffairs.pitt.edu/studentconduct>

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Introduction

The ultimate purpose of higher education is to develop the minds and characters of students through the pursuit of knowledge and thus contribute to the well-being of society. At the University of Pittsburgh the responsibility and authority for achieving this purpose rests, by law, with the Board of Trustees. “The University of Pittsburgh – Commonwealth Act of 1966” specifically provides:

The entire management, control, and conduct of the instructional, administrative, and financial affairs of the University is hereby vested in the Board of Trustees. The Board may exercise all the powers and franchises of the University and make bylaws for their own government, as well as for the University.

Included in the powers vested in the Board of Trustees is the authority to establish regulations and standards for students. Responsibility for these regulations and standards is delegated to the Chancellor and in turn to specified administrative officials. While exercising these powers the Board of Trustees and University administrators acknowledge and affirm the rights and responsibilities of students – as members of society, as guaranteed by the Federal and State Constitutions, and as expressed by federal, state, and local laws. It is further recognized that students acquire additional rights and responsibilities which are inherent in the educational process.

To the Students of the University of Pittsburgh

When you enrolled at the University of Pittsburgh, you became a member of our community with certain obligations to yourself and to others. You were asked to uphold the principles detailed in “The Pitt Promise,” including embracing the concept of a civil community, avoiding disruptive behavior, supporting a culture of diversity, and working to leave the University a better place for future students. The University believes all of its students share in the commitment to creating a civil community and respecting the rights and values of others. There may be times when there is a breach in the normally civil relationships of our community that entail the involvement of the Office of Student Conduct, which includes the *Student Code of Conduct*.

This volume of the *Student Code of Conduct* is culled from rules and regulations developed over the years. It provides a framework that helps facilitate our shared efforts to live and work together as a community of individuals whose common bond is the pursuit of knowledge. It also reflects the University’s commitment to equity and procedural fairness. I urge each of you to become familiar with your rights and responsibilities so that the provisions of this document can operate to the greatest benefit of all.

Mark A. Nordenberg
Chancellor

The Pitt Promise: A Commitment to Civility

The University of Pittsburgh is committed to the advancement of learning and service to society. This is best accomplished in an atmosphere of mutual respect and civility, self-restraint, concern for others, and academic integrity. By choosing to join this community, I accept the obligation to live by these common values and commit myself to the following principles:

As a Pitt Student:

- ◆ I will embrace the concept of a civil community which abhors violence, theft, and exploitation of others;
- ◆ I will commit myself to the pursuit of knowledge with personal integrity and academic honesty;
- ◆ I will respect the sanctity of the learning environment and avoid disruptive and deceitful behavior toward other members of the campus community;
- ◆ I will support a culture of diversity by respecting the rights of those who differ from myself;
- ◆ I will contribute to the development of a caring community where compassion for others and freedom of thought and expression are valued; and
- ◆ I will honor, challenge and contribute to the scholarly heritage left by those who preceded me and work to leave this a better place for those who follow.

By endorsing these common principles, I accept a moral obligation to behave in ways that contribute to a civil campus environment and resolve to support this behavior in others. This commitment to civility is my promise to the University of Pittsburgh and its community of scholars.

Student Rights Within the University Community

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

- ◆ To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, write, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the University to make reasonable rules and regulations related thereto.
- ◆ To associate with whomsoever they please.
- ◆ To engage in the educational process.
- ◆ To engage in peaceful, orderly, and nondestructive picketing, protests, and demonstrations, to the extent they do not violate public law and do not interfere with the educational process or the rights of other members of the University.
- ◆ To be free from discrimination on the basis of race, color, religion, ethnicity, national origin, age, sex, sexual orientation, or marital, veteran, or handicapped status.
- ◆ To be secure in their persons, living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the University and the student against whom the legally authorized search is directed.
- ◆ To be free from violence, force, the threat of force entrapment, and coercion.

- ◆ To organize one’s own personal behavior as long as such behavior does not violate public law or the rights of others and does not interfere with the educational process.
- ◆ To be informed of the standards and the norms of conduct established by the University and the right to have advance notice of any sanctions for violations thereof.
- ◆ To have the benefit of fair and equitable procedures for determining the validity of charges of alleged violations of the University standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
- ◆ To retain unaltered status as a member of the University community and to be present on campus and attend classes during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the University community or University property or a student’s physical or emotional safety and well-being.
- ◆ To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the University community.
- ◆ To have University records reflect only such information as is reasonably related to the educational process of the University.
- ◆ To be informed of the existence, custodianship, and general character of all personal records maintained by the University.
- ◆ To inspect all personal records, except records determined to be confidential in accordance with properly established criteria.
- ◆ To have protection from disclosure of personal records to unauthorized persons. Information will not be released outside of the University community without the expressed consent of or waiver by the student involved, except under valid legal compulsion or where there is a clear and present danger to a member of the University community, in which case the student will be informed of any such release. (Please refer to Appendix D: Notification of Rights under FERPA for more information.)
- ◆ To establish and elect a representative, democratic student government which is accountable to the University and the student community.
- ◆ To be heard and have one’s views considered at appropriate levels of the decision making process within the University community.
- ◆ To use designated University facilities as individuals and members of student organizations for extracurricular activities sponsored by registered student organizations and student groups, subject to the priority of academic needs and to reasonable University rules and regulations regarding use of facilities.

About the Student Code of Conduct

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

The purpose of this code is to outline nonacademic standards of conduct appropriate to the University in consonance with the educational goals of the University.

The *Code* shall apply to all undergraduate, graduate, and professional students that have matriculated at any of the campuses of the University of Pittsburgh. (Note: regional campuses may have campus specific rules and procedures which should be consulted as applicable.) Students shall also be subject to other regulations properly adopted by the University.

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

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

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

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

“**Resident**” means any person who holds a valid contract to reside in the University residence hall or other University housing.

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

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

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

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

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

In addition, conduct off-campus may be subject to disciplinary action by the University if that conduct 1) seriously threatens the health, welfare, or safety of the University community or any individual member thereof; 2) is considered to be a grave offense and would negatively reflect upon the student’s character and fitness as a member of the student body; or 3) is an incident occurring within the University of Pittsburgh Police jurisdiction and is referred to the University of Pittsburgh Police or University student-judicial authorities.

Students are advised that other University policies may more appropriately apply to a given grievance or avenue of redress, including, but not necessarily limited to, the University of Pittsburgh Guidelines on Academic Integrity and the University of Pittsburgh Sexual Harassment Policy and Procedures.

Distribution

The *Code* will be distributed to all students at the beginning of the fall term. Copies of the *Code* are available for students to pick-up in the Office of Student Conduct, 738 William Pitt Union; Residence Life, 935 William Pitt Union; University of Pittsburgh Police, 3412 Forbes Avenue; Student Health Service, 500 Medical Arts; as well as at several of the individual colleges and other offices on campus. The *Code* is also available on line at <http://www.studentaffairs.pitt.edu/studentconduct> and through the student portal.

The *Student Code of Conduct and Judicial Procedures* is designed as an informational and regulatory document and does not constitute or reflect a contract. The information contained herein supersedes all previously published *Student Codes of Conduct and Judicial Procedures* and is subject to change at the discretion of the University. University policies and procedures, which may be updated and approved subsequent to the publication of this document, will in some instances take precedence over the contents of this handbook. To ensure that you have the most current information, you may contact the Office of Student Conduct at 412-648-7910; you may also access current University policies and procedures and this *Code* on the Internet at www.pitt.edu.

A. Offenses Related to Person(s)

An offense related to a person is committed when a student:

1. Without authority or consent limits or restricts the freedom of a person to move about in a lawful manner.
2. Abuses or injures oneself or another person physically.
3. Threatens, intimidates, coerces, or uses physical force in a manner which causes another person to be reasonably apprehensive or which endangers the health or safety of oneself or another person.
4. Harasses, or attempts to harass a person through repeated, unwanted communications or by putting another person in objective and subjective fear of injury or unreasonably causing severe or pervasive distress by: purposely following another person in public places or other places; communicating in an anonymous manner; or acting in another manner with the intent to harass a person.
5. Obstructs, interferes, or denies another student the rights and privileges affirmed by the Board of Trustees.
6. Engages in any act or preparation intended to result in a violation of this *Code*, which if not prevented, would have resulted in the completion of the act intended.
7. Violates any provision of any of the following:
 - a. University of Pittsburgh Policy on Sexual Harassment (available at the Office of Affirmative Action, 412 Bellfield Hall);
 - b. University of Pittsburgh Anti-Harassment Policy Statement (available at the Office of Affirmative Action, 412 Bellfield Hall);
 - c. University of Pittsburgh Anti-Hazing Policy (available in Appendix F of this *Code*);
 - d. University of Pittsburgh Student Organization Certification Policy (available at 130 William Pitt Union);
 - e. University of Pittsburgh William Pitt Union Student Alcohol Policy (available at Reservations on the main floor of the William Pitt Union); or
 - f. University of Pittsburgh Drug Free Workplace/Drug Free Schools Policy (available on page 17 of this *Code*).
8. Uses a telephone, social media websites, or any form of technology to carry out an offense related to a person.
9. Commits any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent; or engages in unlawful, non-forcible sexual intercourse.

B. Offenses Related to Property

An offense related to property is committed when a student:

1. Knowingly and without consent or authorization has in their possession, dominion or control property of another person or the University.
2. Removes or uses in their room University property which has been placed in lounges or other public areas of University Owned Housing.

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

C. Offenses Related to the Operation of the University

An offense related to the operation of the University is committed when a student:

1. Forges, alters, takes possession, duplicates, or uses documents, records, keys, identification, or computer accounts without consent or authorization by appropriate University officials.
 - a. A student may not deface, transfer, duplicate, loan, borrow, or sell University identification, bus passes, parking permits or Pitt Cards.
 - b. A student may not duplicate University building keys; this includes University Owned Housing keys.
 - c. A student may not possess or use keys to University facilities unless expressly authorized to do so.
 - d. A student may not provide University computing resource access to non-University entities unless expressly authorized to do so.
2. Falsifies information or records submitted to a University official or office.
3. Fails without just cause to comply with the lawful direction of a University official acting in the performance of their duties and authority.
4. Fails to present University identification or gives false identification or identifying information upon request by an authorized University official who has offered proper identification as to his/her status.
5. Purports to represent the University or another person in the University community improperly and without authorization.
6. Engages in solicitation of any type in or on University property unless approved in advance by an appropriate University official.
7. Engages or participates in non-University commercial activity on campus, unless written authorization for such activity has been given by the Provost or Executive Vice Chancellor or their designee. This prohibition includes, but is not limited to, the sale or misuse of class notes and recordings, papers, examinations and other class materials, which may not be sold, exchanged or distributed for commercial purposes, or for any purpose other than study.
8. Obstructs the operation and functions of the University by failing to comply with regulations properly established and approved by the Vice Provost and Dean of Students, which shall by incorporation become part of this *Code*, including, but not limited to, the following:
 - a. A student may not possess or use any cooking appliances and/or cooking equipment in University Owned Housing unless the appliance, equipment, and/or cooking facility is provided by the University or unless the usage of such is expressly authorized by the University.
 - b. A student may not have pets in University Owned Housing.
 - c. A student may not post or display posters, banners, or advertising on University Property (except within their individual accommodation) or in a Food Services area without the advance approval of the appropriate University official and/or Food Services.
 - d. A student is required to observe QUIET HOURS in University Owned Housing, Sunday through Thursday from 10:00 p.m. to 8:00 a.m., also Friday and Saturday from 11:00 p.m. to 8:00 a.m., and is expected to maintain a level of reasonable quietness at all other times.
 - e. A student shall be responsible for their guest(s) at all times, and shall be held responsible for any violations of the *Code* committed by their guest(s).
9. Violates any provision of the Residence Hall Visitation Policy.

10. Obstructs or interferes with the reprimand, discipline, or apprehension of another person who is involved in a commission of an offense under the *Code* or other University regulations or rules.
 11. Disrupts or prevents the peaceful and orderly conduct of classes, lectures, and meetings or deliberately interferes with the freedom of any person to express their views, including invited speakers.
 12. Engages in conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another to do the same.
 13. Fails to control the behavior of a guest or seek University assistance in controlling the behavior of the guest.
 14. Violates the provisions of the Housing and Dining Services Contract agreement and/or the Residential Handbook.
 15. Violates any University of Pittsburgh policy not specifically named in this *Code*.
 16. Violates any federal, state or local law(s), or violates any international law(s) while abroad as such violation is determined by the process outlined in this *Code* for any other offenses.
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D. Offenses Related to Welfare, Health, or Safety

An offense related to welfare, health, or safety is committed when a student:

1. Uses, possesses, or manufactures, without University authorization, firearms, explosives, weapons, or other dangerous articles or substances injurious to person or property without consent or authorization, while on University Property.
2. Refuses to vacate buildings, street walks, driveways, other facilities of the University, or elsewhere, when directed to do so by an official of the University or any other lawful authority having just cause; or fails to vacate a University building, including residence halls, when a fire alarm sounds.
3. Uses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogenics, dangerous drugs, controlled substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.
4. Is knowingly present during the commission of the violation(s) of “uses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogenics, dangerous drugs, controlled substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.”
5. Possesses, consumes or is under the influence of alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania or dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania.
6. Violates any provision of the University alcohol policies or is knowingly present during the commission of the violation(s) of "possesses or consumes alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania or dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania, or violates any provision of the University alcohol policies," will be subject to disciplinary proceedings.

7. Falsely reports a fire, or activates emergency warning equipment, or communicates false information regarding the existence of explosives on University property.
 8. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
 9. Engages in games of chance for money or other gain in violation of the law.
 10. Ignites or burns materials which cause a fire without consent or authorization, while on University property.
 11. Ignites or burns, incense, candles, and/or like materials without consent or authorization, while on University property.
 12. Violates University restrictions on smoking.
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E. Offenses Related to the Judicial System

An offense related to the Judicial System is committed when a student:

1. Attempts to intimidate, coerce, or influence a person by any means in an effort to discourage or prevent their use of or participation in any judicial process or proceedings.
 2. Attempts to influence the impartiality of any member of a judicial body prior to or during the course of a judicial proceeding.
 3. Fails to respond to the summons of a judicial body or official.
 4. Knowingly falsifies, distorts, or misrepresents information before a judicial body or judicial official.
 5. Disrupts or interferes with a judicial proceeding.
 6. Knowingly institutes a judicial proceeding without proper cause.
 7. Attempts to circumvent settlement agreements reached through the Office of Student Conduct.
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F. Offenses Related to the Utilization of University Information Technology Resources Users

“Information Technology Resources” includes, but is not limited to: campus computing facilities (labs, kiosks, printers, and individual machines), residence hall network ports, wireless networks, World Wide Web pages and related resources, internal or external network connectivity and access to other services and machines.

The information technology resources of the University are available to faculty, staff, and students of this institution for the purpose of instruction, research, and other activities defined by the Chancellor or the Provost.

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

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

COPYRIGHT AND FILE SHARING POLICY

The increased use of file sharing (peer to peer) software programs such as Limewire, BitTorrent, and others has led to a significant increase in anti-piracy efforts and legislation. Peer-to-peer programs allow sharing of copyrighted music, movies, and software, often without the knowledge or consent of the user.

Using file-sharing programs like Limewire and BitTorrent to share copyrighted music, movies, games, and other files is illegal. Organizations such as the Recording Industry Association of America (RIAA), the Motion Picture Association of America (MPAA) and others monitor file sharing on the Internet and notify the University when a computer on its network is illegally sharing copyrighted files.

It is the policy of the University of Pittsburgh to respect the copyright protections given to authors, owners, and publishers under federal law including the Digital Millennium Copyright Act. It is against policy for any student, faculty, or staff member to copy, reproduce, or distribute any software, music, games, or movies on University computing equipment except as expressly permitted by a software license or with the written consent of the copyright holder or as otherwise permitted under federal law. Willful infringement may subject a student or employee to University discipline and can impact the privilege to use information technology resources at the University. Uploading or downloading works protected by copyright without the authority of the copyright owner is an infringement of the copyright owner's exclusive rights of reproduction and/or distribution. Anyone found to have infringed a copyrighted work may be liable for statutory damages up to \$30,000 for each work infringed and, if willful infringement is proven by the copyright owner, that amount may be increased up to \$150,000 for each work infringed. In addition, an infringer of work may also be liable for the attorney's fee incurred by the copyright owner to enforce his or her rights. For more information, visit <http://technology.pitt.edu/network-web/responsibilities/illegal-file-sharing.html>.

Policy on Room Entry Within University Owned Housing by Authorized University Personnel

Authorized University personnel may enter student rooms for health and safety inspections, maintenance, housekeeping, or for other reasonable cause.

Visitation Policy, University of Pittsburgh Residence Halls

The following procedures and regulations governing guest visitation have been developed for students in residence in order to meet their needs of personal security, and to assure students the right to privacy in their living units. A visitor or guest is defined as a person who is present at a campus residence at the invitation of a contractual student.

Residents will be accountable for rule infractions for all visitors/guests, including those signed in by the resident and those accompanied by the resident, as well as all visitors/guests within a resident's accommodation.

If visitation becomes problematic between roommates within a given room, the individual experiencing the problem should first address the issue with their roommate and if unable to resolve it, should then contact the Resident Assistant. If you have any unresolved issues related to visitation or wish to seek an exception to any of the provisions of this policy, please contact the Resident Director of your building.

1. All visits are subject to the following conditions:
 - a. The roommate's approval is required, which is granted through the Roommate Contract. All resident students will have the opportunity to establish and regulate visitation through their roommate contract.

- b. All residents and visitors/guests must present proper photo identification to gain building entry. Proper identification includes state issued identification cards as well as identification cards from other schools.
 - c. The Desk Attendant will sign in and sign out visitors/guests.
 - d. All visitors/guests must be escorted at all times by the resident who signed them in while in the building.
 - e. Residents are limited to five (5) visitors/guests at any one time. A visitor/guest is any person not assigned to the accommodation. Exceptions may be approved by the Resident Director. A Resident Director has the right to deny approval of a guest pass.
 - f. A resident may not entertain children under five (5) years of age unless accompanied by a parent, without acquiring permission from Residence Life. If visitation is granted, the period of visitation may not exceed two (2) hours. At no time are children under the age of five (5) permitted to stay in the residence halls overnight.
 - g. A resident may not entertain a person under the age of sixteen (16), unless accompanied by a parent. If the parent is not present, permission of Residence Life must be acquired through the issuance of a guest pass. Guest passes may be acquired through Panther Central at the following times: 9:00 a.m., 12:00 p.m., 3:00 p.m., 6:00 p.m., and 9:00 p.m. They may also be procured in advance by contacting the Resident Director in the building during their posted office hours.
2. An extended guest is defined as any guest visiting between the hours of 2:00 AM and 8:00 AM Monday through Friday. Residents may have extended guests subject to the following additional conditions:
- a. The roommate's signature of approval is required on the roommate contract.
 - b. A resident may not have more than two (2) extended guests at one time.
 - c. An extended guest may not stay longer than three (3) consecutive days (Sunday through Saturday).
 - d. A resident is limited to having six (6) extended guest visits during any calendar month.
 - e. The total number of extended guest nights allowed for any resident student is twenty-four (24) in a given semester.

The University reserves the right, under extreme circumstances, to restrict access to the Residence Halls.

University of Pittsburgh Policy Statement Against Sexual Harassment with Definitions

The University of Pittsburgh's policy statement against Sexual Harassment and definition of sexual harassment, as revised February 2009, are as follows:

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

DEFINITION:

A. SEXUAL HARASSMENT IN GENERAL

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

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

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

B. SEXUAL HARASSMENT STANDARD WHEN CONSTITUTIONALLY PROTECTED SPEECH IS IMPLICATED

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

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

Statement on Alcohol and Other Drugs

Substance Abuse is a major problem in our country. The University has established a comprehensive policy concerning the use and abuse of alcohol and other drugs by students and employees. ***It is of the utmost importance that each student read, and is familiar with University policies regarding alcohol and other drugs.*** Please make sure you read the information provided in this *Code* and in various other University publications.

University of Pittsburgh University Owned Housing Alcohol Policy

The use, possession, or distribution of beverages containing alcohol on University property shall comply with the laws of the Commonwealth of Pennsylvania and University policies. Misconduct that may result in such disciplinary actions and penalties include:

1. The purchase, consumption, possession, or transportation, or the attempt to purchase, consume, possess, or transport any beverage containing alcohol by persons under twenty-one (21) years of age.
2. Distribution of alcoholic beverages to residents/guests under the legal age of twenty-one (21) is absolutely prohibited.
3. Students who are “knowingly present” during the commission of the violation(s) of “possesses or consumes alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania or if in facilities where prohibited by the University; or dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania, or violates any provision of the University alcohol policies,” will be subject to disciplinary proceedings.
4. Alcoholic beverages cannot be transported to another room for any reason, nor are they permitted in any public area, on or off campus, including, without limitation, porches, unenclosed patios, lounges, stairs, lobbies, classrooms, hallways, walkways, and green spaces.
5. Alcoholic beverage containers cannot be used as decorations or for any other purpose whatsoever within University Owned Housing, regardless if they are empty containers.
6. Regardless of ownership or origin, unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University Owned Housing will be confiscated and disposed of.
7. Residents are absolutely responsible and legally accountable for their actions and the actions of their visitor(s)/guest(s), including any damages or injuries which result from their actions during or after the consumption of alcoholic beverages.
8. For residents who are twenty-one (21) years of age or older:
 - Residents that are twenty-one (21) years or older are permitted to possess, consume, or transport alcoholic beverages in University Owned Housing. Residents from other buildings and non-resident guests or commuters are not permitted entrance with alcoholic beverages, regardless of **Note**: Certain residence halls are “alcohol free,” and alcoholic beverages are absolutely prohibited to any residents or by visitors/guests in these areas.
 - The amount of alcoholic beverages per person twenty-one (21) and older in University Owned Housing cannot exceed:
 - a) twelve (12) 12 ounce cans of beer; or
 - b) one (1) pint bottle or one (1) 375 ml. bottle of liquor; or
 - c) one (1) 1.5 liter bottle of wine; or
 - d) two (2) four-packs of wine coolers or other mixed drinks sold in such a quantity, or
 - e) two (2) six-packs of malt beverages or other mixed drinks sold in such quantity, (e.g., Mike’s Hard Lemonade, Smirnoff Ice, etc.).

- Only factory sealed containers of alcoholic beverages may be brought into University Owned Housing. Beer may only be brought into the building in cans. Other containers, including kegs, bulk containers, pumpers, and beer in bottles, are not permitted.

Additional Alcohol Policies

Students should be aware that Recognized Student Organizations are expected to follow alcohol policies which, if violated, are adjudicated by the Office of Student Conduct. Please refer to the Standards Governing Fraternity and Sorority Activity section that appears as Appendix A of this document.

At the University, the health, safety, and welfare of our students and community are paramount concerns. The University continues to incorporate alcohol education as a fundamental component of its strategies to reduce alcohol misuse on campus. In addition to a required online course for all incoming students, first-year students participate in mandatory programming featuring an alcohol-education speaker who discusses topics such as harm reduction, sexual assault, alcohol related emergencies, and the short and long-term personal and professional effects of alcohol misuse while in college. Alcohol education combined with intervention, outreach, environmental initiatives, and enforcement have proven to be effective strategies to mitigate student risk on most college campuses.

Responsible Action Protocol

In addition to specific initiatives to address alcohol misuse, the University expects students to always demonstrate a concern for others. As such, all students are expected to alert appropriate officials in the event of any health or safety emergency – specifically including those involving the misuse/abuse of alcohol or drugs – even if violations of the Student Code of Conduct may have occurred in connection with such an emergency.

Because the University understands that fear of possible actions may deter certain requests for emergency assistance, the University has adopted the following Responsible Action Protocol to alleviate such concerns and promote responsible action on the part of students. Responsible action under the Responsible Action Protocol includes seeking medical assistance for another person who is experiencing an alcohol emergency. In accordance with the Commonwealth of Pennsylvania law, a student under the age of 21 would be protected from prosecution for the possession or consumption of alcoholic beverages if law enforcement, including campus police, became aware of the possession or consumption solely because the student was seeking medical assistance for someone else. The student seeking the assistance must reasonably believe he or she is the first to do so, must use his or her real name with authorities, and must stay with the individual needing medical assistance until help arrives and the student's presence is no longer needed. The University has extended the policy behind this law to cover not only exemption from criminal prosecution but exemption from initiation of student judicial board action as well. The requirements to receive this exemption mimic the Commonwealth law's requirements set forth above and only apply to the student seeking medical assistance for another person.

In a situation involving imminent threat or danger to the health or safety of any individual(s), students are generally expected (1) to contact emergency officials by calling 412-624-2121 or 911 to report the incident, (2) to remain with the individual(s) needing emergency treatment and cooperate with emergency officials, so long as it is safe to do so, and (3) to meet with appropriate University officials after the incident and cooperate with any University investigation.

The Responsible Action Protocol applies only to alcohol violations and does not apply to other criminal activity such as assault, property damage or presence of other illicit substances.

Students who seek protection under the Responsible Action Protocol may be required to meet with a University official to discuss the situation. In addition, failure of students to take responsible actions in an emergency situation, however, may void all protections under this provision, may constitute an aggravating factor for purposes of sanctioning, and may lead to further disciplinary actions when such failure to act otherwise constitutes a violation of the University rules, regulations or policies.

A representative of a student organization hosting an event is expected to promptly call for medical assistance in an alcohol-related emergency. This act of responsibility may mitigate the judicial consequences against the student organization resulting from Student Code violations that may have occurred at the time of the incident. On the other hand, failure to call for medical assistance in an alcohol-related emergency will be considered an “aggravating circumstance” and may affect the judicial resolution against the student organization and individual students if violations may have occurred.

University of Pittsburgh Drug-Free Schools Policy

To implement its commitment to provide a drug-free environment for its students, faculty, and staff, the University of Pittsburgh has established the following policy. The University of Pittsburgh prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on University property or as part of any University activity. Faculty, staff, and students of the University must also comply with the laws of the Commonwealth of Pennsylvania on the possession and consumption of alcohol and other drugs. Violation of this policy will result in disciplinary action within 30 days, including, but not limited to, a warning, written reprimand, fines, suspension, dismissal, expulsion, and/or mandatory participation and successful completion of a drug abuse assistance or rehabilitation program approved by an appropriate health or law enforcement agency. Any University employee paid from federally funded grants or contracts, or any student participating in any federally funded or guaranteed Student Loan Program, must notify the University of any criminal drug statute conviction for a violation **occurring at the University or while engaged in University activities**. Federal student aid eligibility may be forfeited due to certain drug convictions. Under its drug-free awareness program, the University will distribute literature informing employees and students of the dangers of drug abuse, and provide information on available drug counseling, rehabilitation, and employee assistance programs, and penalties that may be imposed for violation of this policy. All University students will be given a copy of the Drug-Free Schools policy annually. A biennial review of the University’s program will be conducted to determine the program’s effectiveness and to ensure that the sanctions against those who violate the policy are consistently enforced. The secretary of education and members of the general public must be provided with a copy of this policy and the results of the biennial review upon request, by the associate vice chancellor for human resources.

Drug-Free Schools and Communities Act of 1989

The Drug-Free Schools and Communities Act requires that, as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education, state educational agency, or local educational agency must certify that it has adopted and implemented a program to prevent the possession, use, or distribution of illicit drugs and alcohol by students and employees. As set forth in the statute, the University of Pittsburgh’s program is required to provide at a minimum:

- a. An annual distribution, in writing, to each employee and student (regardless of the length of the student’s program of study), including:

- i. Standards of conduct that clearly prohibit, at a minimum, possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities
 - ii. A description of applicable legal sanctions under local, state, or federal law
 - iii. A description of health risks associated with the use of illicit drugs and the abuse of alcohol
 - iv. A description of available drug or alcohol counseling, treatment, or rehabilitation or re-entry programs
 - v. A clear statement of the disciplinary sanctions that the University will impose on students and employees
- b. A biennial review by the University of its program to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

Social Impact

Substance abuse is a major social and medical problem in the United States. It is known that serious consequences result from substance abuse. Abusers create problems for themselves and also indirectly for employers, co-workers, classmates, family, and society in general. Substance abuse problems can develop in men and women of all ages, races, and occupations and can have long-reaching effects.

Alcohol is the drug used most commonly by Americans. In recent household surveys, about 50 percent of all persons aged twelve or older reported alcohol use in the past month. Approximately 10 percent of all drinkers are currently problem drinkers.

Media accounts often draw considerable attention to alcohol and other drug use on college campuses. However, according to our own campus surveys, most Pitt students drink in low risk ways or not at all. Fewer than 5 percent of Pitt students use tobacco products on a daily basis. For students who are experiencing substance abuse-related problems, the University has available a variety of support services.

Health Effects

Drinking alcohol contributes to health problems including diseases of the liver, digestive tract, and respiratory, nervous, and cardiovascular systems. In addition, accidents and violence are highly correlated with alcohol and drug use and abuse. Adverse consequences of drug abuse include the increased risk of morbidity and diseases such as hepatitis and AIDS, as well as the potential for developing drug dependency. There are also well-publicized health risks associated with tobacco use, particularly cancer and heart disease. Among students, problems also can arise from inexperience and lack of control, and substance use can lead to academic problems, injuries, campus crime, legal problems, fights, and interpersonal problems.

In addition to complying with state and federal statutes and regulations, the University has a desire to identify and control, to the extent possible, environmental factors that influence the health and safety of members of the academic community. These environmental factors include the minimization of problems related to alcohol and other drug use.

Prevention and Education

The University, through its academic and student support centers, will distribute literature informing students of the dangers of drug and alcohol abuse within and outside the campus community, and provide information on sanctions that may be imposed for violation of this policy. The University, through its employment centers, will distribute literature informing employees of the dangers of drug abuse in the workplace, and provide information on available drug counseling, rehabilitation, and employee assistance programs.

Students should be aware of the rules and regulations outlined in the *University of Pittsburgh Student Code of Conduct and Judicial Procedures* regarding alcohol and drugs. Sanctions for violation of this

policy range from attendance at the Personal Education, Assistance, and Referral Program to disciplinary dismissal.

The applicable legal sanctions under federal, state, and/or local laws include, but are not limited to, a monetary fine, suspension of motor vehicle operating privileges, imprisonment, community service, counseling/treatment, or completion of a mandatory education program.

Alcohol and other drug problems on the University of Pittsburgh campus are addressed through three levels of prevention programming: primary, secondary, and tertiary prevention.

Primary prevention will be directed toward all individuals whether or not they have chosen to use illicit drugs or alcohol. Recognizing that most students reach 21 years of age during their college experience, the University's educational program incorporates material on responsible decision-making that addresses alcohol and other lifestyle choices. Program efforts are directed toward creating a supportive campus environment that reinforces non-use of illicit drugs and the responsible, legal use of alcohol. Ideally, these program efforts prevent individuals from ever abusing alcohol or other drugs.

Secondary prevention is the programming designed to identify and assist individuals considered at high risk for developing alcohol or other drug problems. Individuals who exhibit some level of problematic alcohol or other drug use, or who come from a family afflicted with substance abuse, would be suitable targets for intervention activities.

Tertiary prevention will be aimed at individuals who already have been treated for substance abuse and who are in recovery. Program activities should assist these members of the University community in preventing relapse and maintaining their recovery on campus.

Several departments throughout the University support these educational efforts, through program or curriculum development.

Program Administration

For further information regarding the Drug-Free Workplace/Drug-Free Schools Policy contact:

University of Pittsburgh - Pittsburgh Campus

Office of Human Resources 412-624-8030

Office of Student Affairs 412-648-1006

University of Pittsburgh at Bradford

Office of Human Resources 814-362-7531

Office of Student Affairs 814-362-7651

University of Pittsburgh at Greensburg

Office of Human Resources 724-836-9902

Office of Student Services 724-836-9916

University of Pittsburgh at Johnstown

Office of Human Resources 814-269-7030

Office of Student Life 814-269-7065

University of Pittsburgh at Titusville

Office of Human Resources 814-827-4422

Office of Student Affairs 814-827-4460

Information and Assistance for Alcohol or Drug Abuse -- Pittsburgh Campus

An important step in overcoming any problem is to know where to turn for assistance. Information, counseling, and treatment for alcohol or drug problems are available through resources in the community and costs may be covered by health care benefits. Some of the resources include:

University of Pittsburgh Student Health Service
Medical Arts Building, Suite 500
3708 Fifth Avenue
Pittsburgh, PA 15213
412-383-1830

University of Pittsburgh Western Psychiatric Institute and Clinic
Center for Psychiatric and Chemical Dependency Services
Oxford Building, Suite 900
3501 Forbes Avenue
Pittsburgh, PA 15213
412-246-5910

University of Pittsburgh Counseling Center
334 William Pitt Union
Pittsburgh, PA 15260
412-648-7930

Gateway Rehabilitation Center
Moffett Run Road
Aliquippa, PA 15001
412-766-8700

Student Health Service • Suite 500 Medical Arts Building

The Office of Health Education and Promotion of the Student Health Services offers a variety of services to enhance personal and community health along with informative materials that encourage healthy lifestyles. The harm that often results from substance abuse is of great concern to our campus community; therefore, many prevention and intervention programs are available to students throughout their college years. In addition to the educational programs provided to Freshman Studies classes, fraternities and sororities, and other campus groups, an educational intervention program, Personal Education, Assistance and Referral (PEAR), is offered to students.

The PEAR program is designed to reduce the problems associated with alcohol and other drug abuse among students. Although any student may access PEAR, most students are referred to the program as one of the sanctions for violating the University alcohol and other drug policies. PEAR is a 3-week class that typically meets for 2 hours per week, and includes the completion of an alcohol educational online module and a brief individual assessment with the instructor in the final week. The program coordinator can be reached at 412-383-1830.

Counseling Center • 334 William Pitt Union

Mental health professionals are available to help students with any personal problems or concerns. People come to the center for a wide variety of reasons: personal problems involving relations with parents or peers, emotional or social difficulties, marital conflicts, concerns about academic progress, etc. A certified drug and alcohol counselor is on staff and psychiatric consultation is also available.

Confidentiality is strictly maintained.

The center is open from 8:30 a.m. to 9 p.m. Monday and Wednesday and 8:30 a.m. to 5 p.m. Tuesday, Thursday, and Friday. During the summer semester, the center is open from 8:30 a.m. to 5 p.m. Monday through Friday. There is no charge for counseling services.

For information or appointments, call 412-648-7930 or visit 334 William Pitt Union.

Note: Students/Employees at regional campuses who desire referral should contact the appropriate office listed under “Program Administration.”

Commonly Cited City of Pittsburgh and Pennsylvania Law Violations

Public Intoxication: When an individual appears in any public place under the influence of alcohol or a controlled substance.

Providing Alcohol to Minors: When an individual purchases or serves alcohol to those under the age of 21.

Underage alcohol possession/consumption: When an individual, being less than 21 years of age, attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages.

Open Container of Alcohol: No persons shall consume, carry or possess an open container of alcoholic beverages in the public right-of-way or on private property without the consent of the landowner or tenant.

Carrying a False Id Card: An individual, being under 21, possesses an identification card falsely identifying that person as being 21 years of age or older or obtains or attempts to obtain liquor or malt or brewed beverages by using the identification card of another or by using an identification card that has not been lawfully issued to or in the name of that person who possesses the card.

Possession of Marijuana: When an individual has possession of marijuana, the sentence is dependent on the amount of marijuana in possession.

Sale, Distribution And/Or Cultivation Of Marijuana: When an individual is accused of selling or manufacturing of marijuana; the potential sentence depends of the amount of marijuana in question.

Some Local and State Alcohol and Drug Penalties

<u>Violation</u>	<u>Imprisonment</u>	<u>Fine/Sanction</u>
Underage drinking or possession of alcohol	0 to 90 days	Suspension of driver’s license and/or \$300
Fake IDs used to obtain alcohol	0 to 90 days	Suspension of driver’s license and/or \$300
Marijuana possession 30 grams or less	30 days	\$500
Marijuana possession over 30 grams	up to 1 year	\$5000
Manufacturing or selling marijuana	1 to 10 years	\$5,000 to undefined

University of Pittsburgh Nondiscrimination Policy Statement

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic/cultural diversity. Accordingly, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, disability, or status as a disabled veteran or veteran of the Vietnam era. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs and complaint/grievance procedures, please contact the Director of Affirmative Action (and Title IX and 504, AD Coordinator), Office of Affirmative Action, 412 Bellfield Hall, University of Pittsburgh, Pittsburgh, PA 15260 412 648-7860.

University of Pittsburgh Anti-Harassment Statement

No University employee, University student, or individual on University property may intentionally harass or abuse a person (physically, verbally or electronically) when the conduct is severe or pervasive and objectively and subjectively has the effect of: (1) unreasonably interfering with such person's work or equal access to education, or (2) creating an intimidating, hostile, or offensive work or academic environment. Consistent with the University Nondiscrimination Policy and Sexual Harassment Policy, harassment on the basis of a legally protected classification, such as racial harassment or sexual harassment, is prohibited. This policy statement will be applied with due respect for the University's commitment to equality of opportunity, human dignity, diversity, and academic freedom, and, when constitutionally protected speech is implicated, only to the extent consistent with the First Amendment. For more information, contact the Office of Affirmative Action at 412-648-7860, or refer to the Nondiscrimination Policy (07-01-03) and the Sexual Harassment Policy (07-06-04).

Judicial Board

The Judicial Board is the duly authorized judicial body which has jurisdiction over graduate, professional, and undergraduate students for matters arising from the *Code*. The Judicial Board shall possess the authority to recommend and impose both residence hall and University-wide sanctions. The Judicial Board shall conduct hearings, make findings of facts, recommend and impose disciplinary sanctions where appropriate, and provide due process for students while protecting the rights of all members of the University community.

In extraordinary circumstances where the complexity of factual issues and/or matters of law so dictate, the Chancellor may appoint an ad hoc hearing body to hear cases. Any proceeding before such an ad hoc body shall provide due process and ensure the rights of students.

Judicial Board Structure

The Judicial Board (JB) shall be a standing body comprised of undergraduate and graduate/professional students and various University faculty and staff members who function as Hearing Officers. Three Judicial Board members will actively adjudicate the hearing. Hearing Officers are appointed by the Dean of Students or his or her designee.

Student Appointment to the JB

Applications for student members of the Judicial Board shall be solicited from the University population. Applicants must meet the following requirements. Failure to maintain these requirements will be cause for dismissal:

1. Must be a registered student.
2. Must be a second- term freshman, sophomore, junior, senior, or graduate/professional student.
3. Must be in good academic standing.
4. Must not be on academic or disciplinary probation.
5. Must not be on University Owned Housing Probation, Suspension, or Dismissal.

Appointments will be confirmed by the Office of Student Conduct. Judicial Board members will be removed for failing to meet any of the above requirements and may also be removed at the Dean of Students discretion.

Hearing Officers

In addition to the Judicial Board, Hearing Officers are also available to adjudicate hearings. Various University faculty and staff members comprise the standing body of Hearing Officers. Hearing Officers are appointed by the Student Conduct Officer.

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

Note: This right of election, on a case-by-case basis, may be outweighed by, among other things, such as the need to protect privacy rights or availability of JB members, such as during semester or summer recesses, in which case the Student Conduct Officer shall make the election.

Rights in Disciplinary Proceedings

In preserving the rights of individuals, the University shall have the obligation:

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

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

1. To be considered not responsible until found to be responsible, by preponderance of the evidence of a violation of the *Student Code of Conduct*.
2. To be informed of their rights.
3. To receive written, timely, and complete notice of the specific charge(s) to be resolved.
4. To seek representation, legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot provide representation).
5. To have a fair disposition of all matter as promptly as possible under the circumstances.
6. To elect to be heard by an impartial Judicial Board .
7. To elect to have a hearing in a private forum.
8. To elect to have a settlement agreement, provided it is acceptable to both the respondent and the complainant. Where the victim is not the complainant, the Student Conduct Officer or designee will attempt to consult with the victim for input in the settlement process.
9. To have a disciplinary conference with the Student Conduct Officer when immediate action is proposed prior to a full hearing.
10. To be informed of the maximum and minimum sanctions that may be imposed.
11. To be informed of the format and procedures of the student judicial system.
12. To be informed of the general nature of the evidence to be presented.
13. To confront and question all parties and witnesses except when circumstances make this impractical.
14. To present a factual defense through witnesses, personal testimony, and other relevant evidence.
15. To decline to testify against oneself.
16. To request attendance of witnesses upon a showing of relevance.
17. To receive a written record upon request at the conclusion of the process.
18. To have only relevant evidence considered by the Judicial Board.
19. To be informed of all decisions within a reasonable time.
20. To appeal a decision that meets the criteria outlined in the “Basis For Appeal” section of this *Code* and to be informed of the appellate procedure to be followed.
21. To be free from repeated disciplinary proceedings where the parties and issues are the same.

Filing Procedures

Any member of the University community who feels they have been wronged due to a violation of the *Student Code of Conduct* may schedule a meeting with the Student Conduct Officer or their designee to discuss the situation.

Any University official or member of the University community may institute a proceeding against a student, or a student organization, by filing a judicial referral with the Office of Student Conduct. A judicial referral must set forth the following:

1. The name and address of the student/organization against whom a judicial referral is lodged.
2. The name of the complainant and their status in the University community.
3. The alleged offense(s) which is/are the basis of the judicial referral.
4. A statement demonstrating the facts of the alleged offense(s), which must include:
 - a. Date of occurrence.
 - b. Time of occurrence.
 - c. Place of occurrence.
 - d. Narrative of events.
5. The names of persons having personal knowledge of circumstances or events and the general nature and description of all evidence.
6. The signature of the complainant.

Notice

Upon receipt of a properly filed judicial referral, the Student Conduct Officer shall notify the respondent by mail and/or electronic mail that proceedings have been instituted. The Student Conduct Officer will determine the level of the hearing. For Level I hearings, the letter will inform the student of the date, place, and time of their administrative hearing. If the student does not attend the scheduled hearing, the hearing will take place without them. For Level II hearings, the letter directs the student to schedule a disciplinary conference with the Student Conduct Officer, or their designee, within a specified amount of time. Failure to comply with this directive may result in the scheduling of a judicial hearing and a Hearing Officer being appointed. A judicial hold will be placed on the student's account and academic record until the judicial referral has been adjudicated.

Level I Administrative Hearing Notification and Format

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

At the time, date, and place scheduled, the hearing shall be conducted under the guidance of the Hearing Officer. The results of the hearing will be placed into writing and copies will be distributed to the appropriate parties in a timely manner.

1. The Hearing Officer shall convene the hearing and introduce the parties involved in the proceeding.

2. The alleged offense or offenses upon which the judicial referral has been based shall be read by the Hearing Officer.
3. Respondent shall have the opportunity to question complainant.
4. Respondent shall be given the opportunity to question each witness of the complainant after they testify.
5. Respondent shall inform the Hearing Officer when their presentation is completed.
6. Respondent or representative for the respondent shall have the opportunity to call witnesses.
7. Complainant or representative for complainant shall have the opportunity to question each witness of the respondent after they testify.
8. The Hearing Officer shall deliberate in private until a decision is reached.
9. When a decision in favor of or against a respondent has been reached, the hearing shall be reconvened and the findings of fact and decision are announced.
10. If a decision is entered against a respondent, the parties shall be given the opportunity to address the Hearing Officer regarding the imposition of a sanction. Hearing shall be concluded and participants dismissed. The Hearing Officer shall deliberate in private until the final recommended sanction is reached and recorded.

Appeals

The student has five (5) working days from receipt of the decision by the Hearing Officer to file an appeal in writing to the Student Conduct Officer.

Level II Hearing Notification and Format

Disciplinary Conference

The purpose of the disciplinary conference is to allow a Student Conduct Officer to discuss the alleged offense(s) with the respondent. At this meeting the student is offered a copy of the *Student Code of Conduct*. If the student elects to have a judicial hearing, the Student Conduct Officer or their designee shall provide guidance to the respondent in the completion of the response form, answer questions regarding the procedures and format of the student judicial system, make the necessary arrangements for the hearing, and provide other assistance when appropriate. The hearing response form to be completed at the disciplinary conference shall signify whether the respondent prefers:

- a. To accept the recommended sanction(s) and waive a hearing.
- b. To proceed before the Judicial Board.
- c. To conduct their own defense or be represented by a non-attorney from within the University community.

The respondent will provide the Student Conduct Officer or their designee with all available documents that they intend to introduce at the hearing not less than three (3) working days prior to the hearing date. The Student Conduct Officer or their designee will provide the respondent with all available documents which the complainant will introduce at the hearing not less than three (3) working days prior to the hearing date.

Witnesses

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

The Student Conduct Officer, at their discretion, may allow a witness to testify via closed-circuit audio/video technology. A written request must be received by the Student Conduct Officer not less than five (5) working days prior to the hearing date.

Witnesses who are members of the University community shall be called and other witnesses shall be requested to appear at a hearing. The call or request to witnesses shall set forth:

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

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

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

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

1. The Student Conduct Officer shall convene the hearing and introduce the parties involved in the proceeding.
2. The Student Conduct Officer will not apply technical extraordinary rules of evidence followed in judicial proceedings nor entertain technical legal motions. Technical legal rules pertaining to the wording of questions, hearsay, and opinions will not be formally applied. *Reasonable rules of relevancy will guide the Student Conduct Officer in ruling on the admissibility of evidence.* Reasonable limits may be imposed on the number of factual witnesses and the amount of cumulative evidence that may be introduced.
3. The alleged offense or offenses upon which the judicial referral has been based shall be read by the Student Conduct Officer or designee.
4. Objections to the procedures shall be entered on the record and the Student Conduct Officer shall make any necessary rulings regarding the validity of such objections.
5. Complainant or representative for complainant shall state their case and shall offer evidence in support thereof.

6. Respondent or representative for respondent shall have the opportunity to question complainant.
7. Complainant or representative for complainant shall be given the opportunity to call witnesses.
8. Respondent or representative for respondent shall be given the opportunity to question each witness of the complainant after they testify.
9. Complainant shall inform the Student Conduct Officer when their presentation is completed.
10. Hearing shall be recessed and the Student Conduct Officer shall make a determination as to whether the complainant has presented sufficient evidence to support a finding against the respondent by a preponderance of the evidence.
11. Depending on the determination of the Student Conduct Officer, the matter shall be dismissed or the respondent shall be called upon to present their case and offer evidence in support thereof.
12. The respondent may or may not testify as they choose.
13. Complainant or representative for complainant shall have the opportunity to question the respondent, if the respondent voluntarily chooses to testify.
14. Respondent or representative for the respondent shall have the opportunity to call witnesses.
15. Complainant or representative for complainant shall have the opportunity to question each witness of the respondent after they testify.
16. Respondent shall inform the Student Conduct Officer when their presentation is completed.
17. The Student Conduct Officer shall have an opportunity to address the Judicial Board or Hearing Officer on University regulations, points of law, or procedure in the presence of all parties, but shall not offer other comments without the consent of all parties.
18. Hearing shall be continued and the members of the Judicial Board shall deliberate in private until a decision is reached and recorded.
19. When a decision in favor of or against a respondent has been reached by a majority vote of a Judicial Board, the hearing shall be reconvened and the findings of fact and decision shall be announced.
20. If a decision is entered against a respondent, they shall be given the opportunity to address the Judicial Board regarding the imposition of a sanction. Hearing shall be concluded and participants dismissed. The members of the Judicial Board shall deliberate in private until the final recommended sanction is reached and recorded.

Final Adjudication

The recommended sanction(s) shall be sent to the Vice Provost and Dean of Students. **This individual may increase, decrease, or otherwise change the recommended sanction(s) if he or she believes that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it.**

The final adjudication shall be forwarded to the respondent and charging parties, as well as other parties relevant to the sanction(s).

Where a sanction has been imposed, a record of the adjudication shall be maintained in the Office of Student Conduct and other University areas as appropriate, in accordance with the Records Policy of the student judicial system.

A sanction may be introduced in subsequent disciplinary proceedings, only when an admission or finding of responsibility has been made.

Appeal

Students have the right to petition the University Review Board (URB) for an appeal from the decision of their disciplinary hearing subject to the guidelines outlined in the Basis for Appeal section. Appeals shall be made to the URB within five (5) working days of the date of the decision letter.

University Review Board

The University Review Board (URB) is the duly authorized appellate body which serves as an advisor to the Provost and Chancellor.

The URB may exercise appellate jurisdiction for academic and non-academic matters and shall have sole appellate jurisdiction for academic matters originating from judicial bodies within the Office of Student Conduct.

The URB shall also exercise limited jurisdiction for matters referred directly from the Chancellor, Provost, Senior Vice Chancellor of the Health Sciences, or the Vice Provost and Dean of Students.

The University Review Board shall meet once a term for the purpose of orienting new members and reviewing prior decisions and shall meet at such other times as are necessary to conduct appellate hearings.

URB Structure

The URB shall be a standing body of fifteen (15) members of the University community appointed for staggered terms of two years. Appointment shall be made in the following manner.

1. Five (5) faculty members elected by the University Senate.
2. Five (5) graduate and professional students appointed by the Graduate and Professional Student Association.
3. Five (5) undergraduate students.
 - a. Two (2) appointed by the General Studies Student Council.
 - b. Three (3) appointed by the Undergraduate Student Government.

A matter properly submitted for review shall be heard by the review board of five (5) members of the URB. Review boards shall be composed as follows:

1. In academic cases, three (3) faculty members and two (2) students.
2. In non-academic cases, two (2) faculty members and three (3) students.

URB Moderator

An attorney appointed by the Chancellor, who shall serve as URB Moderator is authorized to:

1. Conduct the administrative and procedural operation of the URB.

2. Determine the appropriateness and completeness of Petitions to the URB in consultation with one student and one faculty member of the URB.
3. Provide advice and assistance to members of the University community regarding the processing of an appeal.
4. Select members from the URB membership to serve on review boards.
5. Moderate all proceedings before the URB.
6. Serve as legal advisor to the URB.
7. Provide legal advice related to URB proceedings and recommendations, if requested, to the Chancellor or other referring authority.

Basis For Appeal

The URB shall hear an appeal whenever requested by the Chancellor, Provost, Senior Vice Chancellor of the Health Science, or Vice Provost and Dean of Students.

The URB shall also hear appeals on the petition of a faculty member, student or student organization when a petition, together with supporting documentation, presents a substantial question within the scope of review of the URB and either the prior adjudication or action resulted in:

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

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

Scope of Review

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

1. Whether rights affirmed by the Board of Trustees have been denied.
2. Whether the adjudicatory process of an initial hearing was conducted fairly and in conformity with properly proscribed procedures.
3. Whether the adjudication was supported by substantial evidence.
4. Whether the regulations involved were lawful and proper and whether they were properly applied in the particular case.
5. Whether the sanction or remedy imposed was in due proportion to the gravity and nature of the conduct.

URB Procedures

Any faculty member, staff member, or student adversely affected by the decision of a judicial body within the Office of Student Conduct may institute an appeal before the URB by filing a petition in the Office of the URB moderator.

A petition must set forth the following:

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

The Moderator in consultation with one student and one faculty member of the URB shall review petitions and determine whether all requirements set forth for the filing of an appeal are satisfied and whether the petition sets forth the basis for an appeal and raises a question within the scope of review.

Upon receipt of a properly filed petition the Moderator shall notify the parties that an appeal has been instituted. Notice shall include:

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

After determining the appropriateness and completeness of a petition and allowing a reasonable amount of time for preparation and review of any documents and recordings, the Moderator shall schedule an appeal. All parties shall receive written notification of the time, date, and place.

The Moderator shall convene a Review Board at the time, date and place scheduled and the appeal shall be conducted under the procedural guidance of the Moderator.

The URB, in its discretion, may elect to decide an appeal based on the submission of briefs by the parties without oral argument. In such cases, the Moderator will provide written instruction to the parties. The Moderator may develop supplemental rules of procedure.

Postponement of Sanction Pending Appeals

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

Persons wishing to postpone a sanction or remedy may petition the URB within five (5) working days of the date of the decision letter by separate petition setting forth reasons why the imposition of a sanction or remedy would unfairly prejudice a party. Petition for postponement shall be reviewed by the Moderator, one student, and one faculty member of the URB. The criteria to be applied in determining whether to postpone a sanction or remedy are as follows:

1. Whether the issues are raised in the appeal may be resolved in favor of the petitioning party; and

2. Whether the petitioning party will be unfairly prejudiced pending a final determination of the appeal by the immediate imposition of the sanction or remedy; and
3. Whether the responding party will be unfairly prejudiced by the postponement of the sanction or remedy.

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

Representation

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

Argument Format

Each interested party shall be given ample time to present his or her position. In support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present an oral or written argument. Each party may question the other about his or her argument. Members of the URB may question the parties.

Each party shall make factual findings and shall render a final adjudication in the form of written opinion. A majority shall control all decisions but there may be an accompanying minority opinion.

URB Action

The URB may remand a matter to the initial adjudicatory authority for further proceedings if it determines there are insufficient written findings or prejudicial procedural error. In other cases the URB shall render a written opinion and recommend action to the Chancellor, Provost, Senior Vice Chancellor of the Health Sciences, or Vice Provost and Dean of Students, accompanied by the complete record.

Sanctions

Community Service — A directive to spend a specified period of time in a constructive undertaking. The community service should be related to the offense and serve the offended population. The student is responsible for providing documentation (to the authority sanctioning the community service) that the community service has been completed. A record of this sanction shall be maintained in the Student Conduct Office and any other appropriate person(s)/office(s) to which the sanction applies.

Counseling Assessment — An assessment by the University Counseling Center with the requirement to satisfy any proscriptive treatment.

Disciplinary Dismissal — A termination of registration of a student. If the student applies for re-admission, they will not be allowed to return to the University. The student will be Persona Non Grata automatically on all University property and will not be permitted to enter or use University property unless the student receives permission from the Vice Provost and Dean of Students or their designee. A record of Disciplinary Dismissal is maintained as a permanent record in the Office of Student Conduct.

Disciplinary Hold – A restriction placed on a student’s account which would prevent a student from registering, issuance of a housing contract, access to athletic facilities, etc. A disciplinary hold will permit the release of academic transcripts.

Disciplinary Probation — A conditional retention of student status for a specified period of time. During the probationary period, a student may be excluded from representing the University in intercollegiate athletics, holding a student office or similar position, or other extra-curricular University activities. Such loss of privilege(s) will depend on each individual set of circumstances. A record of Disciplinary Probation shall be maintained in the Office of Student Conduct and any other appropriate person(s)/office(s) to which the sanction applies.

Disciplinary Reprimand — A written statement from the Vice Provost and Dean of Students expressing disapproval of conduct. A record of Disciplinary Reprimand shall be maintained in the Office of Student Conduct.

Disciplinary Suspension — A termination of registration as a student for a specified period of time. During the period of Disciplinary Suspension, a student is excluded from classes and all other University privileges or activities.

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

The student shall be Persona Non Grata on all University property during the period of suspension and will not be permitted to enter or use University property unless the student receives permission from the Vice Provost and Dean of Students or their designee. A record of Disciplinary Suspension is maintained as a permanent record in the Office of Student Conduct.

Fines — A monetary sanction that can be imposed in a minimum amount of \$10.00 and a maximum of \$250. Any fine exceeding \$250 must be expressly approved by the Vice Provost and Dean of Students. This fine may be in addition to any restitution owed, as appropriate. A record shall be maintained in the Office of Student Conduct. Failure to pay a fine on time may result in a hold on a student’s registration and/or additional disciplinary action.

A \$75 fine may be imposed for a first time offense of underage possession or consumption of alcohol or use or possession of narcotics, hallucinogenics, dangerous drugs or controlled substances except as permitted by law. A \$125 fine may be imposed for a second offense in either of these categories.

A \$250 “host” fine may be imposed upon any residence hall student hosting a party with alcohol and/or drugs present in their residence hall room.

Information Technology Resource Probation — A warning issued to a student violating the Responsibilities of Information Technology Resources. A record of Information Technology Resource Probation shall be maintained in the Office of Student Conduct and in Computing Services and Systems Development (CSSD) and any other appropriate person(s)/office(s) to which the sanction applies.

Information Technology Resource Suspension/Termination — A suspension or termination of part or all of a student’s access to information technology resources. No refund of any fees charged and applied to information technology resources will be made. This sanction may be imposed by the Vice Provost and Dean of Students or their designee.

Interim Information Technology Resource Suspension/Termination — An immediate and temporary suspension of part or all of a student's access to information technology resources. No refund of any fees charged and applied to information technology resources will be made. This sanction may be imposed by the Vice Provost and Dean of Students or their designee, or the Director of Computing Services and Systems Development or their designee, on an interim basis pending a disciplinary hearing.

Interim No Contact Order — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties. Should the student fail to cease contact, they will be subject to additional action, up to and including suspension and/or arrest.

This sanction may be imposed by the Vice Provost and Dean of Students or their designee on an interim basis only to help ensure the safety and well-being of members of the University community, or University property, or to help ensure the student's own physical or emotional safety or well-being.

Interim Persona Non Grata — An exclusion from a facility or area for a specified period of time. During the period the student is excluded from a specified facility or area of the University, he/she will not be permitted to enter or use the University property for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies, patios, and adjacent University property. A record of Interim Persona Non Grata status shall be maintained in the Office of Student Conduct or Regional Campus Office, the office of the person directly responsible for the day-to-day operation of the facility or area, and the University Police and any other appropriate person(s)/office(s) the sanction applies to. Should the student reappear in any of the areas heretofore mentions, they will be subject to arrest.

This sanction may be imposed by the Vice Provost and Dean of Students or their designee on an interim basis only to help ensure the safety and well-being of members of the University community, or University property, or to help ensure the student's own physical or emotional safety or well-being.

Interim Suspension — An immediate exclusion from classes and all other University privileges or activities which is imposed by the Vice Provost and Dean of Students or their designee pending a disciplinary hearing. Interim Suspension may be imposed only to help ensure the safety and well-being of members of the University community, or University property, or to help ensure the student's own physical or emotional safety or well-being. The student will be Persona Non Grata on all University property during the period of the suspension and will not be permitted to enter or use University property unless the student receives permission from the Vice Provost and Dean of Students or their designee.

Involuntary Change of Housing Assignment — A written directive to relocate a resident to an alternative housing accommodation within a specified period of time which is imposed by the Vice Provost and Dean of Students or their designee. Involuntary Change of Housing Assignment is imposed to help ensure the safety and well-being of a member of the University community, or University property, the student's own physical or emotional safety and well-being, or to help ensure that a building/floor has a community environment that is conducive to academic success.

Judicial Educator – A series of online tutorials designed to educate students on common issues arising from living on a college campus and adjusting to college lifestyle.

Judicial Hold - A restriction placed on a student's account which would prevent a student from registering, obtaining enrollment or degree verification, receiving an official transcript, issuance of a housing contract, etc.

Marijuana 101 - Marijuana 101 is a two-session marijuana assessment and education program used as a response to a marijuana-related policy violation. Marijuana 101 facilitators are professional Student Health Service staff and graduate-level interns. Students assigned to the course are charged a one-time fine of \$75 and must complete the education sessions to fulfill the requirements of the sanction. Failure to complete any aspect of the sanction by a designated date may result in additional disciplinary actions including but not limited to monetary fines.

No Contact Order — A directive to cease and desist from any intentional contact, direct or indirect, with one or more designated persons or group(s) through any means, including personal contact, e-mail, telephone, or third parties. Should the student fail to cease contact, they will be subject to additional action, up to and including suspension and/or arrest.

Persona Non Grata — An exclusion from a facility or area for a specified period of time. During the period the student is excluded from a specified facility or area of the University and may not enter or participate in any function within the confines of the area or facility of the University. They will not be permitted to enter or use the University property for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies, patios, and adjacent University property. A record of Persona Non Grata status shall be maintained in the Office of Student Conduct, or Regional Campus Officer, the office of the person directly responsible for the day-to-day operation of the facility or area, and the University Police and any other appropriate person(s)/office(s) the sanction applies to. Should the student reappear in any of the areas heretofore mentions, they will be subject to arrest.

Personal Education, Assistance, and Referral Program (PEAR) — A program designed to: (1) develop a high level of alcohol and other drug awareness and/or (2) identify individuals with substance abuse early so they can be referred to the University's network of support. The program requires attendance at all education sessions. Failure to attend mandatory PEAR programs may result in additional disciplinary actions including but not limited to monetary fines. Additional information on PEAR is available in Appendix B of this *Code*.

Restitution — A written directive to replace, repair, or make specific compensation for property of the University or another person which was damaged, destroyed, or misused. A record of directive to make restitution shall be maintained in the Office of Student Conduct and any other appropriate person(s)/office(s) the sanction applies to. Failure to make restitution by a designated date may result in a hold on a student's registration and/or additional disciplinary action.

Substituted Sanction — A constructive undertaking by a student which shall be substituted for any of the sanctions. A record of the substituted sanction shall be maintained in the Office of Student Conduct and any other appropriate person(s)/office(s) to which the sanction applies.

Termination of Privileges — A termination of specific privileges for a specified period of time intended to remedy a student's disregard for the rights of others. A record of Termination of Privileges shall be maintained in the Office of Student Conduct and any other appropriate person(s)/office(s) to which the sanction applies.

University Owned Housing Dismissal — A termination of residence and permanent exclusion from University owned housing. If the student reapplies for residence, they will not be allowed to return to University owned housing. A record of University Owned Housing Dismissal is maintained as a permanent record in the Office of Student Conduct and in the appropriate University owned housing office. The student will be Persona Non Grata on all University owned housing. This status means they will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies, patios, and adjacent University property. Should the student reappear in any of the areas heretofore mentioned, they will be subject to arrest.

University Owned Housing Interim Suspension — An immediate exclusion from University owned housing and all related privileges and activities which is imposed by the Vice Provost and Dean of Students or their designee, pending a disciplinary hearing. Interim suspension is imposed only to help ensure the safety and well-being of members of the University community, or University property, or to help ensure the student’s own physical or emotional safety and well-being. During the period of University Owned Housing Interim Suspension, the student will be Persona Non Grata on all University owned housing and will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies, patios, and adjacent University property. Should the student reappear in any of the areas heretofore mentioned, they will be subject to arrest.

University Owned Housing Probation — A conditional retention of resident status for a specified period of time. During the probationary period, a resident is excluded from participation in extracurricular University owned housing activities, and may not hold any appointed or elected position within the University owned housing community. A record of University Owned Housing Probation shall be maintained in the appropriate University owned housing office and the Office of Student Conduct.

University Owned Housing Reprimand — A written statement expressing disapproval of conduct. A record of University Owned Housing Reprimand shall be maintained in the appropriate University owned housing office and the Office of Student Conduct.

University Owned Housing Suspension — A termination of residence for a specified period of time from University owned housing. The student will be Persona Non Grata on all University Owned Housing during the period of suspension. This status means they will not be permitted to enter or use University owned housing for visitation, meals, employment, or any other purpose. This status also includes exclusion from lobbies, patios, and adjacent University property. Should the student reappear in any of the areas heretofore mentioned they would be subject to arrest.

At the conclusion of the period of suspension, the student will be allowed to return to University owned housing on a probationary basis for a period of one year unless otherwise specified.

A record of University Owned Housing Suspension is maintained in the Office of Student Conduct, the appropriate University Owned Housing office and any other appropriate person(s)/office(s) to which the sanction applies.

Voluntary Change in Housing Status — If a student moves out of University owned housing after the imposition of original sanction, additional limitations may be imposed on that individual, such as a Persona Non Grata sanction or other restrictions.

Action by the Chancellor or Other Referring Authority

The Chancellor and/or his representatives shall consider the opinions and recommendations of the URB, the record, and such other advice as deemed necessary and proper. They may remand the matter to the initial adjudicatory authority or to the URB for further proceedings, or may enter a final decision, accepting or rejecting the recommendations in part or in their entirety. After appeal to the URB, a sanction imposed by an initial adjudicatory authority may not be increased.

Fraternity and Sorority Life Coordinator Administrative Sanctions

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

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

Any *Code* infraction not adjudicated by the Coordinator of Fraternity and Sorority Life within the standards governing fraternity and sorority activity may be released to the Office of Student Conduct for adjudication. This release may be initiated by the student/organization or by the Coordinator of Fraternity and Sorority Life, and the latter may include recommended sanctions. These sanctions will be given deference to the extent they do not conflict with adjudication by the Office of Student Conduct. Student judicial system procedures will apply once a case has been released from The Office of Fraternity and Sorority Life.

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

Administrative Procedures for Adjudication of Alleged Violations by Fraternity and Sorority Chapters at the University of Pittsburgh

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

Filing Procedures

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

Assessment of Charges by Student Conduct Officer

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

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

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

Determination of Forum

Upon preliminary determination of accountability of the chapter, the Student Conduct Officer shall determine whether the offense(s) will be adjudicated, pursuant to the following procedures, or be referred to the Coordinator of Fraternity and Sorority Life. The Coordinator of Fraternity and Sorority Life may choose to refer the charges to the Interfraternity Council (IFC), the Panhellenic Association (Panhel), or the National Pan-Hellenic Council (NPHC). The IFC, Panhel or NPHC will adjudicate the charges according to relevant judicial proceedings of that organization, shall determine if the organization is responsible or not responsible for the charge(s), and after a finding of responsibility, impose sanctions. If responsible, a chapter may appeal a decision resulting in sanction(s) according to the procedures below.

There shall be no concurrent judicial proceedings by IFC, NPHC, or Panhel judicial boards if the Student Conduct Officer deems an administrative hearing appropriate.

At any time an individual(s) is(are) alleged to have violated the *University of Pittsburgh Student Code of Conduct*, any member of the University community may also refer the matter to the Student Conduct Officer.

Rights in Disciplinary Proceedings

In preserving the rights of both individuals and the fraternity/sorority, the University shall have the obligations:

1. To describe its standards clearly.

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

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

1. To be considered not responsible until found to be responsible by a preponderance of the evidence of alleged violation(s).
2. To be informed of its rights as an organization.
3. To receive written, timely, and complete notice of the specific charge(s) to be adjudicated.
4. To seek representation, legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot provide representation).
5. To have a fair disposition of all matters as promptly as possible under the circumstances.
6. To be informed of the range of sanctions that may be imposed.
7. To be informed of the format and procedures of the student judicial system.
8. To be informed of the general nature of the evidence to be presented.
9. To confront and question all parties and witnesses except when extraordinary circumstances make this impossible as determined by the Student Conduct Officer.
10. To present a factual defense through witnesses, personal testimony, and other relevant evidence.
11. To decline to testify against itself.
12. To request attendance of witnesses upon a showing of relevance.
13. To receive a summarized record upon request at the conclusion of the hearing.
14. To have only relevant evidence considered.
15. To be informed of all decisions within a reasonable time.
16. To appeal a decision and be informed of the appellate procedure to be followed.
17. To be free from repeated disciplinary proceedings where the parties and issues are the same.

Notice

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

Disciplinary Conference

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

Hearing Notification

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

Hearing Officers

Three faculty/staff members appointed by the Dean of Students shall serve as Hearing Officers. The Student Conduct Officer shall chair the meeting, but shall not participate in the determination of responsibility by the Hearing Officers.

Hearing Format

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

1. The Student Conduct Officer shall convene the hearing and introduce the parties involved in the proceedings, and introduce the chapter's representative, if any.
2. The alleged offense(s) upon which the judicial referral has been based shall be read by the Student Conduct Officer.
3. Objections to procedures shall be entered in a written record and the Student Conduct Officer shall make any necessary rulings regarding the validity of such objections.
4. Complainant or representative for complainant shall state their case and shall offer evidence in support thereof.
5. The chapter officer or representative for the respondent shall have the opportunity to question the complainant.
6. Complainant or representative for complainant shall be given the opportunity to call witnesses.
7. Respondent or representative for the respondent shall be given the opportunity to question each witness of the complainant after he/she testifies.
8. Complainant shall inform the Student Conduct Officer when their presentation is complete.
9. The representative of the accused fraternity/sorority may testify or not as they choose.
10. Complainant or representative for complainant shall have the opportunity to question the respondent if the respondent voluntarily chooses to testify.
11. The representative for the respondent shall have the opportunity to call witnesses.

12. Complainant or representative for the complainant shall have the opportunity to question each witness of the respondent after they testify.
13. Respondent shall inform the Student Conduct Officer when their presentation is complete.
14. The Coordinator of Fraternity and Sorority Life shall be called as a consultant to the Judicial Board. The Coordinator will provide information on how the alleged violation(s) affect the University community and will provide insight as to the severity of the alleged violation(s). Both the complainant and the respondent shall have the opportunity to question the Coordinator.
15. The Student Conduct Officer shall have the authority to address the members of the Judicial Board on University regulations or procedure in the presence of all parties.
16. Hearing shall be continued and the Judicial Board shall deliberate in private until a decision is reached and recorded in writing.
17. When a decision has been reached by the Judicial Board, by majority vote, the hearing will be reconvened and the decision of finding announced.
18. If the chapter is found responsible for any or all charges, the parties shall be given the opportunity to address the Judicial Board regarding the imposition of a sanction. The Coordinator of Fraternity and Sorority Life shall be called as a consultant to the Judicial Board. The Coordinator will provide information on how the recommended sanctions(s) affect the University community and will provide insight as to the appropriateness of the recommended sanction(s). Both the complainant and the respondent shall have the opportunity to question the Coordinator. The hearing will be concluded, and the members of the Judicial Board will again deliberate in private until a decision is reached and recorded in writing.
19. The hearing will be reconvened, and the recommended sanction(s) will be announced. A single report containing the finding and any recommended sanction(s) shall be forwarded the Vice Provost and Dean of Students.

Witnesses

The complainant and respondent shall provide to the Student Conduct Officer a written list of witnesses scheduled to appear at the hearing no less than three (3) business days prior to the hearing date.

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

Sanctions

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

Chapter Recolonization — Cessation of operations of the chapter and expulsion or movement to alumni status of all current members by the National Office. The National Office shall submit a recolonization plan for approval to the Vice Provost and Dean of Students.

Chapter Reorganization — Limited operation as defined in the sanction letter. The members shall be reviewed by the National and alumni to determine which members may continue participation in the chapter. Specific conditions shall be established for full reinstatement.

Community Service — Events or activities in which members of the chapter provide aid and assistance to a charitable or philanthropic organization. Service may include, but not be limited to, fund raising.

Educational Programming — Functions sponsored by a chapter, in conjunction with IFC, NPHC, and Panhellenic Association, for the chapter and other chapters that encourage awareness and understanding of critical issues relating to the nature of the offense.

Fines — A monetary sanction may be levied against the chapter, consistent with the sanctions outlined in the *Student Code of Conduct and Judicial Procedures*. Money collected from fines shall go to the Greek Week charity.

Greek Alcohol Awareness Program (GAAP) — A program specifically designed for Greek organizations to: (1) develop a high level of alcohol and other drug awareness and/or (2) identify individuals with substance abuse early so they can be referred to the University's network of support. The program requires mandatory attendance at all sessions. Failure to attend mandatory GAAP programs, or in the alternative, PEAR programs, may result in additional disciplinary action including, but not limited to, monetary fines of the organization and/or individual.

Interim Suspension of Recognition — Pending adjudication of charges filed against a fraternity or sorority, a cessation of operations of the chapter.

Mock Social Event Program - A program designed to assist fraternities and sororities in hosting a social event in congruence with established risk management and social event policies. This program will be facilitated by the Office of Fraternity and Sorority Life.

Risk Management Programming — Functions sponsored by the chapter, in conjunction with the IFC, NPHC, and Panhellenic Association, which educate members of the chapter and other chapters on successful event planning and management in adherence to University and National Risk Management policies. A programming plan must be submitted to and approved by the Office of Fraternity and Sorority Life prior to the event(s).

Social Probation — The loss of chapter privileges to host, sponsor, co-sponsor, or participate in any social activities with non-members ANYWHERE. These restrictions do not apply to member only events at which no non-members are present.

Suspension or Dismissal of Individual Members — The removal of member(s) from the chapter roster prohibiting the individual(s) from any involvement in chapter activity for a specified period of time or permanently.

Suspension of Recognition — For a specified minimum period of time, pending fulfillment of specific conditions for reinstatement, a cessation of operations of the chapter, as specified.

Suspension of Recruitment Activities — Prohibition of participation in activities involving the recruitment, selection, and acceptance of new members.

Termination of Recognition — Revocation of recognition of the chapter's charter as a recognized University fraternity or sorority with no established date or conditions for reinstatement. The chapter shall cease its operation at the University of Pittsburgh.

Where a sanction has been imposed, the record shall be maintained in the Office of Student Conduct for a minimum of three (3) years. The record may be introduced at a subsequent disciplinary hearing if it is determined that the fraternity/sorority has committed another offense. The sanction shall apply to all current members of the organization, as well as any students actively seeking membership in the organization.

Final Adjudication

If there is a determination of responsibility on one or more charges, the findings of the Judicial Board and recommended sanction(s) shall be discussed with and submitted to the Vice Provost and Dean of Students for final adjudication. **This individual may increase, decrease, or otherwise modify the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and any available precedents, justifies a change.** In the event that the sanction(s) has (have) been amended, the Vice Provost and Dean of Students shall include the reason(s) for the change(s) in the notification to the chapter. In any case, the Vice Provost and Dean of Students shall make a determination of an appropriate sanction or set of sanctions, not a finding of responsibility. The Vice Provost and Dean of Students' decision shall be forwarded to the respondent and charging parties within five (5) working days after receipt of the recommendations of the Hearing Officers.

Appeals

The fraternity/sorority has five (5) working days from receipt of the decision by the Vice Provost and Dean of Students to file an appeal in writing to the Vice Provost and Dean of Students. The Vice Provost and Dean of Students shall be obligated to review an appeal only when the prior adjudication resulted in chapter reorganization, chapter recolonization, suspension of recognition, or termination of recognition.

Recognition of Suspended Organizations

After a chapter has served its suspension, the organization may petition the Vice Provost and Dean of Students for permission to recolonize or a reinstatement of recognition after first obtaining a letter of endorsement from IFC, NPHC, or Panhel. The Vice Provost and Dean of Students may assess the degree to which the chapter has fulfilled the terms of its suspension, but successful compliance to such terms shall not be construed as a guarantee for recognition by the University. Any recommendations by others reviewing the status of a suspended chapter may be made but are not binding to the Vice Provost and Dean of Students, who shall have sole authority for this decision.

APPENDIX A: STANDARDS GOVERNING FRATERNITY AND SORORITY ACTIVITY

This section establishes standards of conduct ("Standards") relating to certain matters for fraternities and sororities that are officially recognized by the University of Pittsburgh ("Recognized Groups").

In establishing these Standards, the Interfraternity Council (IFC), Panhellenic Association (Panhel), National Pan-Hellenic Council (NPHC), and the University of Pittsburgh define the responsibilities of Recognized Groups concerning their activities. These Standards are to be enforced by the Interfraternity Council, Panhellenic Association, National Pan-Hellenic Council, and/or the University Division of Student Affairs. All sanctions are to be imposed by the appropriate body under the Office of Student Conduct or personnel within the Division of Student Affairs.

These Standards are intended to, and do hereby, supplement the University's *Student Code of Conduct and Judicial Procedures*. Any Recognized Group, or individual member thereof, or other individual found to have violated these Standards is subject to charge, adjudication and disciplinary sanctions pursuant to the Standards, the *Code* or both.

I. Individual Fraternity/Sorority Member Responsibilities; Recognized Group Responsibility

Recognized Groups, as well as individual fraternity and sorority members who hold membership in a Recognized Group, shall comply with the following minimum requirements at all times while they are engaged in any activity while on the University's campus and any official, organized or sponsored activity of a Recognized Group, whether on or off the University's campus ("Activity"):

1. They shall:
 - a. Act in a safe manner, not causing any undue risk of personal injury or property damage to any person;
 - b. Not emit or discharge, or permit the emission or discharge, of any hazardous substance or any noxious odor, dust, smoke, gas or other pollutant;
 - c. Not generate, or permit the generation of any unreasonable or extraordinary amounts of vibration, noise or traffic;
 - d. Not disturb the peace.
2. They shall abide by all applicable federal, state, and municipal laws and University policies, rules, and regulations.
3. They shall not possess, fire, discharge, or detonate any firearm or explosive device at any time.
4. They shall not litter or deposit refuse, garbage, or other similar waste materials except in containers on property of the appropriate Recognized Group, which have been appropriately designated for such use and which are located in areas designated by the University.

II. Housing and Fire Detection Systems Policy

All Recognized Groups residing in University-owned property shall comply with the terms of their lease, shall cause their members to comply with the terms of their Housing and Dining Services contract and shall ensure compliance with all other applicable rules and regulations.

III. Alcohol Policy

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

However, enforcement of, and compliance with this Policy is the responsibility of the sponsoring Recognized Group, subject to compliance review, in its sole discretion, by the University's Office of Fraternity and Sorority Life.

4. Recognized Groups, and their members, will be responsible for compliance with this Policy by their guests (i.e., persons present at an Activity, but not a member of a participating Recognized Group).
5. The elected officers and corporate officers of each Recognized Group are responsible for formulating and implementing internal rules and procedures specific to their own Recognized Group, which shall insure conformity with this Policy.
6. The Office of Fraternity and Sorority Life regulates the policies and procedures which apply to Recognized Groups for Activities at which alcoholic beverages are present and guests are in attendance. Please refer to the Office of Fraternity and Sorority Life Policies and Procedures document for complete rules and policies.

APPENDIX B: PERSONAL EDUCATION ASSISTANCE AND REFERRAL PROGRAM (PEAR)

In general, any student who demonstrates an inability to comply with the University's alcohol and drug policies is providing evidence of a possible loss of control over their behavior. While one policy violation may not be cause for alarm, research tends to show that two or more may indicate a substance abuse or dependency problem.

It is recognized that each allegation in a judicial case must always be judged on a complete review of its own circumstances. The following guidelines, nonetheless, will be followed to respond to the seriousness of alcohol and drug violations and to insure uniform sanctions for similar offenses. After a case has been referred for disciplinary action, the following will occur:

First Finding or Admission of Responsibility: Adjudication through the Office of Student Conduct or Community Standards system within Residence Life will require attendance at Personal Education Assistance and Referral (PEAR) classes. A fine of \$75 may be imposed. If a student fails to attend and complete a PEAR program within the specific time period, or declines to attend a PEAR assessment interview, a Judicial Hold will be placed on the student's record until the PEAR class has been completed. A rescheduling fee of \$50.00 will be imposed for any student who needs to reschedule PEAR classes. This information will be specified when the student is first directed to undertake PEAR's intervention/education program.

Second Finding or Admission of Responsibility: A fine of \$125 may be imposed. Within two weeks of the imposition of the sanction the student will be required to meet with the substance abuse prevention specialist. This individual may mandate that the student complete some or all of the following treatment or educational options:

1. Attendance at PEAR classes offered by the Student Health Service if not previously completed.
2. Attendance and participation in workshops or seminars pertaining to healthy lifestyle choices (e.g., stress or anger management).
3. Referral to Student Support Services (e.g., Counseling Center, Learning Skills, etc.).
4. Educational requirements including informational brochures, video, audio and interactive methods.

5. Community service.
6. Other possible treatment options.

If a student fails to attend or complete any component of the substance abuse prevention requirements within the specified time period, a judicial hold will be placed on the student's account until the class has been completed. A re-scheduling fee of \$50.00 will be imposed for any student who needs to reschedule PEAR classes. Residence Hall Suspension may also be imposed if appropriate. This information will be stipulated when the student is directed to meet with the substance abuse prevention specialist. Further sanctions, as authorized in the *Student Code of Conduct*, may also be specified at this time.

Subsequent Findings or Admissions of Responsibility: Disciplinary probation or suspension will be considered. Residence Hall Suspension or Residence Hall Dismissal may be imposed for residence hall students.

Fines Not Paid on Time: Fines are payable at Panther Central, which is located in the Litchfield Towers Lobby. Students must take their fine slip to Panther Central when they go to pay the fine(s). Failure to make payment by the due date will result in a Student Services "J" hold on the student's account which does not permit student registration, transcript requests, library usage, etc.

Use of Monies Collected: All PEAR fines will be deposited in an account for use in drug and alcohol education and alternative programming.

In cases deemed immediately threatening to the health and safety of other individuals in the University, particularly in the case of illicit drugs, more serious sanctions, up to and including Disciplinary Dismissal, will be considered instead of the above options. The primary aim of these guidelines is to be educational. They are in addition to—not a substitute for—current sanctions under the **Pennsylvania Crimes Code**, the *Student Code of Conduct* or other University policies and procedures.

APPENDIX C: GREEK ALCOHOL AWARENESS PROGRAM (GAAP)

In general, any organization that fails to comply with the University's alcohol and drug policies places the health and safety of its members and guests at risk. Repeated policy violations may indicate a more serious behavioral dysfunction within an organization. GAAP is an educational intervention intended to reduce problems related to alcohol use and abuse that may occur within fraternities and sororities.

It is recognized that each allegation in a judicial case must always be judged on a complete review of its own circumstances. The following guidelines, nonetheless, will be followed to respond to the seriousness of alcohol and drug violations and to help uniform sanctions for similar offenses. After a case has been referred for disciplinary action, the following will occur:

First Finding or Admission of Responsibility: Adjudication through the Office of Student Conduct will require attendance at the Greek Alcohol Awareness Program (GAAP). All admitted members of the organization, as well as any student currently applying for membership in the organization, must attend. A \$75 fee will be charged to any fraternity or sorority that is sanctioned to complete GAAP. Upon completion of the program, the instructor(s) will provide a record of attendance to the Office of Student Conduct and/or official administering the sanction.

Any member excused from GAAP prior to the event occurring will be required to attend Personal Education Assistance and Referral (PEAR) classes. The Greek organization will incur a hundred dollar

(\$100.00) fine for **each** unexcused member. Excused members failing to complete PEAR within the specified time period, or who decline to attend a PEAR assessment interview, will have a Judicial Hold placed on their record until the PEAR class has been completed. A rescheduling fee of \$50.00 will be imposed for any student who needs to reschedule PEAR classes.

Second Finding or Admission of Responsibility: A fine of \$50.00 per member may be imposed to the organization. Also, within two weeks of the imposition of the sanction the organization will be required to contact the Health Education Office to schedule appropriate programming. Additional violations by the organization will result in additional sanctions up to and including Termination of Recognition.

APPENDIX D: NOTIFICATION OF RIGHTS UNDER FERPA

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

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

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

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

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

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

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

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

One exception, which permits disclosure without consent, is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.

Upon request, the University will disclose education records without consent to officials of another school in which a student seeks or intends to enroll. The University will forward records on request of another school.

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

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-4605

Questions concerning the University's FERPA Policy may also be directed to the Office of the Registrar at 412-624-7600.

Directory Information

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

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

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

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

1. Students may review their educational records by submitting a written request to the Records Custodian in the appropriate University unit. A listing of those University offices which routinely possess educational records of students are set forth in University Procedure 09-08-01.

2. Students may request amendment of educational records by submitting a written request to the Record Custodian and following the steps set forth in University Procedure 09-08-01.

3. As set forth in University Policy 09-08-01, access to a student's educational records may be required and permitted by University faculty and staff for legitimate educational purposes where access by such individuals is necessary to complete their University-related duties.

If you choose not to have Directory Information released, complete and return this form to G-3 Thackeray Hall (Office of the University Registrar).

NAME: _____

SOCIAL SECURITY NUMBER: _____

ADDRESS: _____

I hereby request no personal information included in Directory Information be released.

SIGNATURE: _____

DATE: _____

APPENDIX E: PARENTAL NOTIFICATION FOR STUDENT MISCONDUCT

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

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

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

When and how parents/guardians will be notified:

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

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

Who parents/guardians should contact if they have any questions:

There will be a cover letter enclosed with a copy of the sanction letter explaining whom to contact for additional information. Before calling, it is suggested that parents/guardians contact their student first to determine if the parents/guardians assistance is required. The University hopes that parents/guardians can play a proactive role in this process by using their influence to keep students from returning to the judicial process. This can be done best by having private family discussions and understandings. Staff members from Residence Life and the Office of Student Conduct are available to provide any necessary clarification. Residence Life may be contacted at 203 Bruce Hall on campus or at 412-648-1200. The Student Conduct Officer can be contacted at 738 William Pitt Union or by telephone at 412- 648-7910.

A parent/guardian cannot change a sanction:

The system of due process for all students does not allow the University the option to forego duly authorized sanctions for some students and not for others. Students who commit violations will be held accountable for their offense(s) as part of their education. They also will have available counseling and other academic support services to maintain their educational goals. The vast majority of students readily

adapt to these opportunities. Recent evaluations indicate that only about 4 percent of the students who receive alcohol counseling through the University's referral system, for example, return to the judicial process for a repeat offense.

APPENDIX F: UNIVERSITY OF PITTSBURGH ANTI-HAZING POLICY

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

Hazing is defined as follows:

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

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

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

Students and others are encouraged to report incidents, and suspected incidents of hazing. Reports may be made to the Pitt Police (412-648-2121) or the Student Conduct Officer (412-648-7910).

Hazing related to any University of Pittsburgh athletics teams may also be reported to the Director of Athletics (412-648-8230) or Associate Athletic Director for Student Life and Compliance at 412-648-8452).

Appendix G: Sexual Assault Regulations and Procedures

University Sexual Harassment and Nondiscrimination Policies, and Federal and State Law (specifically Title IX, 20 U.S.C. § 1681, *et seq.* and 24 P.S. § 20-2003-G) require the University to promptly investigate and respond to sexual assault in a manner that is both discrete and dignified. Please refer to the *For Safety's Sake* brochure at <http://www.safety.pitt.edu/sexualassaultInformation/index.html> for a complete listing of resources.

If a Sexual Assault Occurs:

Call Pitt's police department (if on campus, call 4-2121; if at a non-campus phone, call 412-624-2121) or city of Pittsburgh police at 911. Either will provide you with support and transportation to the nearest hospital.

Q: Is there a central office to help me if I have been a victim of sexual assault?

A: Call Pitt's Office of Sexual Assault Services at 412-648-7930 or 412-648-7856 if after 5 p.m. The coordinator, Mary Koch Ruiz, provides counseling as well as support throughout the medical, judicial, and recovery processes. Students can also obtain information about available medical, legal, and counseling resources within the University and local communities from this office.

Q: I don't know if I want to pursue legal action. What should I do?

A: Survivors are encouraged to report sexual assaults to the University of Pittsburgh Police Department (412-624-2121) if the assault occurred on campus, or to the Pittsburgh city police (911) if the assault occurred off campus. Survivors have the right to refuse to press charges even if they file a police report. However, Pitt police will assist the survivor in pressing charges on or off campus if the survivor decides to do so.

If the alleged assailant is a Pitt student, the survivor also has the option of filing a referral with the Office of Student Conduct (412-648-7910). The Office of Sexual Assault Services, University Counseling Center, Office of Residence Life, and Student Health Service will assist survivors in notifying these authorities and filing a judicial referral if desired. The Office of Sexual Assault Services, Pittsburgh Action Against Rape, and the Center for Victims of Violence and Crime also provide a support person to discuss options and accompany survivors through the legal process.

Q: What happens during the hearing?

A: Both the survivor and the accused have a number of choices with regard to the hearing. The case may be heard by a hearing panel, consisting of three trained faculty, staff, and student hearing officers. This hearing is closed to anyone other than the people directly involved. For further details, please refer to the Level II Hearing Process found on page 29 of this *Code*.

The Office of Student Conduct, who serves as the hearing moderator, will enforce the following procedures:

- The accuser and accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding.
- The accuser and accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sexual offense.
- The hearing will be held in a private forum.

Q: What sanctions can be imposed following a disciplinary hearing? Can I appeal?

A: For both forcible and nonforcible sexual offenses, sanctions range from disciplinary reprimand (with possible residence hall dismissal if the accused lives on campus) to disciplinary dismissal from the University of Pittsburgh. Any party affected by the decision rendered may petition for appeal to the University Review Board.

Punishment for convicted offenders may also be carried out by the public court system if the survivor pursues additional legal prosecution or civil action.

Sexual assault can be a form of sexual harassment and therefore could violate, and be processed under, University policy 07-06-04. Any student who believes he or she has been sexually assaulted or harassed or retaliated against for complaining of sexual assault or harassment, or for providing information in an investigation of sexual assault or harassment, may also contact the:

*Title IX Coordinator
412 Bellefield Hall
(412) 648-7860*



The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic and cultural diversity. Accordingly, as fully explained in Policy 07-01-03, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, gender identity and expression, genetic information, disability, or status as a veteran. The University also prohibits and will not engage in retaliation against any person who makes a claim of discrimination or harassment or who provides information in such an investigation. Further, the University will continue to take affirmative steps to support and advance these values consistent with the University's mission. This policy applies to admissions, employment, access to and treatment in University programs and activities. This is a commitment made by the University and is in accordance with federal, state, and/or local laws and regulations.

For information on University equal opportunity and affirmative action programs, please contact: University of Pittsburgh, Office of Affirmative Action, Diversity and Inclusion, Carol W. Mohamed, Director (and Title IX, 504 and ADA Coordinator), 412 Bellefield Hall, Pittsburgh, PA 15260 (412) 648-7860.

For complete details on the University's Nondiscrimination Policy, please refer to Policy 07-01-03. For information on how to file a complaint under this policy, please refer to Procedure 07-01-03.