University of Pittsburgh

Student Code of Conduct

Effective November 3, 2016

Division of Student Affairs

conduct.pitt.edu
Contact Information

For questions or information regarding the Student Code of Conduct or the Conduct Process and Procedures, please contact:

Office of Student Conduct
738 William Pitt Union
412-648-7910

For questions or information regarding the Appeals Process, please contact:

University Review Board Moderator
1710 Cathedral of Learning
412-624-5674

For questions or information regarding Title IX, please contact:

Title IX Office, part of the Office of Diversity and Inclusion
titleixcoordinator@pitt.edu
500 Craig Hall
412-648-7860
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Introduction

Being a member of the University of Pittsburgh community is a privilege. This privilege comes with the responsibility to act in accordance with all institutional rules and polices. The Student Code of Conduct (Code) exists to provide information on these behavioral expectations and to outline the process used to address violations of these expectations. If you live in University housing, the Code should be read in conjunction with the Residential Handbook.

Academic discipline of students is not covered by this Code, but rather falls within the authority of the University’s individual academic units.

The ultimate purpose of higher education is to develop the mind and character of students through the pursuit of knowledge such that these students will 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.

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 may have additional rights and responsibilities which are inherent in the educational process.

Notice

All students are expected to familiarize themselves with and are required to abide by the provisions of the current Code. This Code is not a contract.

The Code is subject to change at the discretion of the University. To ensure you have the most recent version, please visit conduct.pitt.edu. Copies of the Code are also available at the Office of Student Conduct, 738 William Pitt Union.

Application, Scope, and Jurisdiction of the Code

The purpose of this Code is to outline non-academic standards of conduct appropriate to and consistent with the University’s educational goals.

The Code shall apply to all Students that are enrolled in or have matriculated at any of the campuses of the University of Pittsburgh. “Student” includes all individuals taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, both degree and non-degree seeking, as well as individuals enrolled in non-credit courses and programs. In addition, for purposes of the Code, Code jurisdiction also includes individuals who have accepted an offer of admission to the University; and Students who withdraw after allegedly violating the Code, who are on leave of absence from the University, or who are not officially registered and/or enrolled for a particular term, but have a continuing relationship with the University. (Note: Regional campuses may also 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.
Students are expected to conduct themselves as responsible members of the University community. Those Students who violate the Code will be subject to disciplinary action by the University, when 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) threatens the health, welfare, safety, or educational environment of the University community or any individual member thereof; 2) is considered by the University to be a serious 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 the Office of Student Conduct.

University policies, practices, guidelines, and procedures, which may be updated and approved after the publication of this Code, will in some instances take precedence over the content of this Code. Students are advised that standards and procedures other than those set forth in this Code may more appropriately apply to a given dispute or situation, including, but not necessarily limited to, the University of Pittsburgh Guidelines on Academic Integrity and the University of Pittsburgh Sexual Misconduct Policy. The University determines which policies and procedures to apply. To ensure that you have the most current information, you may contact the Office of Student Conduct at 412-648-7910.

Non-Discrimination Notice

Students can find the University’s Notice of Non-Discrimination at the following link: https://www.diversity.pitt.edu/about/notice-non-discrimination
CHAPTER 1: Student Rights and Responsibilities

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.
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.

Student Rights under FERPA

The full Notification of Rights under the Family Education Rights and Privacy Act (FERPA), as well as access to the FERPA waiver, can be found at: http://www.registrar.pitt.edu/ferpa.html

Parental Notifications under FERPA

FERPA permits the University to notify parents/guardians when a Student who is under twenty-one (21) years of age is found responsible for or admits to an alcohol or drug violation.

Notification to parents/guardians of such violations is part of a strategy to connect parents/guardians with appropriate University representatives to reduce the risk of University Students developing patterns of behavior that may jeopardize their academic success, health, or well-being. Under special circumstances, professional staff at the University may use their discretion to determine whether or not this notification is in the best interest of the Student.

When and how parents/guardians will be notified:

Parents/guardians of Students will be notified via a written parental notification letter when the appeals period has ended and after: a Student is found responsible for an alcohol or drug infraction in the Student conduct system. This does not include Students who are sanctioned solely for being "knowingly present" during drug and/or alcohol violations.

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

The Parental Notification Letter will explain who to contact for additional information. Before calling for more information, the University encourages parents/guardians to first speak to their Student to see if the Student requires any assistance and to proactively encourage the Student to make responsible choices that will help the Student avoid future conduct violations. If parents/guardians want to speak with staff, the parents/guardians should have their Student provide written permission to the staff member who signed the parental notification letter, which can be an email. For questions or clarification about the parental notification letter, please contact Residence Life on campus at 412-648-1200 and/or the Office of Student Conduct on campus at 412-648-7910.

Student Identification Requirements

At all times, Students are required to carry currently validated identification cards. These cards help to identify the individual as a currently enrolled Student, and afford the individual University privileges, such as the ability to access University fitness centers or acquire tickets to University-sponsored events. Additionally, all residence hall Students must carry, and present, valid University I.D. to gain access into their assigned residence halls.
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 sexual violence or the misuse/abuse of alcohol or drugs – even if violations of the Code 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 or other 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 conduct board action as well. The requirements to receive this exemption are based on Pennsylvania law set forth above and apply to students seeking medical assistance for another person and to the victims of sexual misconduct.

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.

Under the Responsible Action Protocol, the reporting Student will be exempt from disciplinary action based on alcohol violations, but not from disciplinary action relating to any 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 or other emergency. This act of responsibility may mitigate the conduct consequences against the Student Organization resulting from 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 or other emergency will be considered an “aggravating circumstance” and may affect the conduct resolution against the Student Organization and individual Students if violations may have occurred.
CHAPTER 2: Offenses of the Student Code of Conduct

A. Offenses Related to Person(s)

An offense related to a person is committed when a Student or a Student Organization:

1. Limits or restricts the freedom of a person to move about in a lawful manner without authority or consent.

2. Physically abuses or injures a person.

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; 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 Sexual Misconduct Policy (available at the Office of Diversity and Inclusion, 500 Craig Hall);
   b. University of Pittsburgh Non-Discrimination and Anti-Harassment Policy (available at the Office Diversity and Inclusion, 500 Craig Hall);
   c. University of Pittsburgh Anti-Hazing Policy;
   d. University of Pittsburgh Student Organization Registration Guidelines;
   e. University of Pittsburgh William Pitt Union Student Alcohol Policy (available at Reservations on the main floor of the William Pitt Union); or

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

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1 Consent is an informed decision made freely and actively by all parties to engage in mutually acceptable sexual activity. Consent is given by clear words or actions and may not be inferred from silence, passivity, or lack of resistance alone. Existence of a current or previous dating, marital, and/or sexual relationship is not sufficient to constitute consent to additional sexual activity. Consent to one type of sexual activity does not imply consent to other types of sexual activity.

Someone who is unconscious, asleep, or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition, cannot give consent. Consent cannot be obtained by force, intimidation, threat, coercion, isolation, or confinement. Agreement obtained under such conditions does not constitute consent. A person’s use of alcohol and/or other drugs does not eliminate his or her responsibility to obtain consent.
unlawful, non-forcible sexual acts. This includes, but is not limited to, rape, forcible fondling, incest, and statutory rape.

10. Commits any act of relationship violence as defined below:
   a. Domestic Violence: Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person living with or has lived with the victim as a spouse, by a person similarly situated to a spouse of the victim, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family laws of the jurisdiction. It is important to recognize that emotional, verbal, and economic abuse are part of the web of domestic violence and can exist without the presence of physical abuse.
   b. Dating Violence: Violence by a person who has been in a romantic or intimate relationship with the victim. It is important to recognize that emotional, verbal, and economic abuse are part of the web of dating violence and can exist without the presence of physical abuse.

11. Stalking and/or cyber-stalking: To engage in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person, or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

12. Any unauthorized use of electronic or other device to make an audio or video record of any person while on University premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, secretly taking pictures of another person in a gym, locker room, or restroom.

B. Offenses Related to Property

An offense related to property is committed when a Student or Student Organization:

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, negligently, or without consent alters, misuses, abuses, damages, or destroys property owned or in the possession of another person or the University.

5. Affixes, implants, or otherwise fastens any object to floors, ceilings, or walls of any University Property which might stain, scar, vandalize, or otherwise cause damage to University Property.
6. Throws anything from the windows and/or balconies of any University building.

7. 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.

8. 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.
   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.

9. Violates any provision of the University of Pittsburgh Posting and Chalking Guidelines.

C. Offenses Related to the Operation of the University

An offense related to the operation of the University is committed when a Student or Student Organization:

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.

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 materials 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. Please see the Residential Handbook for a list of approved items.

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).


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, quiet study, and/or 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 or a breach of peace.

13. Violates the provisions of the Housing and Dining Services Contract, the Residential Handbook, any Fraternity and Sorority Life policy, any Student Organization policy, and/or any other University policy, procedure, or guideline whether or not listed in the Code.

14. Violates any federal, state or local law(s), or violates any international law(s) while abroad.

D. Offenses Related to Welfare, Health, or Safety

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

1. Uses, possesses, or manufactures, without University or other appropriate authorization or consent, firearms, explosives, weapons, or other dangerous articles or substances injurious to person or property, while on University Property.

2. Fails or refuses to vacate buildings, sidewalks, 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 an emergency alarm sounds.

3. Uses, misuses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogens, dangerous drugs, controlled or illicit 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. The use of medical marijuana in the workplace and on campus is restricted by federal laws, such as the federal Safe and Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Accordingly, the University of Pittsburgh is required to prohibit the use of marijuana on campus.

4. Is knowingly present during the commission of the violation(s) of “uses, misuses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogens, 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 any University alcohol policies, possesses paraphernalia, such as beer bongs, 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."

7. Falsely reports a fire, activates emergency warning equipment, or communicates false information regarding the existence of explosives or any other emergency situation 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.

### E. Offenses Related to the Conduct System

An offense related to the conduct system is committed when a Student or Student Organization:

1. Attempts to intimidate, coerce, influence, or retaliate against a person by any means in an effort to discourage or prevent their use of or participation in any conduct process or proceedings.

2. Attempts to influence the impartiality of any member of the conduct process prior to or during the course of a conduct proceeding.

3. Fails to respond to the request of a conduct administrator or University official.

4. Knowingly falsifies, distorts, or misrepresents information before a conduct administrator or University official.

5. Disrupts or interferes with a conduct proceeding.

6. Knowingly institutes a conduct proceeding without proper cause.

7. Attempts to circumvent settlement agreements reached through the Office of Student Conduct.
F. Offenses Related to University Information Technology Resources

“Information Technology Resources” include, but are not limited to: campus computing facilities (labs, kiosks, printers, and individual machines), residence hall network ports, wireless networks, administrative computing systems, telephones, University Computing Accounts, 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.

An offense related to University information technology resources is committed when a Student or Student Organization:

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 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 them.

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 files (e.g., music, movies, video games) 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.

Policy Violations

A. Copyright and File Sharing Policy

The University of Pittsburgh policies on copyright infringement and file sharing are maintained by the Office of Computing Services and Systems Development (CSSD). These policies can be found online by using the link above.

B. 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 Code violations of all of their visitors/guests, including those scanned 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 must obtain permission from their roommate(s) each time they would like to entertain a guest.
   c. All residents and visitors/guests must present proper photo identification to gain building entry. Proper identification includes state issued identification cards and Pitt IDs.
   d. All guests must be scanned in and out with the desk attendant.
   e. All visitors/guests must be escorted at all times by the resident who scanned them in while in the building.
   f. Residents are limited to three (3) 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.
   g. Visitors under the age of 10 years old must be accompanied by a parent or guardian during any visit.
   h. Visitors 10 years of age to 16 years of age who are not accompanied by a parent or guardian, must have written approval from a parent or guardian prior to any visit. Visitors must obtain a
guest pass from Panther Central in Towers Lobby. Both the resident and the guest must be present for a guest pass to be issued. Panther Central will review the written approval from the parent or guardian. Upon discretion of the staff, there may be need for further approval from a parent or guardian. If needed, the Resident Director will be contacted for further discussion.

i. Visitors over 16 years of age must have a valid photo ID to visit. Visitors without a valid approved photo ID must obtain a guest pass from Panther Central in Towers Lobby. Both the resident and the guest must be present for a guest pass to be issued. If needed, the Resident Director will be contacted for further discussion. Upon discretion of the staff, there may need to be approval from a parent or guardian.

2. An extended guest is defined as any guest visiting between the hours of 2:00 AM and 8:00 AM. Residents may have extended guests subject to the following conditions:
   a. All residents must obtain permission, including the roommate’s signature, from their roommate(s) each time they would like to entertain a guest.
   b. A resident may not have more than three (3) extended guests at one time.
   c. A resident is limited to having ten (10) extended visits during any calendar month.

Notwithstanding the preceding conditions, the University, may elect to restrict access to the Residence Halls at any time and under any circumstances.

C. 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. Accordingly, the University prohibits the following:

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. Being “knowingly present” during the commission of the violation “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.”

4. Transporting alcoholic beverages to another room for any reason; on campus unless otherwise permitted by University policy; or in violation of any open container laws.

5. Using alcoholic beverage containers as decorations or for any other purpose whatsoever within University Owned Housing, regardless if they are empty containers.

6. 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.

7. 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 age. **Note:** Certain residence halls are “alcohol free,” and alcoholic beverages are absolutely prohibited by 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. 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, regardless of ownership or origin.

**D. Fraternity and Sorority Life Policies**

This section establishes, in part, 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 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 Code. 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.

To view the policies and procedures regarding Recognized Groups in full, please visit the Office of Fraternity and Sorority Life located on the 6th floor of the William Pitt Union.

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

In addition to the standards set forth in this Code and the University’s policies and procedures, 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:

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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
(as applicable), 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.

The health and safety of Students is a top priority. Each semester the fraternity houses located on
Sutherland Drive and University Drive are inspected by a University team consisting of representatives of
the Department of Environmental Health and Safety, the Office of Fraternity and Sorority Life, and the
Department of Housing. During these inspections, all fire safety equipment is examined. Tampering
with fire safety equipment can create a dangerous and potentially fatal environment for all residents of the
building.

The Code will be strictly enforced for fraternities, sororities, and residents that tamper with any of the fire
safety equipment. When such violations occur, the organization and residents of the room where the
violation was found will have a Level II hearing, which can ultimately result in the organization’s
recognition being suspended and/or Students being suspended or dismissed from the University. Fines up
to $1,000 per organization or Student per violation may be assessed. Each resident of the room may be
considered in violation of the knowingly present code in rooms where the fire safety equipment has been
abused, removed, altered, tampered with, or damaged.

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 ensure 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.

E. 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).
CHAPTER 3: Process and Procedures: From Referral to Resolution

Record Retention Policy

The Office of Student Conduct maintains adjudicated conduct records for a period of seven (7) years from the date of adjudication. Files will be maintained permanently for all pending incidents and incidents resulting in disciplinary suspension or disciplinary dismissal.

Student Rights Within the University Community

Student Rights Within the University Community are listed in Chapter 1 of this Code.

Filing Procedures

Any member of the University community who has witnessed, been subject to or has knowledge of a violation of the Code may schedule a meeting with the Student Conduct Officer or their designee to discuss the situation.

Any member of the University community may file a conduct referral against a Student, or a Student Organization, with the Office of Student Conduct, unless the referral involves sexual misconduct, which shall proceed according to Chapter 5. A conduct referral must set forth the following:

1. The name and address of the Student/Organization against whom a conduct referral is lodged.
2. The name of the Complainant (person alleging a Code violation) and their status in the University community.
3. A description of 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.
4. The names of persons having personal knowledge of circumstances or events and the general nature and description of all evidence.
5. The signature of the Complainant.

Conduct referral forms may be obtained in the Office of Student Conduct.

Level I Incident Process and Procedures

A Level I incident is any incident in which the sanctions for the Respondent may not rise to the level of Disciplinary Probation, Suspension, or Dismissal.

Level I Incident Process

The Office of Student Conduct will assign appropriate Code charges after reviewing and/or discussing the referral with the Complainant. Upon receiving a conduct referral, the Office of Student Conduct will determine whether the referral contains enough information to constitute a Level I violation. Once this
determination is made, a Hearing Officer will notify the Student by mail and/or electronic mail that the Student has been named as a Respondent in a referral filed with the Office of Student Conduct.

As appropriate, Level I incidents will be heard by the Office of Student Conduct, the Student Conduct Peer Review Board, or Residence Life staff. Some incidents may require the Student to meet with the assigned Hearing Officer to determine charges prior to issuance of the notice letter. Failure to attend such a meeting may result in a judicial hold being placed on the Student’s account.

Level I Administrative Hearing

For Level I administrative hearings, the Student’s notice letter will inform them of the charges, as well as the date, time, and place of their hearing. At the administrative hearing, the Hearing Officer shall answer any questions the Student has and shall allow the Student to provide information related to the assigned charges. Failure to attend the administrative hearing may result in the hearing being held in the Respondent’s absence and sanctions being imposed.

Students have the right to seek representation. Legal counsel shall be restricted to an advising role and may not 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).

Students have the right to decline to testify against themselves, although the Hearing Officer may take this into account during deliberations.

Hearing Officers will use a preponderance of the evidence standard (more likely than not) when deciding responsibility for violations of the Code.

At the Level I incident administrative hearing:

1. The Hearing Officer will convene the hearing by reading the Code violations.

2. The Respondent will have the opportunity to review the referral and respond to the alleged charges. At this time, the Respondent can ask questions and present information through personal and/or witness testimony and/or documents. The Hearing Officer will not apply technical rules of evidence followed in conduct proceedings and will not 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 Hearing 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 Hearing Officer may ask questions regarding any of the additional information provided by the Respondent.

4. After the information has been discussed, based on a preponderance of the evidence, the Hearing Officer will determine responsibility regarding the charges and will inform the Respondent of the imposed sanctions.

5. The Respondent will then have the option to:
   a. Accept the findings and imposed sanctions.
b. Accept the findings, but reject and appeal the imposed sanctions.
c. Reject the findings and imposed sanctions and appeal both.

Sanctions
**Please refer to Appendix A for a list of all potential sanctions.**

**Level I Incident Appeal Process**

Respondents seeking to appeal any decision from a Level I incident administrative hearing must file a petition for appeal with the Office of Student Conduct within five (5) business days of the Level I incident administrative hearing. The appeal form can be obtained from the Office of Student Conduct. The appeal request must include the following:

1. Name
2. Date of alleged incident
3. Date of administrative hearing
4. Type of appeal (sanctions only or both responsibility and sanctions)
5. Original finding of responsibility and/or sanctions
6. Statement of reason for appeal

The reason for appeal must fall within the scope of review. The scope of review shall be limited to argumentation and facts supporting one or more 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 findings and recommended sanctions were arbitrary and capricious, meaning there was an absence of a rational connection between the facts found and the decision made.

Once the Office of Student Conduct receives a request for an appeal hearing, the Student Conduct Officer or their designee will review and notify the appealing Student whether the appeal will be heard. If the appeal is granted, the Student Conduct Officer or their designee will notify the appealing Student of the date, time, and place of the appeal hearing. Any decisions reached at the appeal hearing will be final.

**Level II Incident Process and Procedures**

**NOTE:** This process and procedure does not apply to matters related to sexual misconduct, stalking, and relationship violence. Procedures for these matters can be found in Chapter 5 of this Code.

A Level II incident is any high level incident, or accumulation of Level I incidents, in which the Respondent may face a sanction of Disciplinary Suspension or Dismissal. This also applies to violations committed by any Student Organization.

**Level II Incident Process**

**Disciplinary Conference**

Once a referral is determined to be a Level II incident by the Office of Student Conduct, a disciplinary conference will be scheduled. The purpose of the disciplinary conference, which may occur over a period
of several meetings, is to 1) allow the Hearing Officer to discuss the alleged offense(s) with the Respondent; 2) make recommended sanctions, taking as true all facts in the referral; and 3) provide the Respondent the opportunity to decide how they would like to proceed in response to the referral, as defined below:

   a. Accept the recommended sanction(s) and waive a hearing.
   b. Proceed before the Judicial Board for a full hearing.
   c. Proceed before the Judicial Board for a sanctions-only hearing.

If the Respondent elects to have a conduct hearing, the Hearing Officer shall provide guidance to the Respondent by answering questions regarding the procedures and format of the student conduct system and making the necessary arrangements for the hearing, and provide other assistance as appropriate.

Sanctions
** Please refer to Appendix A for a list of all potential sanctions.

Level II Incident Formal Hearing Process

**NOTE:** This process and procedure does not apply to matters related to sexual misconduct, stalking, and/or relationship violence. Procedures for these matters can be found in Chapter 5 of this Code.

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 formal 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.

The Complainant and Respondent will provide the Student Conduct Officer or their designee with a witness list containing a brief description of their proposed testimony and all documents that they intend to introduce at the hearing not less than ten (10) business days prior to the hearing date. The Student Conduct Officer or their designee will provide both parties with the opportunity to review all documents that the opposing party will introduce at the hearing not less than five (5) business days prior to the hearing date. Students must schedule an appointment in advance with the Office of Student Conduct to review any documents and/or evidence submitted by the opposing party.

The Student Conduct Officer or their designee will not apply technical rules of evidence followed in conduct proceedings and will not 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 or their designee 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.

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 or their designee not less than ten (10) business 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 or their designee may make arrangements for
the recorded, telephonic, or written testimony for use in a proceeding.

The Student Conduct Officer or their designee, who acts as the Hearing Moderator, may ask questions of
the witnesses, and may, when required, be called to testify as a witness. As the Moderator, the Student
Conduct Officer or their designee shall also address the Judicial Board on University regulations, policies,
procedures, or other relevant issues.

**Representation**

Students have the right to seek representation. Legal counsel shall be restricted to an advising role and may
not 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).

**Hearing**

At the time, date, and place scheduled, the hearing shall be conducted under the guidance of the Hearing
Moderator. Any recordings, by any manner, or transcripts are forbidden, barring extraordinary
circumstances and only when approved in advance by the Hearing Moderator. The Judicial Board’s findings
and sanctions as affirmed by the Dean of Students 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 Moderator shall convene the hearing and introduce the parties involved in the proceeding.
2. The Hearing Moderator will read the alleged charges.
3. The parties or their representatives may state their objections to the procedures and the Hearing
   Moderator shall make any necessary decisions regarding the validity of such concerns or objections.
4. The Complainant or representative for the Complainant shall state their case and shall offer evidence
   in support thereof.
5. The Respondent or representative for the Respondent shall have the opportunity to question the
   complainant.
6. The Complainant or representative for the Complainant shall be given the opportunity to call witnesses.
7. The Respondent or representative for the Respondent shall be given the opportunity to question each
   witness that testifies on behalf of the complainant.
8. The Complainant shall inform the Hearing Moderator when their presentation is completed.
9. The Respondent shall be called upon to present their case and offer evidence in support thereof.

10. The Respondent may or may not testify as they choose. Students have the right to decline to testify against themselves, although the Judicial Board may take this into account during deliberations.

11. The Complainant or representative for the Complainant shall have the opportunity to question the Respondent, if the Respondent voluntarily chooses to testify.

12. The Respondent or representative for the Respondent shall have the opportunity to call witnesses.

13. The Complainant or representative for the Complainant shall have the opportunity to question each witness that testifies on behalf of the Respondent.

14. The Respondent shall inform the Hearing Moderator when their presentation is completed.

15. At the conclusion of all testimony, both parties shall be given the opportunity to offer a closing statement and to address the Judicial Board regarding the imposition of any sanction(s).

16. The hearing shall be concluded and all participants except the Judicial Board shall be dismissed.

17. The members of the Judicial Board shall deliberate in private until the final decision of responsibility is reached. If the finding is one of responsibility, the Moderator will share the University’s recommended sanctions with the Judicial Board. The Judicial Board will return to deliberations and decide whether to accept or alter the University’s recommended sanction(s).

18. The Judicial Board will create a written record of findings and recommended sanctions, if any.

**Final Decision**

The hearing panel’s findings and recommendation(s) shall be sent to the Vice Provost and Dean of Students. **The Dean of Students may increase, decrease, or otherwise change the recommended sanction(s) if they believe that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies such a change.**

The final decision, including the Judicial Board’s decision on responsibility and the final sanction recommendation(s) by the Vice Provost and Dean of Students shall be forwarded to the Respondent and Complainant, as well as other parties relevant to the sanction(s).

**Level II Incident Appeal Process**

**NOTE:** This process and procedure does not apply to matters related to sexual misconduct, stalking, and/or relationship violence. Procedures for these matters can be found in Chapter 5 of this Code.

Respondents 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 must be made to the URB within five (5) business days of the date of the decision letter.

**Postponement of Sanction Pending Appeal**

A sanction or remedy which has been recommended by a Judicial Board and approved by the Dean of Students 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) business 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 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) business days of the receipt of such a petition and shall be communicated to all parties in writing through the Office of the Moderator.

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 Code.
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 conduct system or University community.

Any petition for appeal of a sanction must be filed within five (5) business 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 findings and recommended sanctions were arbitrary and capricious, meaning there was an absence of a rational connection between the facts found and the decision made.
University Review Board Procedures

Any Respondent adversely affected by the decision of a judicial body within the Office of Student Conduct may request 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 responding party.
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.

Where it has been determined that a petition meets the requirements, sets forth the basis for appeal, and falls within the scope of review, the Moderator shall notify the parties that an appeal has been initiated. Notice shall include:

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

The Moderator shall then schedule an appeal proceeding. All parties shall receive written notification of the time, date, and place of the appeal proceeding.

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 documents from the parties alone, without oral argument. In such cases, the Moderator will provide written instruction to the parties. The URB appeal process does not include testimony from witnesses. The Moderator may develop supplemental rules of procedure.

Representation

Students have the right to seek representation. Legal counsel shall be restricted to an advising role and may not 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).

Format and Decision

If the URB, in its discretion, decides to allow oral argument, each interested party shall be given reasonable time to present their position. In all cases, in support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. Each party may question the other about their argument, except in cases involving sexual misconduct. Members of the URB and its Moderator may question the parties.
The majority of the URB panel 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.

**University Review Board Action**

The URB may remand a matter to the Office of Student Conduct 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.
CHAPTER 4: STUDENT ORGANIZATIONS

In addition to the Offenses listed in Chapter 2 of this Code, Student Organizations may also be charged with violations of Student Organization policies and procedures, as specified by the Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation. Student Organizations may be subject to either conduct process outlined below.

Student Organization Administrative Sanctions

The Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation may establish and enforce standards governing Student Organization activities which do not conflict with Student rights within the University community as affirmed in the Code. Administrative sanctions may be issued for Code infractions relating to standards governing Student Organization 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, Student Life, or Intramurals and Recreation and the Office of Student Conduct, and may be introduced at subsequent conduct proceedings if necessary to establish a pattern of offenses within the Code.

Any Code infraction not adjudicated by the Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation within the standards governing Student Group activity may be released to the Office of Student Conduct for adjudication. This release may be initiated by the Student Organization or by the Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation, 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. The Office of Student Conduct Level II procedures will apply once a case has been released from the Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation.

The Student Organization may appeal sanctions resulting from the adjudication by the Office of Student Conduct. The Level II Appeal Process as outlined in the Code will apply.

Student Organization Conduct Process

Student Organizations follow the Level II Incident Process outlined in Chapter 3.

Sanctions

* Please refer to Appendix A for a list of all potential sanctions.

Student Organization Appeal Process

Student Organizations follow the Level II Incident Appeal Process outlined in Chapter 3.

Recognition of Suspended Fraternity and Sorority Life 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.
CHAPTER 5: Sexual Misconduct Process and Procedures

Reporting Sexual Misconduct and University Response

Complainant: Individual alleging violations of the Code.

Several options are available for you to report sexual misconduct.

- You may file a complaint with the University’s Title IX Coordinator. This office generally investigates complaints of sexual misconduct against faculty, teaching assistants (TAs), graduate student assistants (GSAs), and staff, as well as Students (412-648-7860).
- You may file a criminal complaint by contacting the Pitt police (412-624-2121) or City of Pittsburgh police (911).
- Although the University encourages Complainants to talk to someone, you may file an anonymous complaint on the University of Pittsburgh Police Department Web site. See http://www.police.pitt.edu/node/230. However, this option greatly limits the University’s ability to respond to and investigate the report.

As part of the University’s response to a report of sexual misconduct, and regardless of whether there has been a request for formal disciplinary or law enforcement action, the University may impose interim measures or offer accommodations to address issues that impact the Complainant or Respondent’s educational, living or work environments. These interim measures can often be put in place very quickly, prior to the resolution of any referral, investigation, or criminal proceeding.

Once imposed, the University will take necessary action to enforce the implemented measures. Anyone who becomes aware of, or has a concern about a Student’s failure to follow any University-imposed interim measure or accommodation, should report this concern to the Student Conduct Officer at 412-648-7910 or usjs@pitt.edu.

Informal Resolution

The Informal Resolution process is a voluntary process, available to Complainants, which attempts to reach a resolution without initiating the Formal Complaint Process and a specific finding of a Policy or Code violation. This can include the application of Interim Measures, as referenced below. Under the Informal Resolution process, no disciplinary action is taken. Under this process, a Title IX Specialist will review the facts and circumstances of the situation with the Complainant and based on the severity of the alleged incident make a determination on whether the Informal Resolution process is an appropriate response. In this process, the Title IX Specialist will contact the parties involved separately, review the allegations presented and develop an action plan to address the conduct.

A Complainant may choose to start with the Informal Resolution process in an attempt to resolve the issue and then choose to move to the Formal Complaint Process if needed or desired. A written record of any measures, meetings or communications from this Informal Resolution process will be kept on file in the Title IX Office. The Title IX Office maintains all informal resolution process records and files for seven years. Once an incident has been resolved through the Informal Process the matter is closed. A violation of the action plan may trigger the Formal Complaint process or disciplinary action under the Code. The Title IX Office will make every attempt to complete the informal resolution process within the 60 day timeline.
Interim Measures or Accommodations

To quickly address a situation, the University, where it determines it is appropriate, may impose a wide range of interim measures, or offer accommodations to any Complainant or Respondent. Such measures or accommodations may include:

- Interim suspension\(^2\)
- Implementation of a “No Contact Order”
- Change in University-related class or work schedules or job assignments
- Change in University-owned housing
- Assistance from University staff in completing housing relocation
- Assistance in addressing off-campus living arrangements
- Restricting a Student’s access to certain University facilities or activities pending resolution of a matter
- Providing an escort to facilitate safe movement between classes and activities
- Assistance with connecting to University’s Safe Rider program
- Access to academic support services, such as, but not limited to, tutoring
- Rescheduling of exams and assignments
- Availability of alternative course completion options, including, but not limited to the opportunity to change class schedules by transferring course sections or withdrawing without penalty
- Voluntary leave of absence
- Any other remedy or accommodation necessary and appropriate to facilitate the Complainant’s or Respondent’s access to educational opportunities
- Assistance with contacting the appropriate police department
- Access to counseling services, including assistance in arranging an initial appointment, on and/or off-campus
- Access to and assistance with obtaining necessary medical services
- Access to and assistance with connecting to pastoral care and support through University Chaplain’s Office
- Assistance in contacting community resources such as Pittsburgh Action Against Rape or other support services
- Assistance in contacting legal resources such as County Bar Association Legal Referral, or other legal support
- Guidance and support with filing a report through the Title IX Office and/or through the criminal justice process

The University will also consider additional interim measures appropriate to the situation at hand. When necessary, the University may make any “interim” measure permanent. The imposition of interim measures or accommodations does not affect the ability of the Complainant to pursue disciplinary action.

\(^2\)In situations where the Respondent may pose a threat to the safety of the complainant, other Students, or the University community, or under other serious circumstances, the University’s Dean of Students or their designee may impose an interim suspension from the University. This interim suspension will remain active until the matter is resolved. Imposition of an interim suspension is not the equivalent of a finding of responsibility.
Formal Complaint Process and University-Initiated Investigations

The Formal Complaint process is initiated when the Complainant provides a signed statement that includes a brief description of the alleged incident and, to the extent known, the Respondent’s name(s) and the date, time and location of the incident (hereinafter “Complaint”). The Formal Complaint process may also be initiated by the University under appropriate circumstances and consistent with the University’s obligations under Title IX. The Formal Complaint process involves a prompt, and equitable investigation conducted by a Title IX Specialist or their properly trained designee (University Investigator). The investigation is a fact finding process, giving all parties notice and the opportunity to be heard and to identify witnesses and evidence. Interim measures may be applied at any time throughout the Formal Complaint process.

The Formal Complaint process will generally progress as follows:

1. Once the Complaint is received or the University otherwise initiates the Formal Complaint process, a University Investigator will interview the Complainant. Following the completion of their interview with the Complainant, the University Investigator will notify the Title IX Coordinator in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of the University’s Sexual Misconduct Policy, and accordingly, a violation of the Code. If the University Investigator’s notification indicates that such allegations, if substantiated, would not constitute a violation of University’s Sexual Misconduct Policy, the Title IX Coordinator, may dismiss the Complaint, and that decision shall be final, barring new information. The Title IX Coordinator shall provide the Complainant and Respondent(s) with written notice of such dismissal.

2. In the event that the University Investigator’s notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy, or if the Title IX Coordinator determines that the matter should be investigated, the University Investigator will conduct a fact-finding investigation, including, as appropriate:
   a. The Respondent will be provided with written notification that a Formal Complaint has been submitted to the Office of Diversity and Inclusion and the Respondent will be provided with an opportunity to review the Complaint at the University’s Office of Diversity and Inclusion.
   b. The Investigator will meet separately with the Complainant and the Respondent(s),
   c. The Investigator will interview relevant witnesses and review relevant physical, documentary or other evidence.

3. The University Investigator may consider relevant information, including evidence of pattern and the credibility of the parties and witnesses. Both parties will be provided the opportunity to provide information and names of witnesses to the University Investigator. The Investigator will not apply rules of evidence followed in court proceedings and will not entertain legal motions. Legal rules pertaining to the wording of questions, hearsay, and opinions will not be applied. Reasonable rules of relevancy will guide the Investigator in deciding on the admissibility of evidence and witness statements. Reasonable limits may be imposed on the number of factual witnesses and cumulative evidence may be excluded.
4. After the Complainant(s) and/or Respondent(s) have been interviewed by the Investigator, each will be provided with an opportunity to review a written summary of their own interview. The Complainant and Respondent will then have five (5) business days from the date the summary is made available to review their own interview summary and provide any comments or new evidence to the Investigator. Comments will be reviewed and retained in the investigative file, but may not necessarily result in a change to the summary.

5. After the Investigator concludes gathering and evaluating evidence, including witness interviews, an investigation summary will be prepared. At this time, the Complainant and Respondent will have an opportunity to review, in the Title IX Office, the investigative summary. The investigative summary will include the relevant information provided by the Complainant, Respondent, and any witnesses, as well as other evidence gathered during the investigation which will be considered in making a determination regarding the alleged University’s Sexual Misconduct Policy or Code violation. The Complainant and Respondent must submit any comments (including additional statements, proposed witness questions and additional evidence) concerning the summary to the Investigator within five (5) business days of the date that the investigative summary was first made available for review. This portion of the investigation may be an iterative process.

6. Following the receipt of any comments on the investigative summary, or after the five (5) day period has lapsed without comment, the Investigator will prepare a final written report that includes the investigative summary and a determination of whether a violation of any University policy or the Code has occurred and a recommendation of the sanction(s) to be imposed, if any. The final written report will include the basis upon which the University Investigator reached their determination of responsibility. This determination will be made using the preponderance of the evidence standard, or that it is more likely than not, that the University’s Sexual Misconduct Policy has been violated.

7. The final report will be provided first to the Title IX Coordinator for review and input. Upon review for compliance with Title IX, the report is forwarded to the Dean of Students for approval of any recommended sanctions. The Dean of Students has discretion to accept or alter the recommended sanctions, as appropriate. Once the Dean has made a determination on sanctions, either the Title IX Office or the Dean of Students will provide written notification of the completion of the Formal Complaint process, to both the Complainant and Respondent. At this time, a copy of the final report will be available in the Title IX Office for review and inspection.

8. Both the Complainant and the Respondent may submit an appeal within five (5) business days from the date of the decision letter. See below for the appeal process to the University Review Board.

In general, the Title IX Office will try to conclude an investigation within sixty (60) calendar days.

**Advisor or Support Person**

Both a Complainant and a Respondent are entitled to one advisor or support person of their choice, and the advisor or support person may accompany the party to any meeting or proceeding under these
processes. If the advisor is an attorney, such legal counsel shall be restricted to this advising role and will not be permitted to speak or otherwise participate directly in the Informal or the Formal resolution process. An advisor or support person may not stand in place of either the Complainant or the Respondent.

In keeping with the University’s desire to resolve sexual misconduct complaints in a timely manner, the University reserves the right to proceed with any meeting regardless of the availability of the Student’s advisor or support person.

**Sanctions**

**Please refer to Appendix A for a list of all potential sanctions.**

**Filing with External Agencies**

Any person may file a complaint with the U.S. Equal Employment Opportunity Commission or the U.S. Department of Education’s Office for Civil Rights. Inquiries may also be directed to the Office for Civil Rights of the U.S. Department of Education at (800) 421-3481 or by email at OCR@ed.gov.

**The University’s Prohibition Against Retaliation**

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the Complainant, a witness, an investigator or anyone else, is prohibited. Retaliation is the act of taking adverse action against a Complainant, a Respondent, or any other person involved in the process based on the person's reporting or participation in the process. Retaliation includes behavior on the part of the Respondent or the Complainant and other related persons, including, but not limited to, acquaintances, friends, and family members. Although independent action will be taken against anyone engaging in retaliation, the Complainant and the Respondent are responsible for discouraging such actions and will also be held responsible to the extent of their involvement in the retaliation.

Retaliation will constitute separate grounds for disciplinary action. An individual who believes that they have experienced retaliation should contact the Title IX Office, and the University will investigate the complaint. If the University determines that evidence exists to support that retaliation occurred, appropriate action will be taken regardless of the outcome of the underlying sexual misconduct complaint. This may involve referral of the retaliation concerns to another University process for resolution.

To review the University’s Statement on Confidentiality and Non-retaliation, please follow this link: www.cfo.pitt.edu/policies/policy/07/07-01-03.html. In addition to outlining the University’s stance against retaliation, this statement also clarifies that all individuals involved in the investigation process are expected to honor the confidentiality of the process and the information involved.

**Sexual Misconduct Appeal Process**

In matters involving sexual misconduct, both parties may appeal any decision made throughout the discipline process. The appeals are subject to the guidelines outlined in the Level II Basis for Appeal section. Appeals shall be made to the URB within five (5) business days of the date of the decision letter.
Postponement of Sanction Pending Appeal

A sanction or remedy which has been approved by the Dean of Students 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) business 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 and two faculty members of the URB. The criteria to be applied in determining whether to postpone a sanction or remedy are as follows:

1. Whether the issues 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) business days of the receipt of such a petition and shall be communicated to all parties in writing through the Office of the Moderator.

Basis for Appeal

The URB shall 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 Code, or a finding of responsible for violating the University’s Sexual Misconduct Policy.
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) business 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 Title IX investigation was conducted in general conformity with this Code.
3. Whether the findings and recommended sanctions were arbitrary and capricious, meaning there was an absence of a rational connection between the facts found and the decision made.

**University Review Board Procedures**

Either party involved in a sexual misconduct case may initiate 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 two faculty members 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. Where the petition fails to state an adequate basis for an appeal or question within the scope, the Moderator will provide a written recommendation to the Provost. The Provost may either accept the recommendation or require a URB appeal. If the recommendation is accepted by the Provost, there is no further right to appeal.

When a petition for appeal has been accepted, the Moderator shall notify the parties and provide:

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

The Moderator shall then schedule an appeal proceeding. All parties shall receive written notification of the time, date, and place of the appeal proceeding.

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 documents from the parties alone, without oral argument. In such cases, the Moderator will provide written instruction to the parties. The URB appeal process does not include testimony from witnesses. The Moderator may develop supplemental rules of procedure.

**Representation**

Students have the right to seek representation. Legal counsel shall be restricted to an advising role and may not 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).

**Format and Decision**

If the URB, in its discretion, decides to allow oral argument, each party shall be given reasonable time to present his or her position. In all cases, in support of a position, a party may refer to any records, documents, or recordings from a prior proceeding and may present written argument. Each party may question the other
about their argument, except in cases involving sexual violence. In such cases, questions will be asked through the Moderator. Members of the URB and its Moderator may question the parties.

The majority of the URB panel 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. Either the Chancellor, Provost, or Senior Vice Chancellor for the Health Sciences shall be the final decision maker.

**University Review Board Action**

The URB may remand a matter to the Title IX Office and/or the Dean of Students, as appropriate, 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.
Appendix A: Sanctions

Sanctions

The University may impose a wide range of sanctions for violation of this Code including, but not limited to:

Individual Student Sanctions

Community Service — A directive to spend a specified period of time in a constructive undertaking. 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 Office of Student Conduct and any other appropriate person(s)/office(s) to which the sanction applies.

Counseling Assessment — An assessment by the University Counseling Center with the recommendation to follow any prescribed 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.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinarily Suspended/Dismissed. Disciplinarily suspended/dismissed Students are responsible for paying the entire cost of tuition and fees for the term in which they are suspended/dismissed.

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 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.

In accordance with University Policy 09-05-08, there is no financial adjustment made to tuition or fee charges for Students who are Disciplinary Suspended/Dismissed. Disciplinarily suspended/dismissed Students are responsible for paying the entire cost of tuition and fees for the term in which they are suspended/dismissed.

**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 restitutions 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 $250 “host” fine may be imposed upon any Student hosting a party with alcohol and/or drugs present in their residence.

**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 but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the Student fail to cease contact, they will be subject to additional action, up to and including suspension and/or dismissal from the University. Additionally, failure to follow the Interim No Contact Order may result in criminal arrest or the initiation of criminal action. Interim Persona Non Grata/No Contact Orders may be issued outside of the conduct process. In these instances, the Persona Non Grata/No Contact Order would not be considered a sanction.

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, 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 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) to which the sanction applies..
Should the Student appear in any of the areas heretofore mentions, they will be subject to arrest. Interim Persona Non Grata/No Contact Orders may be issued outside of the conduct process. In these instances, the Persona Non Grata/No Contact Order would not be considered a sanction.

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 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.

**Interim University Owned Housing 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 University Owned Housing 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 Interim University Owned Housing Suspension, the Student will be Persona Non Grata in all University owned housing facilities 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 appear in any of the areas heretofore mentioned, they may be subject to arrest.

**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 the 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 (MJ101) is offered as a one-time, 2-2.5 hour educational class in addition to a one hour one-on-one meeting with the Health Educator. Homework assignment activities are required as part of the program. MJ101 explores the nature of marijuana as a drug, its impact on the body and mind, and explores personal decision making. MJ101 is a standard sanction for a 1st time violation of the marijuana policy.

**Marijuana 102** — Marijuana 102 (MJ102) consists of a minimum of two individual meetings with the Health Educator. Meetings are scheduled for one hour each. Homework assignments are also required as part of the program. MJ102 provides individualized education to assist Students in examining their use, and developing an action plan to address it. MJ102 is a standard sanction for a 2nd time violation of a marijuana policy.
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 but not limited to personal contact, e-mail, telephone, texting, social media or any electronic or other means, or through third parties. Should the Student fail to cease contact, they will be subject to additional action, up to and including suspension and/or dismissal from the University. Additionally, failure to follow the No Contact Order may result in criminal arrest or the initiation of criminal action. Persona Non Grata/No Contact Orders may be issued outside of the conduct process. In these instances, the Persona Non Grata/No Contact Order would not be considered a sanction.

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 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 appear in any of the areas heretofore mentions, they will be subject to arrest. Persona Non Grata/No Contact Orders may be issued outside of the conduct process. In these instances, the Persona Non Grata/No Contact Order would not be considered a sanction.

Personal Education, Assistance, and Referral Program I (PEAR) — PEAR I consists of a one time, three hour educational class and an additional one-on-one meeting with a PEAR graduate facilitator. Homework assignments are part of the requirement to complete this educational sanction. The course explores alcohol as it relates to the body and mind, as well as alcohol culture and what influences it. This is a standard sanction for a 1st time alcohol violation.

Personal Education, Assistance, and Referral Program II (PEAR II) - PEAR II consists of a minimum of two one-on-one meetings with the Health Educator. Each appointment is scheduled for one hour in length as well as homework assignments between appointments. This program provides individualized education to assist Students in examining their drinking, in applying harm reduction strategies, and in developing a personal action plan to decrease high risk drinking and to avoid further violations. PEAR II is a follow up course to PEAR I, and is the standard sanction for a 2nd time alcohol violation.

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.

Suspension 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 Suspension of Privileges 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 on a permanent basis. This sanction is 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 appear 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 may be excluded from participation in extracurricular University owned housing activities, and may be excluded from holding 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 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 appear 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.

**Student Organization Sanctions**

Upon a determination of responsibility, the Student Conduct Officer or their designee shall recommend a sanction or set of sanctions based on the charge(s), findings of fact, the Student Organization’s conduct history, and the degree of harm posed by the violation(s) to the University community. Other factors such as the Student Organization’s cooperation or potential for rehabilitation also may be taken into consideration.

The Student Conduct Officer or their designee may recommend a variety of sanctions individually or in combination 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 chapter, in conjunction with 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 organization 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 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.

**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 which requires a cessation of chapter operations.

**Letter of Apology** - A written statement of apology for an action or behavior. This letter must be provided on Chapter letterhead and copies must be provided to all identified recipients which may include organization’s national headquarters, the Office of Fraternity & Sorority Life, and the Office of Student Conduct or any other affected community or individual.

**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 in conjunction with the Office of Fraternity and Sorority Life.

**Restitution** - Restitution is reimbursement for damages to, destruction of, or misappropriation of University property or of any person/group while on University premises or University related premises. If restitution is the determined sanction, the individual or individuals who impose the corrective measure must specify, in writing, the amount due, the time and/or manner by which restitution is to be made, and the individual, office or group to be reimbursed.

**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, where alcohol is present, with non-members ANYWHERE. These restrictions do not apply to member only events at which no non-members are present.
**Substituted Sanction** - A constructive undertaking by an organization which shall be substituted for any of the sanctions. A record of the substituted sanction shall be maintained in the Office of Student Conduct, the Office of Fraternity and Sorority Life, and any other appropriate person(s)/office(s) to which the sanction applies.

**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 Intramural Privileges** - This sanction will prohibit a fraternity or sorority from participation in University intramural sports activities or receiving points for the same for a specified period of time.

**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.

**Suspension of Privileges** - A termination of specific privileges on a permanent basis. This sanction is intended to remedy a Student’s disregard for the rights of others. A record of Suspension of Privileges shall be maintained in the Office of Student Conduct, the Office of Fraternity and Sorority Life, and any other appropriate person(s)/office(s) to which the sanction applies.

**Termination of Privileges** - A termination of specific privileges on a permanent basis. This sanction is 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, the Office of Fraternity and Sorority Life, and any other appropriate person(s)/office(s) to which the sanction applies.

**Restriction on Reserving Rooms** - Denial of access to and/or use of all or part of a facility or facilities again must be implemented for a specified period of time, as defined by the Office of Fraternity and Sorority Life. The group must be notified in writing of those areas to which they will be denied use and for what period of time.

**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.

**Warning** - In instances of less serious deviations from the University norms of conduct, the chapter may be formally warned of the possible consequences of continuing such behavior. No other specification is taken unless further misconduct occurs. A “Warning” will remain active in a chapter’s disciplinary file for one calendar year.
Appendix B: Title IX and Sexual Misconduct Resources and Information

The University of Pittsburgh values the safety and health of all members of the Pitt community and seeks to foster an environment in which it’s Students and employees treat other persons with respect, civility, and dignity. Any behavior that involves sexual misconduct or harassment, relationship violence, or stalking of another person is prohibited. Sexual misconduct can be a violation of criminal law, Title IX, other laws, and this Code.

The University has the authority to take disciplinary action for conduct occurring on campus and off campus when the conduct, among other things, effects the educational environment or threatens the safety of the University community. The University will provide a prompt, fair, and impartial investigation and resolution.

Getting Help

What to do if you are assaulted

IMMEDIATELY AFTER AN INCIDENT
• Physical Safety:

Your immediate safety is the top priority. As quickly as possible, find a safe place away from the perpetrator or any other potential danger.

You are encouraged to seek medical attention as soon as possible for your own physical health and to preserve all physical evidence. You can receive treatment at any medical facility, however, hospital emergency departments may be in the best position to treat you and collect physical evidence. Please note that not all hospitals employ trained sexual assault nurse examiners (SANE). Magee Women’s Hospital generally has SANE nurses available. SANE nurses are registered nurses who have completed specialized education and clinical preparation in the medical forensic care of the patient who has experienced sexual assault or abuse. Also, be aware that all hospitals are required by law to report to the police any injury that is the result of a crime. This does not obligate you to file formal criminal charges.

• Preserving Physical Evidence:

In the aftermath of a sexual assault, although it may not be foremost on your mind, the preservation of evidence is strongly encouraged. Even if you do not think you want to pursue a criminal or civil proceeding, preserving evidence keeps your options open in case you change your mind. To preserve evidence, do not shower, douche, or change clothes or bedding before you seek medical attention. Also, if oral contact took place, do not brush teeth, smoke, or eat. Optimally, evidence collection should occur within 72 hours of the assault, but many hospitals will attempt to collect
evidence 7-10 days after an assault. There are medical facilities in Oakland that can assist you:

- **Magee Women’s Hospital of UPMC Emergency Room**
  300 Halket Street, **412-641-4933**
  Sexual Assault Nurse Examiner (SANE) is generally available at this location.

- **UPMC Mercy Hospital Emergency Department**
  1400 Locust Street, **412-232-8222**
  Sexual Assault Nurse Examiner (SANE) is generally available at this location.

- **UPMC Presbyterian**
  Emergency Room
  200 Lothrop Street, **412-647-3333**

- **Student Health Service**
  Wellness Center, Nordenberg Hall
  119 University Place, **412-383-1800**

- **Contact the Police:** You are strongly encouraged to call the University of Pittsburgh Police Department (**412-624-2121**) or the City of Pittsburgh Police at **911** and report the situation. The Police are trained and able to assist in obtaining other physical evidence, such as video surveillance.

- **Contact the SHARE Coordinator,** at **412-648-7930** (8:30 a.m.–5 p.m., Monday through Friday) or **412-648-7856** (after 5 p.m. and on weekends). The SHARE Coordinator will advise Students of reporting and resource options, and, if desired, can guide Students through the process of receiving a medical exam, and assist in notifying campus authorities or local police.

**Confidentiality**

The University encourages victims of sexual misconduct to talk to somebody about what happened and to seek the support they need to address their individual situations. Telling someone will also allow the University to respond appropriately.

You may have concerns about confidentiality, and you should know that different employees on campus have different abilities to maintain a Complainant’s confidentiality. If you are still unsure about confidentiality requirements after reviewing the following explanation, please contact the Title IX Coordinator.

**The Different Types of Employees and Their Confidentiality Responsibilities**

**A. Privileged and Confidential Resources**

- **Pastoral Counselors**
  Pastoral counselors are not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

  The contact information for these individuals can be found at:
• Professional Counselors: University Counseling Center; Medical Staff, Counselors, and Advocates: Student Health Service (SHS)

Both the University Counseling Center (UCC) and Student Health Service (SHS) keep reports of sexual misconduct confidential. However, they generally report de-identifying information to the University of Pittsburgh Police Department for Clery reporting purposes. This de-identified report – which does not include information that would directly or indirectly identify the Complainant – will include the nature, date, time, and general location of an incident.

Before filing any de-identified report, the UCC and SHS staff will take reasonable efforts to make sure that the report contains no personally identifying details.

In addition, a Complainant who speaks to a professional or non-professional counselor or advocate must understand that if they only want to share de-identified information, the University will unlikely be able to conduct an investigation into the particular incident or pursue disciplinary action against the Respondent. However, the Complainant who at first requests that only de-identified information be shared may later decide to file a complaint with the University or report the incident to local law enforcement, and thus have the incident fully investigated. The UCC and SHS counselors and other personnel will provide the Complainant with assistance if the Complainant wishes to do so.

Here is contact information for University Counseling Center and Student Health Service:

Office of Sexual Harassment & Assault Response and Education (“SHARE”)  
Part of the University Counseling Center. Call 412-648-7930 (M-F 8:30am – 5:00pm) or 412-648-7856 after hours and weekends.  
SHARE provides specialized counseling services designed to assist Students who have experienced sexual misconduct, dating violence, stalking and/or harassment.

Student Health Service  
Call 412-383-1800 to schedule an appointment  
The SHS can assess for pregnancy risk, test and treat for sexually transmitted diseases, and assess, treat and/or refer for physical injuries.

B. Exceptions to Confidential Communications

While the University Counseling Center and SHS personnel may maintain a Complainant’s confidentiality as described above, they may have reporting or other obligations under state law. For example, Pennsylvania law requires mandatory reporting to law enforcement in cases involving minors and certain crimes.

If the University determines that the Respondent(s) pose(s) a serious and immediate threat to the University community, the Department of Public Safety may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the Complainant.
There are other times where the University may override a request for confidentiality. These are detailed below in “Requesting Confidentiality”.

C. Reporting to “Responsible Employees” and Confidentiality

A “responsible employee” is a University employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct or other student misconduct, or who a Student could reasonably believe has this authority or duty.

When a Complainant tells a responsible employee about an incident of sexual misconduct, the University will investigate what happened and will work to resolve the matter promptly and equitably.

In order for the University to investigate, the responsible employee is required to report to the Title IX Coordinator the Complainant’s information and the relevant details of any alleged sexual misconduct incident, including the names of the Complainant and the Respondent(s), any witnesses, and any other relevant facts, such as the date, time and specific location of the alleged incident. To the extent possible, information reported to a responsible employee will be shared only with those responsible for handling the University’s response to the report or interim measures. A responsible employee will not share identifying information with law enforcement without the Complainant’s consent or unless the Complainant has also reported the incident to law enforcement, except that the responsible employee will share non-identifiable information for Clery Act reporting. In addition, if a health and safety or imminent threat exists, the responsible employee will notify Police and/or the University’s Department of Public Safety so that a timely warning may be issued to the community.

Requesting Confidentiality from the Title IX Office

The Title IX Coordinator will evaluate requests for confidentiality.

Once the Title IX Coordinator receives notice of an incident, the Complainant may request that any disclosed information remain confidential and that no investigation into a particular incident be conducted or disciplinary action taken. The Title IX Coordinator will weigh this request against the University’s obligation to investigate all matters of sexual misconduct and to provide a safe, non-discriminatory environment for all Students, including the Complainant.

If the University honors the request for confidentiality, a Complainant must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the Respondent(s) may be limited.

Although rare, there are times when the University may deny a Complainant’s request for confidentiality in order to help protect the greater campus community and provide a safe, non-discriminatory environment for all Students.

When weighing a Complainant’s request that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- The increased risk that the Respondent will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same Respondent;
• whether the Respondent has a history of arrests or records from a prior University indicating a history of violence;
• whether the Respondent threatened further sexual violence or other violence against the Complainant or others;
• whether the sexual violence was committed by multiple Respondents;
  • whether the sexual violence was perpetrated with a weapon;
  • whether the Complainant is a minor;
  • whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
  • whether the Complainant’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

Depending on the totality of the circumstances, the presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these or similar factors are present, the University will likely respect the Complainant’s request.

If the University determines that it must investigate the incident, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response.

The University will remain ever mindful of the party’s well-being, and will take ongoing steps to protect both parties from retaliation or harm and work with the parties to create a safety plan. Retaliation, whether by Students or University employees, will not be tolerated. The University will also:

• assist the Complainant in accessing other available Complainant advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
• provide other security and support, which could include issuing an interim or permanent no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the Respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
• inform the Complainant of the right to report a crime to campus or local law enforcement and provide the victim with assistance if the victim wishes to do so.

Because the University is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the University to consider broader remedial action. Such action may include increased monitoring, supervision or security in locations where the reported sexual violence occurred; increased education and prevention efforts, including to targeted population groups; climate assessment and victimization surveys; and/or revision of University policies and practices.

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which Students disclose incidents of sexual misconduct, are not considered notice to the University of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Similarly, participation in a research study, or writing submitted for a class, are not considered notice to the University.

**University Sexual Misconduct Resources Explained**

The University’s Office of Sexual Harassment and Assault Response and Education (SHARE)
The University’s SHARE office provides counseling to Complainants of sexual misconduct, assists Complainants in obtaining medical care, and offers support in all aspects of the recovery process. The office also coordinates the University’s educational programs and active approach to preventing sexual misconduct on campus.

Seeking emotional support in the aftermath of sexual misconduct is very important for recovery. SHARE offers specialized counseling services designed to assist Students who have experienced sexual misconduct or harassment, relationship violence, and/or stalking of another person.

The SHARE Coordinator can be reached by phone at 412-648-7930 during business hours, or 412-648-7856 after 5 p.m. The SHARE Office is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place. The SHARE Coordinator can also assist with referrals to additional specialized counseling services. Additional counseling resources include the University Counseling Center (UCC) (412-648-7930) and Pittsburgh Action Against Rape (PAAR) (1-866-363-7273).

The University Counseling Center (UCC)

The UCC is the primary mental health service for Students enrolled at the University of Pittsburgh. The UCC offers a variety of mental health services to Students utilizing a short-term, time-limited approach, including assessment, counseling and psychotherapy services (individual, group, and couples), and psychiatric services.

In addition, the UCC provides crisis intervention, consultation, referral, and outreach services to Students, as well as faculty and staff of the University of Pittsburgh. Specialized counseling, consultation, and outreach services are offered through the UCC’s SHARE Office. UCC services are provided by a multidisciplinary staff of mental health professionals that includes psychologists, social workers, psychiatrists, and advanced graduate trainees in various mental health disciplines. The UCC, as part of the University of Pittsburgh community, is committed to promoting the health, as well as the personal, academic, and career development of all University Students.

The University of Pittsburgh Counseling Center is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place, 412-648-7930

Student Health Service

The University of Pittsburgh’s Student Health Service provides ongoing confidential medical treatment for any physical problems related to an assault. The Student Health Service can assess for pregnancy risk, test and treat for sexually transmitted infections, and assess, treat, and/or offer/give referrals for physical injuries.

Student Health Service is located in the Wellness Center on the second floor of Nordenberg Hall, 119 University Place, 412-383-1800.

Additional Resources

University of Pittsburgh Students can contact their resident assistant (RA), resident director (RD), or other residence life staff member for support (available 24 hours a day). Monday – Friday 8:30am – 5pm, 412-648-1200; after hours, call 412-648-1100.
Any member of the University community also may contact the University’s Title IX coordinator at 412-648-7860 or at titlexcoordinator@pitt.edu. This office investigates allegations of sexual misconduct.

Title IX Coordinator
University of Pittsburgh
500 Craig Hall, 200 South Craig Street
Pittsburgh, PA 15260
Phone: 412-648-7860
Fax: 412-648-7864
titlexcoordinator@pitt.edu

If you do not want to call the police after an incident, but feel the need to leave the current environment, Pitt’s SafeRider program may be able to provide transportation back to your residence by calling 412-648-CALL (2255). More information about SafeRider can be obtained at www.pc.pitt.edu/transportation/saferider.php.

Community resources include Pittsburgh Action Against Rape (PAAR) at 1-866-363-7273 and the Center for Victims at 1-866-644-2882. Both organizations answer 24 hours a day. Both organizations provide an advocate/escort to accompany Complainants through the medical and/or legal process. Students who seek assistance from these organizations are not obligated to file criminal charges.

Generally, off-campus counselors, advocates, and health care providers will maintain confidentiality and not share information with the University unless the Complainant requests the disclosure and signs a consent or waiver form. However, while these off-campus counselors and advocates may maintain a Complainant’s confidentiality with reference to the University, they may have reporting or other obligations under state law. For example, Pennsylvania Law requires mandatory reporting to law enforcement in cases involving minors and certain crimes or imminent harm to self or others. There may also be a requirement to testify if subpoenaed in a criminal case.

Complainants of sexual violence may also pursue action under a new Pennsylvania Law known as the “Protection from Sexual Violence or Intimidation (PSVI) Act”, which took effect July 1, 2015. This law allows Complainants of sexual violence or intimidation to petition the court for a civil remedy, known as a Sexual Violence Protection Order. If granted, this order requires the Respondent to stay away from the Complainant, regardless of whether the Complainant pursues criminal charges. PSVI is similar to the Protection From Abuse (PFA) Act, but does not have a relationship requirement. For more information, please refer to PA Statute 42 Pa. C.S. § 62A.

Title IX explained

Title IX of the Education Amendments of 1972, a Federal law, was historically associated with actual or perceived gender-based disparities in athletic programs. However, it is a far broader law. Title IX actually covers all aspects of educational and academic-related programming and prohibits gender discrimination. Importantly, Title IX prohibits sexual misconduct which may affect the educational or campus environment. The law provides that:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any educational program or activity receiving Federal financial assistance.
Title IX prohibits gender-based discrimination in all University of Pittsburgh programs and activities, including, but not limited to, recruiting, admissions, financial aid, academic programs, student services, counseling, guidance, advising, grievance procedures, discipline, course/class assignments, grading, recreation, athletics, housing, meal services, and employment.

Some Examples of Unlawful Practices Under Title IX Include:

- **Sexual Harassment** – unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature.
- **Sexual Misconduct** – rape, sexual assault, sexual battery, sexual exploitation, sexual coercion, forcible fondling, and any other form of non-consensual sexual activity (including when an individual is not in a condition to give legal consent).
- **Stalking** – repeatedly following, harassing, threatening or intimidating another individual using such methods including, but not limited to, telephone, mail, electronic communication, and social media.
- **Domestic Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Dating Violence** – in addition to physical abuse, also includes emotional, verbal and economic abuse.
- **Retaliation** – adverse academic, social, employment or other actions against anyone reporting a violation or participating in an investigation of any Title IX allegation.

In addition to being considered discriminatory, *sexual violence is criminal activity*.

To learn more, please see the [SHARE website](#) and/or refer to the list below:

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>(412)648-7860; 500 Craig Hall; 200 S. Craig St.; Pittsburgh, PA 15260; <a href="mailto:titleixcoordinator@pitt.edu">titleixcoordinator@pitt.edu</a></th>
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<tbody>
<tr>
<td><strong>Title IX Liaisons</strong></td>
<td><strong>Bradford Campus</strong>: (814)362-5121; 242 Hanley Library; 300 Campus Dr.; Bradford, PA 16701; <a href="mailto:thh35@pitt.edu">thh35@pitt.edu</a></td>
</tr>
<tr>
<td></td>
<td><strong>Greensburg Campus</strong>: (724)836-9902; 108 Lynch Hall; 150 Finoli Drive, Greensburg, PA 15601-5860; <a href="mailto:msk59@pitt.edu">msk59@pitt.edu</a></td>
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<td><strong>Johnstown Campus</strong>: (814)269-7991; 261 Blackington Hall; 450 Schoolhouse Rd; Johnstown PA 15904; <a href="mailto:lpt@pitt.edu">lpt@pitt.edu</a></td>
</tr>
<tr>
<td></td>
<td><strong>Titusville Campus</strong>: (814)827-4474;107 Broadhurst Science Center; 504 E. Main Street; Titusville, PA 16354; <a href="mailto:osborn@pitt.edu">osborn@pitt.edu</a></td>
</tr>
<tr>
<td><strong>University Police</strong></td>
<td><strong>Oakland Campus</strong>: (412)624-2121 Address: Public Safety Building; 3412 Forbes Ave.; Pittsburgh, PA 15260</td>
</tr>
</tbody>
</table>
Bradford Campus: (814)362-3211  
Address: Campus Police; 300 Campus Dr.; Bradford, PA 16701

Greensburg Campus: (724)836-9865; Address:  
Campus Police; 150 Finoli Dr.; Greensburg, PA 15601-5860

Johnstown Campus: (814)269-7005  
Address: Campus Police Suite; 450 Schoolhouse Road; Johnstown, PA 15904

Titusville Campus: (814)827-4488; Address: Davis Hall; 224 N. Brown St.; Room 112; Titusville, PA 16354

Student Wellness Center  
University Counseling Center/Student Health Service Wellness Center; (412)648-7930/(412)383-1800; Nordenberg Hall; 111 University Place; Pittsburgh, PA 15260

UPMC Magee  
Magee-Womens Hospital of UPMC; 300 Halket St. Pittsburgh, PA 15213

Student Affairs Conduct Officers  
Oakland Campus: (412)648-7910; 738 William Pitt Union; 3959 Fifth Ave, Pittsburgh, PA 15260; bar50@pitt.edu

Bradford Campus: (814)362-5084; 300 Campus Drive, Bradford, PA 16701; binder@pitt.edu

Greensburg Campus: (724)836-9954; 219F Chambers Hall; Greensburg, PA 15601; leigh@pitt.edu

Johnstown Campus: (814)269-7062; 142 Union, 450 School House Road, Johnstown, PA 15904; tshaffer@pitt.edu

Titusville Campus: (814)827-4469 Rm 204A Student Union Building, 504 E. Main Street, Titusville, PA 16354; plcarter@pitt.edu

Sexual Harassment and Assault Response and Education (SHARE) Office  
University Counseling Center Wellness Center; (412)648-7930 After hours(412)648-7856; Nordenberg Hall; 111 University Place; Pittsburgh, PA 15260

Student Counseling  
Oakland Campus: University Counseling Center
Prevention

Education and Training Programs

- **Office of Sexual Harassment and Assault Response and Education (SHARE)**
  The University has a comprehensive array of educational programs aimed at preventing sexual misconduct and harassment, relationship violence, and stalking that include the following:

  - **Peer Education**: There are two organizations that provide educational programming. Let’s RAVE (Raise Awareness and Victim Empowerment) and PantherWELL are student organizations consisting of more than 75 highly trained peer educators who present programs on dating violence, domestic violence, sexual misconduct, and stalking. The focus of the programs is bystander intervention, which is designed to provide Students with the skills necessary to safely intervene when circumstances of sexual or interpersonal violence or stalking are about to occur or are occurring. Students also are given information on risk reduction strategies to help them to address conditions that facilitate violence.

    If you would like to become a SHARE peer educator, please contact Pitt’s Sexual Harassment and Assault Response and Education coordinator at 412-648-7930. If you are interested in becoming a PantherWELL or peer health educator, please contact the Health Educator in The Office of Health Education and Promotion at 412-383-1830

  - **New and Transfer Students**: Incoming Students are required to complete Campus Clarity, an online course on sexual misconduct and harassment, and attend the Tipping Point program, at which alcohol use and sexual misconduct are addressed in a direct manner.

  - **Dating Violence Awareness Week**: Special events and programming take place every October to draw attention to this issue.

  - **Awareness Campaign**: Campus-wide sexual misconduct and consent awareness campaigns, featuring videos and creative print advertising, are used throughout the year to educate Students
about the issues.

• **Sexual Assault Awareness Week**: A variety of programs occur each spring during Sexual Assault Awareness Week to reinforce the messages by engaging Students in interactive events.

• **University Police Seminars**: Members of Pitt’s police are trained in responding to and investigating sex offenses, domestic violence, and stalking incidents. The Pitt police provide special programs on sexual misconduct and other safety issues to student groups upon request.

• **Community Speakers**: Pittsburgh Action Against Rape and the Center for Victims also provided speakers for campus groups during the past year.

• **The Dignity and Respect Campaign**: Students may pledge in August to treat each other with dignity and respect.

**Definitions of Sexual Misconduct**

A summary of important definitions related to sexual misconduct and relationship violence can be found on the Title IX website at [http://www.titleix.pitt.edu/policies-procedures](http://www.titleix.pitt.edu/policies-procedures).
Glossary

**Administrative Hearing:** A meeting with a Hearing Officer to adjudicate Level I incidents. For a full description, please refer to Level I Process and Procedures.

**Complainant:** Individual filing a referral regarding alleged violations of the *Code*.

**Disciplinary Conference:** The purpose of the disciplinary conference is to allow a Hearing Officer to discuss the alleged offense(s) with the Respondent. The Respondent will have the option to enter into a voluntary resolution or proceed before the Judicial Board.

**Full Hearing:** A formal hearing, for a Level II incident, in which the Respondent does not admit responsibility for the alleged violations of the *Code*. For a full description, please refer to Level II Process and Procedures.

**Hearing Officers:** Individuals, including but not limited to, hearing panel members, Resident Directors, and staff in the Office of Student Conduct that have the authority to adjudicate cases.

**Judicial Board:** The Judicial Board is the duly authorized judicial body which has jurisdiction over all Students for all Level II matters arising from the *Code*. The Judicial Board shall possess the authority to recommend both residence hall and University-wide sanctions. The Judicial Board shall conduct hearings, make findings of facts, recommend 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 Office of Student Conduct.

**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.

**Judicial Referral:** A report alleging violations of the *Code*.

**Level I Incident:** Any low level incident in which the sanctions for the Respondent would not rise to the level of Disciplinary Suspension or Dismissal.

**Level II Incident:** Any high level incident, or accumulation of Level I incidents, in which the Respondent may face a sanction of Disciplinary Suspension or Dismissal.

**Offense:** Conduct and/or attempts to engage in conduct inappropriate to the University community for which disciplinary actions may be instituted. This may include violations of any federal, state, or local law, or of any rule, policy, or *Code* provision of the University of Pittsburgh.

**Respondent:** Individual responding to a filed referral of alleged violations of the *Code*.

**Sanctions Only Hearing:** A formal hearing, for a Level II incident, in which the Respondent admits responsibility for the violations of the *Code*, but does not agree to the recommended sanctions. For a full description, please refer to Level II Process and Procedures.

**Student:** All individuals taking courses at the University, either full-time or part-time, pursuing undergraduate, graduate, or professional studies, both degree and non-degree seeking, as well as individuals enrolled in non-credit courses and programs. *Code* jurisdiction also includes individuals who have accepted an offer of admission to the University; and students who withdraw after allegedly violating the *Code*, who are on leave of absence from the University, or who are not officially registered and/or enrolled for a particular term, but have a continuing relationship with the University.

**Student Conduct Peer Review Board (SCPRB):** The Student Conduct Peer Review Board (SCPRB) will hear cases involving *Code* violations which will not result in suspension or dismissal. The SCPRB will be made up of undergraduate, graduate, and/or part-time Students in good academic standing. Members will be selected annually (or more often, if required) by a selection process to be determined by Student Affairs. All SCPRB members will receive appropriate training to discharge their responsibilities.

The hearing of a case referred to the SCPRB will be held before a panel of a minimum of three (3) members and will be conducted under the guidance of the Student Conduct Officer or their designee.

No one will serve on a Panel who has any direct interest or prior involvement in the incident under consideration.

**Voluntary Resolution:** When a Respondent accepts the recommended sanction(s) of the Hearing Officer and waives the right to a hearing and/or appeal.

**University Property:** All property (real and personal) owned, leased, controlled, or utilized by the University.

**University Review Board (URB):** 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 URB may 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, except matters involving sexual misconduct as explained in Appendix B where no Students shall be on the panels, 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.
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 Diversity and Inclusion (and Title IX, 504 and ADA Coordinator), 540 Craig 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.