

University of Pittsburgh



Student Code of Conduct and Judicial Procedures

Effective September 14, 2015

Division of Student Affairs

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

Contact Information

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

Student Conduct Office 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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Notice

This code of conduct is not a contract. Students are required to abide by the current version of the code, which is always available online at <http://www.studentaffairs.pitt.edu/studentconduct>

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

The *Code* will be made available to all students at the beginning of the fall term. Copies of the *Code* are available for students to pick-up in the Office of Student Conduct, 738 William Pitt Union. The *Code* is also available online at <http://www.studentaffairs.pitt.edu/studentconduct>.

Be A Good Neighbor

Oakland is one of the most populous neighborhoods in the City of Pittsburgh and is the third largest economic center in the Commonwealth of Pennsylvania behind the City of Philadelphia and the City of Pittsburgh. Oakland has become a very diverse neighborhood with the blending of college students from three Oakland based universities and individual homeowners and apartment dwellers. This blending, especially in urban settings, can generate conflicts over a wide range of issues (commonly referred to as Town/Gown issues) not the least of which are off-campus parties.

It is our expectation that our students are always in control of their behavior and that they are civically responsible at all times; that includes being respectful of their neighbors especially while attending parties. As a student, whether you live on-campus or off-campus, you are expected to live by the common values expressed in the principles outlined in the Pitt Promise at all times.

The Pitt Promise: A Commitment to Civility

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

As a Pitt Student:

- ◆ I will embrace the concept of a civil community which abhors violence, theft, and exploitation of others;
- ◆ I will commit myself to the pursuit of knowledge with personal integrity and academic honesty;
- ◆ I will respect the sanctity of the learning environment and avoid disruptive and deceitful behavior toward other members of the campus community;
- ◆ I will support a culture of diversity by respecting the rights of those who differ from myself;

- ◆ I will contribute to the development of a caring community where compassion for others and freedom of thought and expression are valued; and
- ◆ I will honor, challenge and contribute to the scholarly heritage left by those who preceded me and work to leave this a better place for those who follow.

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

Student Rights Within the University Community

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

- ◆ To engage in discussion, to make inquiries, to exchange thought and opinion, to publish and exchange findings and recommendations, to speak, write, or print freely on any subject, and to sponsor speakers of their choice, in accordance with the guarantees of our Federal and State Constitutions, subject only to the right of the University to make reasonable rules and regulations related thereto.
- ◆ To associate with whomsoever they please.
- ◆ To engage in the educational process.
- ◆ To engage in peaceful, orderly, and nondestructive picketing, protests, and demonstrations, to the extent they do not violate public law and do not interfere with the educational process or the rights of other members of the University.
- ◆ To be free from discrimination on the basis of race, color, religion, ethnicity, national origin, age, sex, sexual orientation, or marital, veteran, or handicapped status.
- ◆ To be secure in their persons, living quarters, papers, and effects from unreasonable, illegal, or unauthorized searches and seizures; and in the event of a legally authorized search, whenever possible to have present an official of the University and the student against whom the legally authorized search is directed.
- ◆ To be free from violence, force, the threat of force, entrapment, and coercion.
- ◆ To organize one's own personal behavior as long as such behavior does not violate public law or the rights of others and does not interfere with the educational process.
- ◆ To be informed of the standards and the norms of conduct established by the University and the right to have advance notice of any sanctions for violations thereof.
- ◆ To have the benefit of fair and equitable procedures for determining the validity of charges of alleged violations of the University standards of conduct. All procedures shall be structured to facilitate a reliable determination of the truth or falsity of charges while providing due process and fundamental fairness to all persons.
- ◆ To retain unaltered status as a member of the University community and to be present on campus and attend classes during the consideration of any disciplinary matter, except for reasons relating to the safety and well-being of members of the University community or University property or a student's physical or emotional safety and well-being.
- ◆ To petition for redress of a grievance arising from negligent, malicious, or irresponsible actions of a member of the University community.
- ◆ To have University records reflect only such information as is reasonably related to the educational process of the University.
- ◆ To be informed of the existence, custodianship, and general character of all personal records maintained by the University.

- ◆ To inspect all personal records, except records determined to be confidential in accordance with properly established criteria.
- ◆ To have protection from disclosure of personal records to unauthorized persons. Information will not be released outside of the University community without the expressed consent of or waiver by the student involved, except under valid legal compulsion or where there is a clear and present danger to a member of the University community, in which case the student will be informed of any such release. (Please refer to Appendix D: Notification of Rights under FERPA for more information.)
- ◆ To establish and elect a representative democratic student government which is accountable to the University and the student community.
- ◆ To be heard and have one's views considered at appropriate levels of the decision making process within the University community.
- ◆ To use designated University facilities as individuals and members of student organizations for extracurricular activities sponsored by registered student organizations and student groups, subject to the priority of academic needs and to reasonable University rules and regulations regarding use of facilities.

Application and Scope of the Student Code of Conduct

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

The purpose of this *Code* is to outline nonacademic standards of conduct appropriate to the University consistent with the educational goals of the University.

The *Code* shall apply to all undergraduate, graduate, and professional students that have matriculated at any of the campuses of the University of Pittsburgh ("student"). (Note: regional campuses may have campus specific rules and procedures which should be consulted as applicable.) Students shall also be subject to other regulations properly adopted by the University. "Guest" assumes a broader definition than the technical definition of "guest" and "visitor" as defined in the Residence Hall Visitation Policy. Its use will include and refer to any person visiting within a University facility for a period of time.

Students are expected to conduct themselves as responsible members of the University community. Those students whose conduct violates the law, the rights of others, or the health, welfare and safety of members of the University community will be subject to disciplinary action by the University, 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 University student-judicial authorities.

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 Harassment Policy and Procedures. The University determines which policies and procedures to use.

Offenses of the Student Code of Conduct

“**Offense**” means 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 *Student Code of Conduct* provision of the University of Pittsburgh.

A. Offenses Related to Person(s)

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

1. Without authority or consent limits or restricts the freedom of a person to move about in a lawful manner.
2. Abuses or injures oneself or another person physically.
3. Threatens, intimidates, coerces, or uses physical force in a manner which causes another person to be reasonably apprehensive or which endangers the health or safety of oneself or another person.
4. Harasses or attempts to harass a person through repeated, unwanted communications or by putting another person in objective and subjective fear of injury or unreasonably causing severe or pervasive distress by: purposely following another person in public places or other places; communicating in an anonymous manner; or acting in another manner with the intent to harass a person.
5. Obstructs, interferes, or denies another student the rights and privileges affirmed by the Board of Trustees.
6. Engages in any act or preparation intended to result in a violation of this *Code*, which, if not prevented, would have resulted in the completion of the act intended.
7. Violates any provision of any of the following, which can be found online:
 - a. University of Pittsburgh Policy on Sexual Harassment (available at the Office of Diversity and Inclusion, 500 Craig Hall);
 - b. University of Pittsburgh Anti-Harassment Policy Statement (available at the Office Diversity and Inclusion, 500 Craig Hall);
 - c. University of Pittsburgh Anti-Hazing Policy (available in Appendix F of this *Code*);
 - d. University of Pittsburgh Student Organization Certification Policy (available at 130 William Pitt Union);
 - e. University of Pittsburgh William Pitt Union Student Alcohol Policy (available at Reservations on the main floor of the William Pitt Union); or
 - f. University of Pittsburgh Drug Free Workplace/Drug Free Schools Policy (available in Appendix H of this *Code*).
8. Uses a telephone, social media websites, or any form of technology to carry out an offense related to a person, including cyber-stalking.
9. Commits any sexual act directed against another person, forcibly and/or against that person’s will, or not forcibly or against the person’s will where the victim is incapable of giving consent; or engages in unlawful, non-forcible sexual 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.

- b. Dating Violence: Violence by a person who has been in a romantic or intimate relationship with the victim.
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 limit to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

B. Offenses Related to Property

“**University Property**” means all property (real and personal) owned, leased, controlled, or utilized by the University. An offense related to property is committed when a student:

1. Knowingly and without consent or authorization has in their possession, dominion or control property of another person or the University.
2. Removes or uses in their room University property which has been placed in lounges or other public areas of University Owned Housing.
3. Knowingly and without consent or authorization removes, (mis)uses, misappropriates, or sells the property of another person or the University.
 - a. A student is not permitted to remove food or property from University Food Services service areas unless expressly authorized by University Food Services personnel.
 - b. A resident may not lease, sublet, or change rooms without authorization from the appropriate University official.
 - c. A student is not permitted to compromise the security of University Property through acts such as propping doors open, tampering with locking mechanisms, etc.
4. Damages or Destroys Property
 - a. A resident to whom University property has been assigned is absolutely responsible for the condition of that property during the period of assignment.
 - b. A student may not affix, implant, or otherwise fasten any object to floors, ceilings, or walls of any University Property which might stain, scar, vandalize, or otherwise cause damage to University Property.
 - c. A student may not alter or interfere with the normal operation of elevators within any University building.
 - d. A resident shall not allow their screen(s) to be opened or removed from the windows.
 - e. A resident shall not allow their window(s) to be opened beyond the point restricted by a physical barrier or mechanical means.

- f. A resident shall not remove or destroy University telephones, telephone jacks, network jacks or other communications-related equipment.
 - g. Intentionally or negligently abuses, damages, or destroys property owned or in the possession of another person or the University.
5. Throws anything from the windows and/or balconies of any University building.
 6. Obtains the property of another person or the University by misrepresentation or fraudulent means.
 - a. A student may not borrow, buy, or use University identification, keys, parking permits, etc. issued in the name of another person.
 7. Enters or uses facilities or property of another person or the University without consent or authorization.
 - a. Students may not hold group functions in any University area without the express advance approval of the appropriate University official per University space usage guidelines.
 - b. A student and/or their guest may not enter University Food Services areas in an unauthorized manner (e.g., via elevator, exit doors, garage, etc.) or without proper identification.
 - c. A student may not enter the University Food Service areas without being properly clothed as defined by University Food Services.
 - d. A student may not enter the room of another student without proper authorization.
 8. Displays or hangs any items from University Owned Housing or other University Property, windows, or walls except inside the Schenley Quadrangle. Advance approval for any banner or display must be obtained from Residence Life or appropriate building manager for buildings other than Residence Halls and will be affixed to the building by University personnel. A resident may not display or hang items from fixtures in their residence.
 9. Knowingly and without consent alters and/or misuses cables, telephone, or network devices.

C. Offenses Related to the Operation of the University

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

1. Forges, alters, takes possession, duplicates, or uses documents, records, keys, identification, or computer accounts without consent or authorization by appropriate University officials.
 - a. A student may not deface, transfer, duplicate, loan, borrow, or sell University identification, bus passes, parking permits or Pitt Cards.
 - b. A student may not duplicate University building keys; this includes University Owned Housing keys.
 - c. A student may not possess or use keys to University facilities unless expressly authorized to do so.
 - d. A student may not provide University computing resource access to non-University entities unless expressly authorized to do so.
2. Falsifies information or records submitted to a University official or office.
3. Fails without just cause to comply with the lawful direction of a University official acting in the performance of their duties and authority.
4. Fails to present University identification or gives false identification or identifying information upon request by an authorized University official who has offered proper identification as to his/her status.

5. Purports to represent the University or another person in the University community improperly and without authorization.
 6. Engages in solicitation of any type in or on University property unless approved in advance by an appropriate University official.
 7. Engages or participates in non-University commercial activity on campus, unless written authorization for such activity has been given by the Provost or Executive Vice Chancellor or their designee. This prohibition includes, but is not limited to, the sale or misuse of class 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).
 9. Violates any provision of the Residence Hall Visitation Policy. (This policy can be found on page 35 of this code.)
 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; breach of peace; or aiding, abetting, or procuring another to do the same.
 13. Fails to control the behavior of a guest or seek University assistance in controlling the behavior of the guest.
 14. Violates the provisions of the Housing and Dining Services Contract agreement and/or the Residential Handbook.
 15. Violates any University of Pittsburgh policy not specifically named in this *Code*.
 16. Violates any federal, state or local law(s), (or violates any international law(s) while abroad), as such violation is determined by the process outlined in this *Code* for any other offenses.
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D. Offenses Related to Welfare, Health, or Safety

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

1. Uses, possesses, or manufactures, without University authorization, firearms, explosives, weapons, or other dangerous articles or substances injurious to person or property without consent or authorization, while on University Property.
 2. Refuses to vacate buildings, street walks, driveways, other facilities of the University, or elsewhere, when directed to do so by an official of the University or any other lawful authority having just cause; or fails to vacate a University building, including residence halls, when a fire alarm sounds.
 3. Uses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogenics, dangerous drugs, controlled substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.
 4. Is knowingly present during the commission of the violation(s) of “uses, possesses, distributes, sells, or is under the influence of narcotics, hallucinogenics, dangerous drugs, controlled substances except as permitted by law, or possesses paraphernalia which can be demonstrated to be linked to drug activity, such as pipes with drug residue.”
 5. Possesses, consumes or is under the influence of alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania, or dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania.
 6. Violates any provision of the University alcohol policies, 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, or violates any provision of the University alcohol policies."
 7. Falsely reports a fire, or activates emergency warning equipment, or communicates false information regarding the existence of explosives on University property.
 8. Abuses, removes, damages, or alters fire safety equipment, security equipment, and/or exit signs.
 9. Engages in games of chance for money or other gain in violation of the law.
 10. Ignites or burns materials which cause a fire without consent or authorization, while on University property.
 11. Ignites or burns incense, candles, and/or like materials without consent or authorization, while on University property.
 12. Violates University restrictions on smoking.
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E. Offenses Related to the Judicial System

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

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

2. Attempts to influence the impartiality of any member of a judicial body prior to or during the course of a judicial proceeding.
 3. Fails to respond to the request of a judicial body or official.
 4. Knowingly falsifies, distorts, or misrepresents information before a judicial body or judicial official.
 5. Disrupts or interferes with a judicial proceeding.
 6. Knowingly institutes a judicial proceeding without proper cause.
 7. Attempts to circumvent settlement agreements reached through the Office of Student Conduct.
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F. Offenses Related to University Information Technology Resources

“Information Technology Resources” includes, 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.

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

1. Uses information technology resources for purposes other than research or instructional purposes-information technology resources may not be used for commercial purposes or personal gain.
2. Intentionally or recklessly abuses or misuses information technology resources so as to cause damage, program disturbances, or harassment to other persons.
3. Repeatedly or purposefully engages in activities which can be reasonably expected to, or do, unreasonably tax information technology resources, go beyond the intended or acceptable use, or use the system for any purpose for which it is not intended (including, but not limited to gaining access to other user accounts, identifying or exploiting security vulnerabilities, or similar unauthorized actions).
4. Borrows, lends, falsifies or misuses a computer account or information technology resource, or allows, or facilitates the unauthorized access to use of University information technology resources by a third party.
5. Obtains the password(s) of other persons in order to use University or University-related information technology resources without proper authorization or impersonates another person or an information technology resource.
6. Uses electronic media to harass or threaten other persons, or to display, design, copy, draw, print, or publish obscene language or graphics. Submits or causes to be submitted to the University false, misleading, harassing or deceptive help requests or complaints. Uses University information technology resources to gain or attempt to gain unauthorized access to information technology resources either inside or outside of the University.

7. Intercepts, attempts to intercept, or otherwise monitors any communications not explicitly intended for him or her.
8. Copies, reads, accesses, uses, misappropriates, alters, publishes or destroys the files, output data, documents or other files of another individual or attempts to do so, without the permission of that individual, project leader, or information technology resource administrator.
9. Makes, distributes and/or uses unauthorized duplicates of copyrighted material, including software applications, proprietary data, and information technology resources. This includes peer to peer sharing of entertainment (e.g., music, movies, video games) files in violation of copyright law. (Unauthorized copying of copyrighted software or proprietary files may also lead to proceedings in the civil court.) Violates the terms and conditions of software license agreements for software distributed by the University of Pittsburgh to students by giving, lending, selling, or leasing such media or software to others for their own use.
10. Interferes with the operation of the University's information technology resources by deliberately attempting to degrade or disrupt resource performance, security, or administrative operation including, but not limited to, intentionally introducing any computer virus or similar disruptive force into any information technology resource.

Introduction to Disciplinary Process Under This Code

The *Code* is neither a criminal nor a civil code and does not operate like one. Our expectations for our fellow community members are for a significantly higher standard of conduct than the bare minimum prescribed by law. Because the purposes of the *Code* are different from the purposes of law, the procedures by which the *Code* is implemented are, by design, more informal and less adversarial than those of a court.

Definitions

Judicial Referral: A report filed regarding violations of the *Code*.

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

Respondent: Individual responding to a filed referral of alleged 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.

Administrative Hearing: An administrative hearing to adjudicate Level I incidents. For a full description, please refer to Level I Process and Procedures.

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.

Disciplinary Conference: The purpose of the disciplinary conference is to allow a Student Conduct 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.

Voluntary Resolution: When a respondent accepts the recommended sanction(s) of the Student Conduct Officer or his/her designee and waives the right to a hearing and/or appeal.

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.

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 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 a Moderator appointed by the Student Conduct Officer or his/her designee.

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

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

In cases involving sexual violence, the University is committed to providing annual specialized training for Judicial Board members that hear such referrals.

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.

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

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

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

The 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.

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 Student Code of Conduct may have occurred in connection with such an emergency.

Because the University understands that fear of possible actions may deter certain requests for emergency assistance, the University has adopted the following Responsible Action Protocol to alleviate such concerns and promote responsible action on the part of students. Responsible action under the Responsible Action Protocol includes seeking medical assistance for another person who is experiencing an alcohol 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 judicial 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 judicial consequences against the student organization resulting from Student Code violations that may have occurred at the time of the incident. On the other hand, failure to call for medical assistance in an alcohol-related or other emergency will be considered an “aggravating circumstance” and may affect the judicial resolution against the student organization and individual students if violations may have occurred.

Rights in Disciplinary Proceedings

In disciplinary proceedings, the University shall endeavor to:

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

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

1. To be considered not responsible until found to be responsible, by preponderance of the evidence, of a violation of the *Student Code of Conduct*, although the University retains the discretion to determine whether and when interim measures, described under “Sanctions” and other places within this *Code*, are appropriate.
2. To be informed of their rights.
3. To receive written and timely notice of the conduct matter to be resolved.
4. To seek representation. Legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly, but a non-attorney representative from the University community may advise and/or represent. This does not exclude representation by law students. Failure to secure representation will not cause a hearing to be postponed or canceled. (Note: Residence Life staff members cannot provide representation).
5. To have a fair and prompt disposition of conduct matters under the relevant circumstances.
6. To elect to be heard by an impartial Judicial Board or Hearing Officer.
7. To elect to have a hearing in a private forum.
8. To elect to have an agreed resolution, provided it is acceptable to both the respondent and the complainant. Where the victim is not the complainant, the Student Conduct Officer or designee will attempt to consult with the victim for input in the resolution process.
9. To have a prompt disciplinary conference with the Student Conduct Officer when the University determines that immediate interim action is appropriate.
10. To be informed of the maximum and minimum sanctions that may be imposed.
11. To be informed of the format and procedures of the student judicial system.
12. To be informed of the general nature of the evidence to be presented.
13. To confront and question all parties and witnesses, except in cases of sexual violence or when circumstances make this impractical.
14. To present a factual defense through witnesses, personal testimony, and other relevant evidence.
15. To decline to testify against oneself, although the decision maker may take this into account during deliberations.
16. To request attendance of witnesses upon a showing of relevance.
17. To receive a written notice of the disciplinary findings and recommendations upon request at the conclusion of the process.
18. To have only relevant evidence considered by the Judicial Board.

19. To be informed of all decisions within a reasonable time.
20. To appeal a decision that meets the criteria outlined in the “Basis For Appeal” and “Scope of Appeal” sections of this *Code* and to be informed of the appellate procedure to be followed.

Filing Procedures

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

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

1. The name and address of the student/organization against whom a judicial referral is lodged.
2. The name of the complainant and his/her status in the University community.
3. The alleged offense(s) which is/are the basis of the judicial referral.
4. 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.
5. The names of persons having personal knowledge of circumstances or events and the general nature and description of all evidence.
6. The signature of the complainant.

LEVEL I INCIDENT PROCESS AND PROCEDURES

A Level I incident is any low level incident in which the sanctions for the respondent would not rise to the level of Disciplinary Suspension or Dismissal.

LEVEL I INCIDENT PROCESS

Upon receiving a judicial referral, the Student Conduct Officer or his/her designee will notify the student by mail and/or electronic mail that a referral has been filed against them. The Student Conduct Officer will determine whether the referral constitutes a Level I incident.

The Student Conduct Officer or his/her designee will have the discretion to decide which Level I incidents will proceed before the SCPRB and which will proceed before a Resident Director or the Student Conduct Officer.

LEVEL I INCIDENT ADMINISTRATIVE HEARING

For Level I incident administrative hearings, the student will receive a letter informing him/her of the charges, as well as the date, time, and place of their administrative hearing. Some incidents may require the student to meet with the Student Conduct Officer or Resident Director to determine charges prior to the Level I incident administrative hearing. Failure to attend such a meeting may result in a judicial hold being placed on the student's account.

At the time, date, and place scheduled, the Level I incident administrative hearing shall be conducted under the guidance of the Student Conduct Officer or his/her designee. Failure to attend the Level I incident administrative hearing will result in the hearing being held in the respondent's absence.

At the Level I incident administrative hearing:

1. The Student Conduct Officer or his/her designee will convene the hearing by reading the *Code* violations.
2. The respondent will have the opportunity to review the referral and respond to the charges. At this time, the respondent can ask questions and present information through witnesses and/or documents.
3. The Student Conduct Officer or his/her designee may ask questions regarding any of the additional information provided by the respondent.
4. After the information has been discussed, the Student Conduct Officer or his/her designee will determine responsibility regarding the charges and will inform the respondent of the recommended sanctions.
5. The respondent will then have the option to:
 - a. Accept the findings and recommended sanctions.
 - b. Accept the findings, but reject and appeal the recommended sanctions.
 - c. Reject the findings and recommended sanctions and appeal both.

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 Student Conduct Office within five (5) business days of the Level I incident administrative hearing. 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 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 supported by substantial evidence.

Once the Student Conduct Office receives a request for an appeal, the Student Conduct Officer will review and notify the appealing student whether the appeal will be heard. The Student Conduct Officer will notify the appealing student of the date, time, and place of the appeal. Any decisions reached at the appeal will be final.

STUDENT ORGANIZATION AND 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 Appendix G 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 of the Standards Governing Student Group Activities as found in Appendix A of this *Code*.

Disciplinary Conference

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

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

Judicial Board

Judicial Board Structure

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

Student Appointment to the JB

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

1. Must be a registered student.
2. Must be a second-term freshman, sophomore, junior, senior, or graduate/professional student.

3. Must be in good academic standing.
4. Must not be on academic or disciplinary probation.
5. Must not be on University Owned Housing Probation, Suspension, or Dismissal.

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

Hearing Officers

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

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

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

STUDENT ORGANIZATION AND LEVEL II INCIDENT FORMAL HEARING PROCESS

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 Appendix G of this *Code*.

The Student Conduct Officer or his/her 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 his/her designee with all documents that they intend to introduce at the hearing not less than five (5) working days prior to the hearing date. The Student Conduct Officer or his/her designee will provide both parties with the opportunity to review all documents which the opposing party will introduce at the hearing not less than five (5) working 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 will not apply technical rules of evidence followed in judicial 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 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 his/her discretion, may allow a witness to testify via closed-circuit audio/video technology. A written request must be received by the Student Conduct Officer not less than ten (10) working days prior to the hearing date.

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

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

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

The Student Conduct Officer, who acts as the Hearing Moderator, may ask questions of the witnesses. There may be times when the Student Conduct Officer is called as a witness to testify. As the Moderator, the Student Conduct Officer shall have an opportunity to address the Judicial Board on University regulations, policies, procedures, or other relevant issues in the presence of all parties.

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

1. The Student Conduct Officer shall convene the hearing and introduce the parties involved in the proceeding.
2. Student Conduct Officer or designee will read the alleged charges.
3. The parties or their representatives may state their objections to the procedures and the Student Conduct Officer or designee shall make any necessary decisions regarding the validity of such concerns or objections.
4. The complainant or representative for the complainant shall state his/her 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 of the complainant after they testify.
8. The complainant shall inform the Student Conduct Officer 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.

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 of the respondent after they testify.
14. The respondent shall inform the Student Conduct Officer when their presentation is completed.
15. The hearing shall be concluded and the members of the Judicial Board shall deliberate in private until a decision is reached and recorded.
16. When a decision in favor of or against a respondent has been reached by a majority vote of a Judicial Board, the hearing shall be reconvened and the findings of responsibility shall be announced.
17. If the respondent is found to be responsible, the Student Conduct Officer shall inform the hearing panel of the University's recommended sanction(s). Both parties shall be given the opportunity to address the Judicial Board regarding the imposition of the recommended sanction(s). The hearing shall be concluded and participants dismissed. The members of the Judicial Board shall deliberate in private until the final recommended sanction(s) is reached and recorded.

Final Decision

The hearing panel's 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 he or she believes that the totality of circumstances, including but not limited to any prior offenses and University precedents, justifies it.**

The final decision by the Dean of Students shall be forwarded to the respondent and complainant, as well as other parties relevant to the sanction(s).

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

Student Organization and Level II Incident Appeal

NOTE: This process and procedure does apply to matters related to sexual misconduct, stalking, and relationship violence. Procedures for these matters can be found in Appendix G 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 shall be made to the URB within five (5) working days of the date of the decision letter.

Postponement of Sanction Pending Appeals

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) working days of the date of the decision letter by separate petition setting forth reasons why the imposition of a sanction or

remedy would unfairly prejudice a party. Petition for postponement shall be reviewed by the Moderator, one student, and one faculty member of the URB. The criteria to be applied in determining whether to postpone a sanction or remedy are as follows:

1. Whether the issues raised in the appeal may be resolved in favor of the petitioning party; and
2. Whether the petitioning party will be unfairly prejudiced pending a final determination of the appeal by the immediate imposition of the sanction or remedy; and
3. Whether the responding party will be unfairly prejudiced by the postponement of the sanction or remedy.

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

Basis For Appeal

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

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

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

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

Scope of Review

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

1. Whether rights affirmed by the Board of Trustees have been denied.
2. Whether the adjudicatory process of an initial hearing was conducted fairly and in conformity with properly proscribed procedures.
3. Whether the 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 faculty member, staff member, or student adversely affected by the decision of a judicial body within the Office of Student Conduct 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 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

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

Format and Decision

If the URB, in its discretion, decides to allow oral argument, each interested 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 his or her 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 Student Conduct Office 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.

University Review Board

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 G 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.

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 community service should be related to the offense and serve the offended population. The student is responsible for providing documentation (to the authority sanctioning the community service) that the community service has been completed. A record of this sanction shall be maintained in the 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 from the Vice Provost and Dean of Students expressing disapproval of conduct. A record of Disciplinary Reprimand shall be maintained in the Office of Student Conduct.

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

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

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

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. Disciplinary 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 restitution owed, as appropriate. A record shall be maintained in the Office of Student Conduct. Failure to pay a fine on time may result in a hold on a student's registration and/or additional disciplinary action.

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

A \$250 "host" fine may be imposed upon any 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 personal contact, e-mail, telephone, texting, 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 arrest.

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

Interim Persona Non Grata — An exclusion from a facility or area for a specified period of time. During the period the student is excluded from a specified facility or area of the University, he/she will not be permitted to enter or use the University property for visitation, meals, employment, or any other purpose. This status also includes exclusion from the property's lobbies, patios, and adjacent University property. A record of Interim Persona Non Grata status shall be maintained in the Office of Student Conduct or Regional

Campus Office, the office of the person directly responsible for the day-to-day operation of the facility or area, and the University Police and any other appropriate person(s)/office(s) the sanction applies to. Should the student reappear in any of the areas heretofore mentions, he or she will be subject to arrest.

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

Interim Suspension — An immediate exclusion from classes and all other University privileges or activities which is imposed by the Vice Provost and Dean of Students or their designee pending a disciplinary hearing. Interim Suspension may be imposed 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 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 on all University owned housing and will not be permitted to enter or use University owned housing for visitation, meals, employment, or for any other purpose. This status also includes exclusion from lobbies, patios, and adjacent University property. Should the student reappear in any of the areas heretofore mentioned, they will be subject to arrest.

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

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

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

Marijuana 101 - Marijuana 101 (MJ101) consists of two, one-on-one meetings with Health Education staff, scheduled for one hour in length. MJ101 explores marijuana and how it relates to the body and mind, and explores personal decision making relating to the use of marijuana. Homework assignments are required as part of this program. MJ101 is a standard sanction for a 1st time violation of a marijuana policy.

Marijuana 102 – Marijuana 102 (MJ102) consists of meeting one-on-one with Health Education staff over the course of several weeks. Meetings are scheduled for one hour each time. 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 personal contact, e-mail,

telephone, texting, 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 arrest.

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

Personal Education, Assistance, and Referral Program (PEAR) — PEAR I consists of a one time, three hour educational class and also a separate, one-on-one meeting with a PEAR 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. Additional information on PEAR is available in Appendix B of this *Code*.

Personal Education, Assistance, and Referral Program II (PEAR II) - PEAR II consists of several one-on-one meetings with Health Education staff, each scheduled for one hour in length as well as homework assignments between appointments. This program provides individualized education to students 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.

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

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

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

University owned housing community. A record of University Owned Housing Probation shall be maintained in the appropriate University owned housing office and the Office of Student Conduct.

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

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

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

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

Student Organization Sanctions

Upon a determination of responsibility, the Student Conduct Officer or his/her designee shall recommend a sanction or set of sanctions based on the charge(s), findings of fact, the student organization's judicial 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 his/her designee may recommend a variety of sanctions individually or in combination, or other sanctions, as deemed appropriate:

Chapter Recolonization- Cessation of operations of the chapter and expulsion or movement to alumni status of all current members by the National Office. The 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 and alumni to determine which members may continue participation in the chapter. Specific conditions shall be established for full reinstatement.

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

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

Fines- A monetary sanction may be levied against the chapter, consistent with the sanctions outlined in the Student Code of Conduct and Judicial Procedures.

Greek Alcohol Awareness Program (GAAP) - A program specifically designed for Greek organizations to: (1) develop a high level of alcohol and other drug awareness and/or (2) identify

individuals with substance abuse early so they can be referred to the University's network of support. The program requires mandatory attendance at all sessions. Failure to attend mandatory GAAP programs, or in the alternative, PEAR programs, may result in additional disciplinary action including, but not limited to, monetary fines of the organization and/or individual.

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

Letter of Apology- A written statement of apology for an action or behavior to the afflicted. This letter must be provided on Chapter letterhead and copies must be provided to the organization's national headquarters, Office of Fraternity & Sorority Life, and Student Conduct Officer.

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.

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 maybe 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.

Recognition of Suspended Organizations

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

Action by the Chancellor or Other Referring Authority

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

Record Retention Policy

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

Student Identification Requirements

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

Copyright and File Sharing Policy

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

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

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

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

Authorized University Officials may enter student rooms for health and safety inspections, maintenance, housekeeping, or for other reasonable cause. “**University Official**” means any person employed by the University who is assigned administrative, staff, or professional responsibilities.

Visitation Policy, University of Pittsburgh Residence Halls

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

Residents will be accountable for rule infractions for all visitors/guests, including those 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 parent or guardian to visit. Visitors will need to 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 need 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 will need to 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 additional conditions:
 - a. The roommate's signature of approval is required on the roommate agreement.
 - b. All residents must obtain permission from their roommate(s) each time they would like to entertain a guest.
 - c. A resident may not have more than three (3) extended guests at one time.
 - d. A resident is limited to having ten (10) extended guests during any calendar month.

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

Statement on Alcohol and Other Drugs

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

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

Recognized Student Organizations are expected to follow alcohol policies which, if violated, are adjudicated by the Office of Student Conduct. Please refer to the Standards Governing Group Activities section that appears as Appendix A of this document.

University of Pittsburgh University Owned Housing Alcohol Policy

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

1. The purchase, consumption, possession, or transportation, or the attempt to purchase, consume, possess, or transport any beverage containing alcohol by persons under twenty-one (21) years of age.
2. Distribution of alcoholic beverages to residents/guests under the legal age of twenty-one (21) is absolutely prohibited.
3. Students who are “knowingly present” during the commission of the violation(s) of “possesses, consumes, or is under the influence of alcoholic beverages if under the age permitted by the Commonwealth of Pennsylvania or if in facilities where prohibited by the University; or dispenses alcoholic beverages to an individual who is under the age permitted by the Commonwealth of Pennsylvania, or violates any provision of the University alcohol policies.”
4. Alcoholic beverages cannot be transported to another room for any reason, nor are they permitted in any public area, on or off campus, including, without limitation, porches, unenclosed patios, lounges, stairs, lobbies, classrooms, hallways, walkways, and green spaces.
5. Alcoholic beverage containers cannot be used as decorations or for any other purpose whatsoever within University Owned Housing, regardless if they are empty containers.
6. Regardless of ownership or origin, unauthorized alcoholic beverages, beer, alcoholic beverages found in the possession of minors, bulk containers (e.g., kegs and pumpers), and taps or other mechanisms that have been used to dispense alcohol in University Owned Housing will be confiscated and disposed of.
7. Residents are absolutely responsible and legally accountable for their actions and the actions of their visitor(s)/guest(s), including any damages or injuries which result from their actions during or after the consumption of alcoholic beverages.
8. For residents who are twenty-one (21) years of age or older:

- Residents that are twenty-one (21) years or older are permitted to possess, consume, or transport alcoholic beverages in University Owned Housing. Residents from other buildings and non-resident guests or commuters are not permitted entrance with alcoholic beverages, regardless of 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.

University of Pittsburgh Nondiscrimination Policy Statement

The University of Pittsburgh, as an educational institution and as an employer, values equality of opportunity, human dignity, and racial/ethnic/cultural diversity. Accordingly, the University prohibits and will not engage in discrimination or harassment on the basis of race, color, religion, national origin, ancestry, sex, age, marital status, familial status, sexual orientation, 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.

For information on University equal opportunity and affirmative action programs and complaint/grievance procedures, please contact the Director of Affirmative Action (and Title IX and 504, ADA Coordinator), Office of Diversity and Inclusion, 500 Craig Hall, University of Pittsburgh, Pittsburgh, PA 15260, 412 648-7860.

University of Pittsburgh Anti-Harassment Statement

Harassment on the basis of a protected group status (i.e., due to an individual’s 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) is a form of discrimination prohibited by this policy.

Harassment may occur through a wide range of conduct, such as by verbal, physical or electronic means when:

1. The conduct is severe or pervasive and objectively and subjectively has the effect of:
 - a. Unreasonably interfering with an individual’s work or equal access to education; or
 - b. Creating an intimidating, hostile, or offensive work or academic environment; or

2. Such conduct, if repeated, is reasonably likely to meet the standard set forth in number 1 immediately above.

Harassment can occur on University premises or, under limited circumstances, off campus. It can occur between people of the same or different protected group statuses.

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

For more information, contact the Office of Diversity and Inclusion at 412-648-7860, or refer to the Nondiscrimination Policy (07-01-03) and the Sexual Harassment Policy (07-06-04).

University of Pittsburgh Sexual Harassment Policy

Sexual misconduct, including sexual harassment, is a form of gender discrimination and is prohibited. Appendix G of this Code deals generally with sexual misconduct. In addition, the University's policy against Sexual Harassment states, in part:

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

DEFINITION:

A. SEXUAL HARASSMENT IN GENERAL

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

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

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

B. SEXUAL HARASSMENT STANDARD WHEN CONSTITUTIONALLY PROTECTED SPEECH IS IMPLICATED

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

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

Student Organization Administrative Sanctions

The Office of Fraternity and Sorority Life, Student Life, or Intramurals and Recreation may establish and enforce standards governing student group activities which do not conflict with student rights within the University community as affirmed in the Student Code of Conduct. Administrative sanctions may be issued for *Code* infractions relating to standards governing student group 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 judicial 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. Student Conduct 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 Basis for Appeal as outlined in the Student Code of Conduct will apply.

APPENDIX A: STANDARDS GOVERNING STUDENT GROUP ACTIVITIES

FRATERNITY AND SORORITY ACTIVITY

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

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

All sanctions are to be imposed by the appropriate body under the Office of Student Conduct or personnel within the Division of Student Affairs.

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

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

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

II. Housing and Fire Detection Systems Policy

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

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 *Student Code of Conduct* 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.

REGISTERED STUDENT ORGANIZATION ACTIVITY

This section establishes standards of conduct ("Standards") relating to certain matters for student organizations, including club sports, recreational organizations, and all other organizations registered by the University of Pittsburgh.

These Standards are to be enforced by the Intramurals and Recreation Department, Student Organization Resource Center, and/or the University Division of Student Affairs. All sanctions are to be imposed by the appropriate body under the Office of Student Conduct or personnel within the Division of Student Affairs.

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

I. Registered Student Organization Responsibility

In addition to the standards set forth in this Code and the University's policies and procedures, Registered Student Organizations, as well as individual members who hold membership in a Registered Student Organizations, 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 Registered Student Organization, whether on or off the University's campus ("Activity"):

- They shall abide by all applicable federal, state, and municipal laws and University policies, rules, and regulations.
- They shall abide by all policies and procedures regarding membership, university registration, and risk management as outlined in the Student Organization Registration Guidelines. This guide can be obtained through the Student Organization Resource Center.

II. Alcohol and Drug Policy

1. Registered Student Organizations must fully comply with all federal, state, and local 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) under any circumstances.
 - b. Anyone under the age of twenty-one (21) from possessing or consuming alcohol, under any circumstances.
2. Participation in club or recreational sport activities including scrimmages, practices, and sanctioned games while intoxicated is prohibited.
3. Registered Student Organizations and their members are prohibited from the use of drugs, except for medicinal purposes, while or before traveling, competing/participating, or being a spectator at club events.
4. Notwithstanding anything contained herein to the contrary, each Registered Student Organization is responsible for compliance with this Policy, by itself and its members, including activities taking place anywhere, whether on or off campus.
5. Registered Student Organizations, 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 Registered Organization).
6. The elected officers of each Registered Student Organizations are responsible for formulating and implementing internal rules and procedures specific to their own Registered Student Organizations, which shall ensure conformity with this Policy.

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

In general, any student who demonstrates an inability to comply with the University's alcohol and drug policies is providing evidence of a possible loss of control over their behavior. While one policy violation

may not be cause for alarm, research tends to show that two or more may indicate a substance abuse or dependency problem.

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

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

Second Finding or Admission of Responsibility: A fine of \$125 may be imposed. Adjudication through the Office of Student Conduct or Community Standards system within Residence Life will require attendance at Personal Education Assistance and Referral (PEAR) program. If a student fails to attend and complete a PEAR program within the specific time period, or declines to attend the program, a Judicial Hold will be placed on the student's record until the PEAR program has been completed. Within two weeks of the imposition of the sanction the student will be required to meet with the substance abuse prevention specialist. This individual may mandate that the student complete some or all of the following treatment or educational options:

1. Attendance at PEAR classes offered by the Student Health Service if not previously completed.
2. Attendance and participation in workshops or seminars pertaining to healthy lifestyle choices (e.g., stress or anger management).
3. Referral to the University Counseling Center.
4. Educational requirements including informational brochures, video, audio and interactive methods.
5. Community service.
6. Other possible treatment options.

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

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

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

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

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

APPENDIX C: GREEK ALCOHOL AWARENESS PROGRAM (GAAP)

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

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

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

Any member excused from GAAP prior to the event occurring will be required to attend Personal Education Assistance and Referral (PEAR) classes. The Greek organization will incur a one hundred dollar (\$100.00) fine for **each** unexcused member. Excused members failing to complete PEAR within the specified time period, or who decline to attend a PEAR assessment interview, will have a Judicial Hold placed on their record until the PEAR class has been completed. A rescheduling fee of \$50.00 will be imposed for any student who needs to reschedule PEAR classes.

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

APPENDIX D: NOTIFICATION OF RIGHTS UNDER FERPA

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Directory Information

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

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

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

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

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

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

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

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

NAME: _____

PEOPLESOFT ID NUMBER: _____

ADDRESS: _____

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

SIGNATURE: _____

DATE: _____

APPENDIX E: PARENTAL NOTIFICATION FOR STUDENT MISCONDUCT

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

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

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

When and how parents/guardians will be notified:

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

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

There will be a letter explaining whom to contact for additional information. Before calling, it is suggested that parents/guardians contact their student first to determine if the parents/guardians assistance is required. The University hopes that parents/guardians can play a proactive role in this process by using their influence to keep students from returning to the judicial process. This can be done best by having private family discussions and understandings. Upon receiving written permission from the student, which can be an email, to speak to their parent(s)/guardian(s), staff members from Residence Life and the Office of Student Conduct are available to provide any necessary clarification. Residence Life may be contacted at 935 William Pitt Union on campus or at 412-648-1200. The Student Conduct Officer can be contacted at 738 William Pitt Union or by telephone at 412- 648-7910.

A parent/guardian cannot change a sanction:

The system of due process for all students does not allow the University the option to forego duly authorized sanctions for some students and not for others. Students who commit violations will be held accountable for their offense(s) as part of their education. They also will have available counseling and other academic support services to maintain their educational goals. The vast majority of students readily adapt to these opportunities. Recent evaluations indicate that only about 4 percent of the students who receive alcohol counseling through the University's referral system, for example, return to the judicial process for a repeat offense.

APPENDIX F: UNIVERSITY OF PITTSBURGH ANTI-HAZING POLICY

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

Hazing is defined as follows:

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

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

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

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

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

APPENDIX G: TITLE IX AND SEXUAL MISCONDUCT RESOURCES, INFORMATION AND PROCEDURES

The University of Pittsburgh values the safety and health of all members of the Pitt community and seeks to foster an environment in which its 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*. Some federal, state, and other law definitions are provided at the end of this appendix.

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 immediate 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 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. 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 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 Pitt 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.

Sexual Misconduct Resources

The University's Office of Sexual Harassment and Assault Response and Education (SHARE)

The University's SHARE office provides counseling to victims of sexual misconduct, assists victims 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 Coordinator also can assist with referrals to specialized counseling services off campus. Additional counseling resources include the University Counseling Center (**412-648-7930**) and Pittsburgh Action Against Rape (**1-866-363-7273**).

The University Counseling Center

The University Counseling Center (UCC) is the primary mental health service for undergraduate and graduate 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 and Substance Abuse Services programs. 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 diseases, 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 titleixcoordinator@pitt.edu. This office investigates allegations of sexual misconduct, among other things.

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 at **1-866-363-7273** and the Center for Victims at **1-866-644-2882**. Both organizations answer 24 hours a day. Both groups provide an advocate/escort to accompany victims through the medical and/or legal process. Students who seek assistance from these organizations are not obligated to press charges against the assailant.

Generally, off-campus counselors, advocates, and health care providers will maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. However, while these off-campus counselors and advocates may maintain a victim's confidentiality vis-à-vis 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.**

Victims 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 victims 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 offender to stay away from the victim, regardless of whether the victim pursues legal action. 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.***

Reporting and 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 victim'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.

Here is the contact information for these confidential individuals:

<http://www.pitt.edu/~chaplain/>

- ***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) generally keep reports of sexual misconduct confidential. However, they generally report de-identifying information to the University of Pittsburgh Police Department for Clery reporting purposes and to the Title IX Office. This de-identified report – which includes no information that would directly or indirectly identify the victim – will include the nature, date, time, and general location of an incident.

These reports help keep the Title IX Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. 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 victim 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 alleged perpetrator. However, the victim 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 victim with assistance if the victim 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 victim'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 alleged perpetrator(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 victim.

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 victim 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 victim’s information and the relevant details of any alleged sexual misconduct incident, including the names of the victim and the alleged perpetrator(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 victim’s consent or unless the victim 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:

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

Once the Title IX Coordinator receives notice of an incident, the victim 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 victim.

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

Although rare, there are times when the University may deny a victim'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 victim'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 alleged perpetrator will commit additional acts of sexual or other violence, such as:
 - whether there have been other sexual violence complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior University indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
 - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim 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 victim'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 victim's request.

If the University determines that it must investigate the incident, the University will inform the victim 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 victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim 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 alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim 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.

Response to Sexual Misconduct

Overview

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.

Interim Measures

Interim Suspension

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 his/her designee may impose an interim suspension from either the University or University-owned housing. 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.

Additional 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 reporting or accused student. Such measures or accommodations may include:

- 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
- Interim suspension
- Any other remedy or accommodation necessary and appropriate to facilitate the reporting student’s or the accused student’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 University’s disciplinary system, 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 reporting student to pursue disciplinary action.

Filing a Report and Initiating An Investigation of Sexual Misconduct

Referral: A report filed regarding violations of the *Code*.

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

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

Several options are available for you to report sexual misconduct.

- You may file a referral through the University’s Office of Student Conduct if the respondent is a University of Pittsburgh student (**412-648-7910**; 738 William Pitt Union). The referral may be resolved through an administrative meeting or a hearing. Potential sanctions range from disciplinary reprimand (with possible residence hall dismissal if the accused lives on campus) to disciplinary dismissal from the University of Pittsburgh.
- 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**). While this office can investigate complaints against students, in order for discipline to result, the complaint must ultimately run through the Office of Student Conduct.
- You may file a criminal complaint by contacting the Pitt police (**412-624-2121**) or City of

Pittsburgh police (911).

- Although the University encourages victims 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.

The University's Prohibition Against Retaliation

Retaliation against anyone involved in the investigation of alleged incidents of sexual misconduct, whether they are the referring individual, 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 he/she has 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.

Filing a Student Conduct Referral

If the alleged respondent is a University student, the complainant may file a complaint (called a referral) against the respondent for violation of the Student Code of Conduct. This referral may be resolved through an administrative meeting or a hearing. In addition, the respondent may face criminal charges.

In the absence of a referral, the University may proceed with an investigation and resolution of any reported acts of sexual misconduct, relationship violence, or stalking if the University determines that such investigation and resolution are necessary to ensure the safety and well-being of University community members.

Summary of Student Disciplinary Process

Upon learning of an incident of sexual misconduct (including assault, harassment, relationship violence, or stalking), the conduct officer will meet with the complainant to discuss confidentiality concerns and the conduct process in general. If the complainant elects to file a referral against the respondent, the conduct officer will begin fact gathering and meet with the complainant and respondent as necessary.

Both the respondent and complainant may choose to be accompanied by an advisor during any phase of the disciplinary process, including any formal hearing. The advisor may be a friend,

school administrator, family member, attorney or other advocate. If the advisor is an attorney, such legal counsel shall be restricted to this advising role and will not be permitted to speak or participate directly in the formal hearing.

In addition to an advisor, the complainant and respondent may also choose an individual to represent them during the formal hearing phase of the conduct process. With the exception of Residence Life staff, this representative may be any member of the University community, including an actively enrolled law student. As discussed above, attorneys, regardless of their University affiliation, may not serve as a party's representative, but may be present during any phase of the conduct process. Failure to secure representation will not cause a hearing to be postponed or canceled.

At the initial meeting with the respondent, the conduct officer provide the respondent adequate notice of, and an opportunity to review and respond to, the allegations outlined in the submitted referral. The conduct officer also will give both parties written notice of available on and off-campus medical, counseling, legal, and other relevant resources, and written notice about interim measures, such as no contact orders and available academic, housing, transportation, dining, and working accommodations. In cases in which the respondent's conduct poses a threat to the University community, or in cases of other serious incidents, the conduct officer may impose an interim suspension that occurs immediately and that lasts until the matter is resolved.

If the respondent elects to go through the formal hearing process, both the respondent and complainant will have the opportunity to review evidence and any proposed witnesses that the opposing party intends to use at the hearing. Both parties also may provide direct testimony at the hearing before a panel of three board members.

Both parties will be allowed to offer input into the sanctions imposed should the hearing board find the respondent responsible. The hearing board will make recommendations to the Dean of Students, who will make the final determination of any imposed sanctions. Sanctions may include a disciplinary reprimand; a permanent no contact order or permanent persona non grata status for some portion or all campus property; counseling assessment; disciplinary probation; housing dismissal; disciplinary suspension; disciplinary dismissal from the University; and any other appropriate measures that support the University's commitment to address, prevent, and end the effects of sexual misconduct, relationship violence, and stalking.

Once notified of the outcome of the judicial hearing, both parties have the opportunity to petition for an appeal to the University Review Board.

The conduct process will be prompt and timely, with a general time frame of 60 days from the date of referral, unless the University demonstrates good cause for the process to take longer. The conduct officer will notify both parties of any developments, as appropriate.

If the complainant pursues legal action in the public court system, a respondent could face criminal penalties as well.

For a more detailed description of the full judicial process, please see the Level II incident and appeals processes detailed below.

LEVEL II SEXUAL MISCONDUCT INCIDENT PROCESS AND PROCEDURES

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. All sexual misconduct referrals are considered Level II incidents.

Disciplinary Conference

Once a referral of a Level II incident is filed, a disciplinary conference will be scheduled. The purpose of the disciplinary conference is to allow a Student Conduct Officer to discuss the alleged offense(s) with the respondent. At this meeting, the respondent is offered a copy of the *Student Code of Conduct*, and is provided with the link to the webpage where it can be found online. If the respondent elects to have a judicial hearing, the Student Conduct Officer or his/her designee shall provide guidance to the respondent in the completion of the progress sheet, answer questions regarding the procedures and format of the student judicial system, make the necessary arrangements for the hearing, and provide other assistance when appropriate. The hearing progress sheet to be completed at the disciplinary conference shall signify whether the respondent prefers:

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

LEVEL II SEXUAL MISCONDUCT INCIDENT FORMAL HEARING PROCESS

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 the 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 his/her designee with all available documents that they intend to introduce at the hearing not less than five (5) working days prior to the hearing date. The Student Conduct Officer or his/her designee will provide both parties the opportunity to review all documents which the opposing party will introduce at the hearing not less than five (5) working 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 his/her designee will not apply technical rules of evidence followed in courts of law 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 his/her 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 or his/her designee, at his/her 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 his/her designee not less than ten (10) working days prior to the hearing date, or in a time frame the Student Conduct Officer deems reasonable.

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 his/her designee may make arrangements for the recorded, telephonic, or written testimony for use in a proceeding.

Hearing

The Student Conduct Officer or his/her designee, who acts as the Hearing Moderator, may ask questions of the witnesses. There may be times when the Student Conduct Officer is called as a witness to testify. As the Moderator, the Student Conduct Officer shall have an opportunity to address the Judicial Board on University regulations, policies, procedures, or other relevant issues in the presence of all parties.

At the time, date, and place scheduled, the hearing shall be conducted under the guidance of the Student Conduct Officer, or his/her designee. Any recordings, by any manner, or transcripts are forbidden, barring extraordinary circumstances and approval in advance by the Student Conduct Officer. The results of the hearing will be placed into writing and copies will be distributed to the appropriate parties in a timely manner.

1. The Student Conduct Officer or his/her designee shall convene the hearing and introduce the parties involved in the proceeding.
2. Student Conduct Officer or his/her designee will read the alleged charges.
3. The parties or their representatives may state any objections to or concerns with the procedures or process and the Student Conduct Officer or his/her designee shall make any necessary decisions regarding the validity of such concerns or objections.
4. The complainant or representative for the complainant shall state his/her case and shall offer evidence in support thereof.
5. The representative for the respondent shall have the opportunity to question the complainant. In the absence of a representative for the respondent, questions may be submitted by the respondent in writing to the hearing panel to be asked.
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 of the complainant after they testify.
8. The complainant or representative for the complainant shall inform the Student Conduct Officer when their presentation is completed.

9. The respondent or representative for 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.
11. The representative for the complainant shall have the opportunity to question respondent. In the absence of a representative for the complainant, questions may be submitted by the complainant in writing to the hearing panel to be asked.
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 of the respondent after they testify.
14. The respondent shall inform the Student Conduct Officer when their presentation is completed.
15. At the conclusion of all testimony, both parties will be given the opportunity to address the Hearing Panel one final time to clarify any previous testimony and/or provide a statement regarding the imposition of any possible sanctions.
16. The hearing shall be concluded and the members of the Hearing Panel shall deliberate in private until a recommendation is reached and recorded.

Final Decision

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

The final decision by the Dean of Students shall be forwarded to the respondent and complainant, as well as other parties relevant to the sanction(s).

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

Level II Incident Appeal

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 Basis for Appeal section. Appeals shall be made to the URB within five (5) working days of the date of the decision letter.

Postponement of Sanction Pending Appeals

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

1. Whether the issues raised in the appeal may be resolved in favor of the petitioning party; and
2. Whether the petitioning party will be unfairly prejudiced pending a final determination of the appeal by the immediate imposition of the sanction or remedy; and
3. Whether the responding party will be unfairly prejudiced by the postponement of the sanction or remedy.

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

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

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

Scope of Review

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

1. Whether rights affirmed by the Board of Trustees have been denied.
2. Whether the Judicial Board hearing 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

A party may seek representation. Legal counsel shall be restricted to an advising role and are not permitted to speak or participate directly. 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 his or her argument, except in cases involving sexual violence. 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 Student Conduct Office 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. To learn more, please see the SHARE website and/or refer to the list below:

Title IX Coordinator (412)648-7860; 500 Craig Hall; 200 S. Craig St.; Pittsburgh, PA 15260; titleixcoordinator@pitt.edu

Title IX Liaisons

Bradford Campus: Tracee Howell; (814)362-5121; 242 Hanley Library; 300 Campus Dr.; Bradford, PA 16701; tlh35@pitt.edu

Greensburg Campus: Mary Anne Koleny; (724)836-9902; 108 Lynch Hall; 150 Finoli Drive, Greensburg, PA 15601-5860; msk59@pitt.edu

Johnstown Campus: Laura Perry-Thompson; (814)269-7070; 261 Blackington Hall; 450 Schoolhouse Rd; Johnstown PA 15904; lpt@pitt.edu

Titusville Campus: Elaine Osborn; (814)827-4474; 107 Broadhurst Science Center; 504 E. Main Street; Titusville, PA 16354; osborn@pitt.edu

University Police

Oakland Campus: (412)624-2121
Address: Public Safety Building; 3412 Forbes Ave.; Pittsburgh, PA 15260

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 Judicial Officers

Oakland Campus: Barbara D. Ruprecht; (412)648-7910; 738 William Pitt Union; 3959 Fifth Ave, Pittsburgh, PA 15260; bar50@pitt.edu

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

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

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

Titusville Campus: Parris Carter; (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

Student Counseling

University Counseling Center
Wellness Center: (412)648-7930 After hours(412)648-7856; Nordenberg Hall; 111 University Place; Pittsburgh, PA 15260

Oakland Campus: University Counseling Center
Wellness Center; (412)648-7930; Nordenberg Hall; 111 University Place; Pittsburgh, PA 15260

Bradford Campus: Counseling Services; (814)362-5272; Room 226 Frame-Westerberg Commons; 300 Campus Drive; Bradford, PA 16701

Greensburg Campus: Counseling Services; (724)836-9870; 217 Chambers Hall; 150 Finoli Dr.; Greensburg, PA 15601-5860

Johnstown Campus: Counseling Services; (814)269-7119; G-10 Student Union; 450 School House Road; Johnstown, PA 15904

Titusville Campus: Counseling and Student Development; (814)827-4465; J. Curtis McKinney Student Union; 504 E. Main Street; Titusville, PA 16354

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 peer educator, please contact Pitt's Sexual Harassment and Assault Response and Education coordinator at **412-648-7930**.

- **New and Transfer Students:** Incoming students are required to complete Haven, 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 occurs 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 pledge in August to treat each other with dignity and respect.

Definitions of Sexual Misconduct

The following is a summary of important definitions related to sexual misconduct and relationship violence.

Consent is an informed, affirmative 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.

Relationship Violence refers to domestic and dating violence.

Sexual Assault is a term that encompasses rape, forcible fondling, incest, and statutory rape. In Pennsylvania, sexual assault also is a separate statute defined as sexual intercourse or deviate sexual intercourse without the complainant's consent.

Stalking means engaging in acts toward another person that places the person in reasonable fear of bodily injury or cause emotional distress.

Federal Criminal Definitions

Dating Violence:

The term "dating violence" means violence committed by a person:

- A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. the length of the relationship
 - ii. the type of relationship
 - iii. the frequency of interaction between the persons involved in the relationship

Domestic Violence:

The term "domestic violence" includes 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 who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction received grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking:

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Pennsylvania Criminal Definitions:

Rape: 18 Pa.C.S.A. § 3121

(a) Offense defined.--A person commits a felony of the first degree when the person engages in sexual intercourse with a complainant:

- (1) By forcible compulsion.
- (2) By threat of forcible compulsion that would prevent resistance by a person of reasonable resolution.
- (3) Who is unconscious or where the person knows that the complainant is unaware that the sexual intercourse is occurring.

(4) Where the person has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, drugs, intoxicants or other means for the purpose of preventing resistance.

(5) Who suffers from a mental disability which renders the complainant incapable of consent.

(b) Additional penalties.--In addition to the penalty provided for by subsection (a), a person may be sentenced to an additional term not to exceed ten years' confinement and an additional amount not to exceed \$100,000 where the person engages in sexual intercourse with a complainant and has substantially impaired the complainant's power to appraise or control his or her conduct by administering or employing, without the knowledge of the complainant, any substance for the purpose of preventing resistance through the inducement of euphoria, memory loss and any other effect of this substance.

(c) Rape of a child.--A person commits the offense of rape of a child, a felony of the first degree, when the person engages in sexual intercourse with a complainant who is less than 13 years of age.

(d) Rape of a child with serious bodily injury.--A person commits the offense of rape of a child resulting in serious bodily injury, a felony of the first degree, when the person violates this section and the complainant is under 13 years of age and suffers serious bodily injury in the course of the offense.

(e) Sentences.--Notwithstanding the provisions of section 1103 (relating to sentence of imprisonment for felony), a person convicted of an offense under:

(1) Subsection (c) shall be sentenced to a term of imprisonment which shall be fixed by the court at not more than 40 years.

(2) Subsection (d) shall be sentenced up to a maximum term of life imprisonment.

Sexual Assault: 18 Pa.C.S.A. § 3124.1

Except as provided in section 3121 (relating to rape) or 3123 (relating to involuntary deviate sexual intercourse), a person commits a felony of the second degree when that person engages in sexual intercourse or deviate sexual intercourse with a complainant without the complainant's consent.

Domestic Violence: 23 Pa.C.S.A. § 6102

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Abuse." The occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

(1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.

(2) Placing another in reasonable fear of imminent serious bodily injury.

(3) The infliction of false imprisonment pursuant to 18 Pa.C.S. § 2903 (relating to false imprisonment).

(4) Physically or sexually abusing minor children, including such terms as defined in Chapter 63 (relating to child protective services).

(5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury. The definition of this paragraph applies only to proceedings commenced under this title and is inapplicable to any criminal prosecutions commenced under Title 18 (relating to crimes and offenses).

“Adult.” An individual who is 18 years of age or older.

“Certified copy.” A paper copy of the original order of the issuing court endorsed by the appropriate clerk of that court or an electronic copy of the original order of the issuing court endorsed with a digital signature of the judge or appropriate clerk of that court. A raised seal on the copy of the order of the issuing court shall not be required.

“Comparable court.” A foreign court that:

- (1) has subject matter jurisdiction and is authorized to issue ex parte, emergency, temporary or final protection orders in that jurisdiction; and
- (2) possessed jurisdiction over the parties when the protection order was issued in that jurisdiction.

“Confidential communications.” All information, whether written or spoken, transmitted between a victim and a domestic violence counselor or advocate in the course of the relationship. The term includes information received or given by the domestic violence counselor or advocate in the course of the relationship, as well as advice, reports, statistical data, memoranda or working papers, records or the like, given or made in the course of the relationship. The term also includes communications made by or to a linguistic interpreter assisting the victim, counselor or advocate in the course of the relationship.

“Domestic violence counselor/advocate.” An individual who is engaged in a domestic violence program, the primary purpose of which is the rendering of counseling or assistance to victims of domestic violence, who has undergone 40 hours of training.

“Domestic violence program.” A nonprofit organization or program whose primary purpose is to provide services to domestic violence victims which include, but are not limited to, crisis hotline; safe homes or shelters; community education; counseling systems intervention and interface; transportation, information and referral; and victim assistance.

“Family or household members.” Spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood.

“Firearm.” Any weapon which is designed to or may readily be converted to expel any projectile by the action of an explosive or the frame or receiver of any such weapon as defined by 18 Pa.C.S. § 6105(i) (relating to persons not to possess, use, manufacture, control, sell or transfer firearms).

“Foreign protection order.” A protection order as defined by 18 U.S.C. § 2266 (relating to definitions) issued by a comparable court of another state, the District of Columbia, Indian tribe or territory, possession or commonwealth of the United States.

“Hearing officer.” A magisterial district judge, judge of the Philadelphia Municipal Court, arraignment

court magistrate appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue), master appointed under 42 Pa.C.S. § 1126 (relating to masters) and master for emergency relief.

“Master for emergency relief.” A member of the bar of the Commonwealth appointed under section 6110(e) (relating to emergency relief by minor judiciary).

“Minor.” An individual who is not an adult.

“Other weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term does not include a firearm.

“Safekeeping permit.” A permit issued by a sheriff allowing a person to take possession of any firearm, other weapon or ammunition that a judge ordered a defendant to relinquish in a protection from abuse proceeding.

“Secure visitation facility.” A court-approved visitation program offered in a facility with trained professional staff operated in a manner that safeguards children and parents from abuse and abduction.

“Sheriff.”

(1) Except as provided in paragraph (2), the sheriff of the county.

(2) In a city of the first class, the chief or head of the police department.

“Victim.” A person who is physically or sexually abused by a family or household member. For purposes of section 6116 (relating to confidentiality), a victim is a person against whom abuse is committed who consults a domestic violence counselor or advocate for the purpose of securing advice, counseling or assistance. The term shall also include persons who have a significant relationship with the victim and who seek advice, counseling or assistance from a domestic violence counselor or advocate regarding abuse of the victim.

“Weapon.” Anything readily capable of lethal use and possessed under circumstances not manifestly appropriate for lawful uses which it may have. The term includes a firearm which is not loaded or lacks a magazine, clip or other components to render it immediately operable and components which can readily be assembled into a weapon as defined by 18 Pa.C.S. § 907 (relating to possessing instruments of crime).

(b) Other terms.--Terms not otherwise defined in this chapter shall have the meaning given to them in 18 Pa.C.S. (relating to crimes and offenses).

Stalking: 18 Pa. C.S. §2709.1

- A. Offense defined.--A person commits the crime of stalking when the person either:
- i. engages 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
 - ii. engages in a course of conduct 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.

Consent in reference to sexual activity: 18 Pa. C.S.A. § 311

(a) General rule.--The consent of the victim to conduct charged to constitute an offense or to the result thereof is a defense if such consent negatives an element of the offense or precludes the infliction of the harm or evil sought to be prevented by the law defining the offense.

(b) Consent to bodily injury.--When conduct is charged to constitute an offense because it causes or threatens bodily injury, consent to such conduct or to the infliction of such injury is a defense if:

- (1) the conduct and the injury are reasonably foreseeable hazards of joint participation in a lawful athletic contest or competitive sport; or
- (2) the consent establishes a justification for the conduct under Chapter 5 of this title (relating to general principles of justification).

(c) Ineffective consent.--Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:

- (1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
- (2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
- (3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Federal Clery Act Definitions

- a. Rape:** The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his or her youth). For Clery reporting purposes, the crime of rape also includes sexual assault (intercourse without consent), sexual assault with an object, and forcible sodomy.
- b. Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, 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 because of his/her youth or because of his/her temporary or permanent mental incapacity.
- c. Incest:** Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.

- e. **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.
- f. **Dating Violence:** Violence by a person who has been in a romantic or intimate relationship with the victim.
- g. **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.

APPENDIX H: University of Pittsburgh Drug-Free Schools Policy

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

Drug-Free Schools and Communities Act of 1989

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

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

Social Impact

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

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

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

Health Effects

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

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

Prevention and Education

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

Students should be aware of the rules and regulations outlined in the *University of Pittsburgh Student Code of Conduct and Judicial Procedures* regarding alcohol and drugs. Sanctions for violation of this policy range from attendance at the Personal Education, Assistance, and Referral Program to disciplinary dismissal.

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

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

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

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

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

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

Program Administration

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

University of Pittsburgh - Pittsburgh Campus
Office of Human Resources 412-624-8030
Office of Student Affairs 412-648-1006

University of Pittsburgh at Bradford
Office of Human Resources 814-362-7531
Office of Student Affairs 814-362-7651

University of Pittsburgh at Greensburg
Office of Human Resources 724-836-9902
Office of Student Services 724-836-9916

University of Pittsburgh at Johnstown
Office of Human Resources 814-269-7030
Office of Student Life 814-269-7065

University of Pittsburgh at Titusville
Office of Human Resources 814-827-4422
Office of Student Affairs 814-827-4460

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

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

Student Health Service
Mark A. Nordenberg Hall, Suite 119
111 University Place
Pittsburgh, PA 15260
412-383-1830

University Counseling Center
Mark A. Nordenberg Hall, Suite 119
111 University Place
Pittsburgh, PA 15260
412-648-7930

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

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

Student Health Service • Wellness Center, 119 Mark A. Nordenberg Hall

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

The PEAR program is designed to reduce the problems associated with alcohol and other drug abuse among students. Although any student may attend the PEAR program, most students are referred to the program as one of the sanctions for violating the University alcohol and other drug policies. PEAR is a 3-week class and includes the completion of alcohol educational modules and an individual assessment with the instructor. The program coordinator can be reached at 412-383-1830. Additional information about the PEAR courses can be found by visiting the Office of Health Education and Promotion's website <http://www.studentaffairs.pitt.edu/shspear>.

Counseling Center • Wellness Center, 119 Mark A. Nordenberg Hall

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

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

For information or appointments, call 412-648-7930 or visit the Wellness Center, 119 Mark A. Nordenberg Hall.

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

Commonly Cited City of Pittsburgh and Pennsylvania Law Violations

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

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

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

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

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

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

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

Some Local and State Alcohol and Drug Penalties

| <u>Violation</u> | <u>Imprisonment (1st Offense)</u> | <u>Fine/Sanction (1st Offense)</u> |
|---|--|---|
| Underage drinking or possession of alcohol | 0 to 90 days | Suspension of driver's license and/or up to \$500 |
| Fake IDs used to obtain alcohol | 0 to 90 days | Suspension of driver's license and/or up to \$500 |
| Marijuana possession 30 grams or less | 30 days | \$500 |
| Marijuana possession over 30 grams | up to 1 year | \$5000 |
| Manufacturing or selling marijuana and other controlled substances | 1 to 10 years | \$5,000 to undefined monetary fine |



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.