

Gonzaga University Student Code of Conduct

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Resolution Center for
Student Conduct and Conflict

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Introduction

In keeping with Catholic, Jesuit, and humanistic philosophies, Gonzaga University holds a high standard of conduct for its students and community members. The spirit of Jesuit education is to consistently strive for *magis*, meaning actions and decisions that better serve the universal common good, and to do so with attention to the whole of a person—*intellectual, spiritual, physical, and emotional*. Gonzaga’s expectations of conduct are designed to develop students into persons who lead lives of leadership and service for the common good. This is a high calling, beyond the basic standards of our society.

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I. Principles and Values

Gonzaga University's Student Code of Conduct requires students and student groups to act with respect, honesty, and integrity at all times. In accepting Gonzaga University's offer of admission, students agree that they will conduct themselves in accordance with these standards as well as the law. The Gonzaga community's spirit of Jesuit education encourages its members to consistently strive for *magis*, meaning greater service to a universal common good in all that we do. Our Ignatian heritage teaches us that we learn from our mistakes, develop our gifts, exhibit care for ourselves and each other, and devote ourselves to the common good. The University's Jesuit tradition of *cura personalis* calls members of the community to demonstrate a mature concern for others. This includes taking action in situations such as persons in need of medical attention, individuals who are exhibiting threatening behavior, or persons appearing overly intoxicated or under the influence of drugs. When students encounter these situations, appropriate actions may include notifying University or other officials and getting assistance for the person in need.

Gonzaga University's Student Code of Conduct is rooted in upholding these institutional values. It is designed to stop and redirect inappropriate behavior that is harmful or disruptive to the community, and to support a positive living and learning environment for all. When a student's or student group's actions fall short of this we will challenge them toward more mature behaviors that are appropriate for our intellectual community.

The Student Code of Conduct is educational in nature and not intended to be adversarial. As with classroom or academic participation, the process is centered on helping students understand the natural and logical consequences of their behavior and is designed to develop independent, critical, and reflective thinking and self-advocacy skills. Additionally, in order to encourage students to cultivate behaviors that reflect good judgment and maturity, the Student Code of Conduct holds students and student groups accountable for their own choices and behaviors, especially those that negatively impact their personal development, Gonzaga's living and learning environment, the campus and neighboring community, and the University's reputation.

II. General Provisions

A. Administrative Action: Upon receipt of information alleging violations of the Student Code of Conduct, the Resolution Center may subject a student or student group to [Administrative Action](#) if it is determined that failure to do so presents an unreasonable danger to any person or property or serious disruption of University life. Administrative Action may include Interim Restriction or Interim Suspension. Use of an Administrative Action may be amended or changed based on the developing circumstances of a case. Administrative Action does not replace the regular student conduct resolution process, which shall proceed as detailed in this code.

B. Amendment: The University reserves the right to amend the Student Code of Conduct at any time. Any amendment will be dated and becomes effective fifteen (15) days after it is published in the electronic version of the Student Code of Conduct unless specific factors (e.g., change in laws or related policy, public health emergency, or other emergency) demand an immediate effective date. The University will first notify students immediately following the amendment being posted to the Code of Conduct and again after 15 days as the amendment becomes effective. A third announcement will be made at the start of an academic term if neither previous announcement occurred while school is in session. Announcements will happen via a Morning Mail announcement.

C. Communication/Contact Expectations Directives: The University expects students to manage interpersonal conflicts in a mature, adult like manner. Students are expected to use healthy, safe, and appropriate means to resolve and/or navigate interpersonal conflicts. In situations involving conflicts between students that appear to rise to the level of more serious inappropriate behavior, the University may issue a Communication/Contact Expectation Directive to one or both parties involved in the situation. This directive is used to help students navigate their educational experience. The directive may prohibit one or more persons from having contact with one another or third persons involved in a conflict. The directive may be issued as an interim measure or as a part of the University's conduct process as a contact restriction. When used as an interim measure, this directive is not open to a review process. This request is supported by the Resolution Center as a reasonable request of a University Official in the performance of their duties. As such, it is a requirement under the Student Code of Conduct that students comply with such a directive. It should be noted that a University Communication/Contact Expectation Directive is not the same thing as a court order, commonly referred to as a restraining or protective order.

D. Complaints: (Note: This section applies to all complaints of misconduct except those made pursuant to the University's [Harassment and non-Discrimination Policy](#) or [Title IX Policy](#). Please consult those policies for reporting options, support resources, and a description of the investigative process. The Resolution Center will forward complaints

related to the Harassment and Discrimination Policy and Title IX Policy to the Office of Inclusive Excellence for follow-up.)

Any person may file a [complaint](#) of misconduct against any current student or student group. As used in this code, a complaint includes reports submitted to the Resolution Center containing information which could constitute a violation of the Student Code of Conduct. Regardless of by whom a complaint is made, all complaints alleging violation of one or more University policies shall be made in writing and shall be submitted to the Resolution Center. Complaints must be submitted to the Resolution Center within one year of the date upon which the complainant is aware or should reasonably have been aware of the alleged violation.

E. Coordination with Law Enforcement: The University's Student Code of Conduct does not operate within a criminal or civil judicial system.

The University's goals, use of terms, procedures, definitions of prohibited conduct, and potential sanctions are separate and distinct from the public legal system. All Gonzaga community members are strongly encouraged to report conduct that may constitute a criminal offense to law enforcement authorities in addition to making a complaint to the University under the Student Code of Conduct.

The existence of an investigation by law enforcement authorities shall not necessarily delay implementation of the Student Code of Conduct process. The University has a continuing obligation to maintain a safe and secure educational environment for its students, regardless of whether a case is prosecuted criminally or whether they are substantiated in the criminal justice system. University proceedings may be carried out prior to, simultaneously with, or following criminal or civil proceedings.

F. Coordination with other University Departments: Certain types of complaints may be handled by other University departments. A particular case may be transferred between departments at the discretion of the Resolution Center.

G. Jurisdiction: Conduct by a student or student group that occurs on a University premises, in Study Abroad programs, and/or at on or off-campus University events, programs or activities. When off-campus conduct adversely affects the University and/or the pursuit of the University's mission, goals and objectives, the University may implement student conduct procedures described in the Student Code of Conduct.

H. Medical Amnesty: To promote student health and safety, [Medical Amnesty](#) encourages students to seek medical assistance in drug or alcohol-related emergencies without fear of university actions. This emphasizes the distinction between conduct matters and health emergencies, ensuring that the focus remains on the well-being of students.

I. Official University Communication with Students: E-mail is an official form of communication at Gonzaga University. The University will assign all students an official University e-mail address to which the University will send all official e-mail

communications. Students should frequently check their University-issued e-mail account and read messages in a timely manner. Other forms of communication the University may use to contact students include MSC mailbox and local and other contact information listed with the Registrar's Office.

J. Polygraph Evidence: The results of any polygraph test are not allowed as evidence in any conduct process undertaken pursuant to the Student Code of Conduct.

K. Preponderance of Evidence: Determinations of responsibility for violations will be made based on a preponderance of evidence standard, that is whether the alleged violation is "more likely than not" to have occurred.

L. Records: The Resolution Center is the custodian of [student conduct records](#). These records usually include complaints, findings of responsibility and any sanctions issued. Students should be aware that information maintained in their student conduct record or other University record may be requested by entities outside the University. Such requests include employment background checks, military or civilian clearances for sensitive information, graduate or other college admissions processes, professional licenses and certifications, and court orders. The University follows the guidance of FERPA and other applicable privacy laws in responding to these requests, and maintains records in compliance with applicable law and University policy. Note: For records relating to any complaint, investigation, and conduct action made pursuant to the University's Title IX - Sexual Harassment Policy the Title IX Coordinator will serve as the custodian of records. For records relating to any complaint, investigation, and conduct action made pursuant to the University's Academic Integrity Policy the Center for Student Academic Success (CSAS) will serve as the custodian of records.

M. Withdrawal from School with Pending Complaint: If a student withdraws from their academic coursework or leaves the University with unresolved Student Code of Conduct allegations, a hold will be placed on the student's record. The University will note in the student's record the nature of the allegation and the fact that the student withdrew or left the University prior to resolution. The student will not be able to return to the University without resolving the alleged violation(s). The University reserves the right to resolve allegations after a student withdraws or leaves the University.

III. Definitions

A. Advisor: The person selected by a student or student group to provide support as the student or student group represents themselves in conduct proceedings. An advisor does not actively participate in any part of a conduct process.

B. Appeal Officer: A University official trained to consider appeal requests that did not serve as a Conduct Officer in the original Student Conduct Resolution Process.

C. Complainant: A person alleged to have been the subject of, or harmed by, student or student group misconduct.

D. Conduct Officer: A University official trained to adjudicate matters pursuant to the Student Code of Conduct.

E. Day: When used in this Code the term “day” or “days” refers to business days.

F. FERPA: The Family Educational Rights & Privacy Act, a federal law that protects the privacy of student education records.

G. Finding: A determination of responsible or not responsible for violation of the Student Code of Conduct.

H. Misconduct: The violation of one or more University policies or the commission of an act of prohibited conduct contained in this Student Code of Conduct.

I. Outcome: Any sanction levied to a student or student group upon a finding of responsible for violation of the Student Code of Conduct.

J. Reporting Party: A person submitting a report of alleged student or student group misconduct.

K. Resolution Center: The Resolution Center for Student Conduct and Conflict is the office designated by the Vice Provost for Student Affairs to administer the Student Code of Conduct. Any reference to the “Resolution Center” includes their designee.

L. Respondent: A student or student group alleged to have violated the Student Code of Conduct.

M. Retaliation: Acts or attempts to seek retribution including, but not limited to, any form of intimidation, reprisal, harassment or intent to prevent participation in University proceedings under this policy. Retaliation may include continued abuse or violence, other harassment, and slander and libel.

N. Student: A person enrolled or taking course(s) at Gonzaga University whose primary relationship with the University is as a student and, therefore, defined through the Student Code of Conduct. This includes a person enrolled at the University for the immediately preceding term and/or a person eligible for continued enrollment.

O. Student Conduct Resolution Process: A process facilitated by the Resolution Center for the purpose of determining whether or not a policy has been violated, and what, if any, conduct outcome is appropriate.

P. Student Group: Any number of students who have complied with University requirements for registration as an organization or are formally recognized by the University as a student club, group, team, or organization.

Q. University: Gonzaga University.

R. University Policy: A written regulation or proscription of the University, including but not limited to those found in the Student Code of Conduct, Harassment and Non-Discrimination Policy, Academic Policies, Student Group policies, and Residence Life regulations. All definitions included in any University Policy are incorporated here by reference.

IV. Standards of Conduct & Policies

A. General Standards of Conduct

The following is a non-exhaustive list of actions and behaviors inconsistent with University expectations. Alleged participation in such conduct may result in the initiation of a student conduct resolution process.

- i. Violation of federal, state, or local law. A criminal conviction is not required.
- ii. Violation of University policy and/or regulation, including but not limited to all policies and regulations listed in the “University Policies” and “Other University Regulations” subsections of the Standards of Conduct and Policies section of the Student Code of Conduct (see pages 9 and 10 of this document).
- iii. Abuse of the Student Code of Conduct system, which includes without limitation, failure to comply with a Student Code of Conduct notice; falsification of information presented within a student conduct resolution process; attempting to influence or discourage a witness or other participant; attempting to influence a Student Code of Conduct decision maker outside of hearing processes; and, any other disruptive or obstructive behavior.
- iv. Dishonesty, forgery, or fraud, including alteration or misuse of University documents and records; misrepresenting oneself as an authorized agent of the University; or using University brands without permission.
- v. Possession, use, manufacture, distribution or attempt to distribute identification cards or devices that are false or fraudulent or that misrepresent an individual’s identity, age, or personal characteristics, including using another individual’s identification.
- vi. Furnishing false, forged, or altered information and/or identification to any University official or emergency response personnel.
- vii. Any intentional conduct directed towards a person or group which threatens physical or psychological health or safety, including but not limited to physical or verbal abuse, retaliation, threats, intimidation, harassment, stalking, unwelcome communication, and any form of coercion. The conduct must be objectively severe or pervasive that a reasonable person would presume fear for their health or safety or the health or safety of another person.
- viii. Reckless endangerment, which includes engaging in conduct that creates an unreasonable risk of harm to self, another person, or property, regardless of whether or not a person or property is actually harmed.
- ix. Disorderly conduct; breach of the peace; and/or infringing on the rights of others or interference with University operations, including University-sponsored activities and the learning environment. This may include, but is not limited to bullying, use of profanity directed toward another person, and other conduct that is intended to or could reasonably be foreseen to cause embarrassment, humiliation, shame, fear, or other emotional distress.

- x. Lewd or indecent conduct.
- xi. Deliberate non-compliance or failure to comply with a reasonable request, follow a directive, or otherwise impede or obstruct a University official or designee acting in the performance of their duties, including but not limited to, failure to identify self, physical or aggressive posturing, or intentionally fleeing a University official or designee who is attempting to confront, arrest, or detain.
- xii. Damage, destruction, or vandalism of property.
- xiii. Theft, unauthorized possession, or misuse of property.
- xiv. Making, attempting to make, transmitting, or attempting to transmit audio, video, or photographic images of any person(s) in private, nonpublic conversations, meetings and/or settings on University premises, where there is a reasonable expectation of privacy, without the prior knowledge and consent of all participants subject to such recordings. This provision does not extend to the recording of public events or discussions, or to recordings made for law enforcement, public safety and security purposes, or University operations.

B. University Policies

The following is a non-exhaustive list of policies and regulations applicable to Gonzaga University students. Alleged violations of such policies may result in the initiation of student conduct procedures.

- i. [Admissions Violations Policy](#)
- ii. [Alcohol Policy](#)
- iii. [Animals on Campus Policy](#)
- iv. [Demonstrations and Overnight Activity Policy](#)
- v. [Drug Policy](#)
- vi. [Fire Alarm and Safety Devices Policy](#)
- vii. [Guest Conduct and Responsibility Policy](#)
- viii. [Harassment and Non-Discrimination Policy](#)
- ix. [Hazing Policy](#)
- x. [Identification Cards Policy](#)
- xi. [Information Technology Use Policy](#)
- xii. [Keys, Pass Cards, and Codes Policy](#)
- xiii. [Non-Motorized Riding Devices Policy](#)
- xiv. [Restricted Area Entry Policy](#)
- xv. [Smoking Policy](#)
- xvi. [Solicitation Policy](#)
- xvii. [Title IX - Sexual Harassment Policy](#)
- xviii. [Weapons, Fireworks, and Explosives Policy](#)

C. Other University Regulations

The following is a non-exhaustive list of additional regulations applicable to Gonzaga University students. These regulations are generally handled by other University departments.

- i. [Academic Policies and Procedures](#)
- ii. [Events Policy](#)
- iii. [Housing and Residence Life Policies](#)
- iv. [Outdoor Special Events and Amplified Sound Policy](#)
- v. [Parking and Traffic Regulations](#)
- vi. [Posting Policy](#)
- vii. [Residence Requirement](#)
- viii. [Clubs and Student Organization Policies](#)

V. Administration of the Student Code of Conduct

A. Administrative Guidelines

- i. **Authority:** The Division of Student Affairs is responsible for the implementation and administration of the Student Code of Conduct. The determination as to which process will be utilized for the hearing and resolution of allegations of misconduct shall be made by the Resolution Center. The University reserves the right to make any exceptions to written disciplinary procedures if deemed necessary.
- ii. **Preponderance of Evidence Standard:** The University uses a preponderance of evidence standard, also known as “more likely than not”. A determination of responsibility is based on a finding that the student or student group more likely than not committed the act alleged.
- iii. **Terminating a Conduct Process:** If the conduct officer(s) administering a Student Conduct Resolution Process receives information that suggests an alleged violation of the University's Title IX - Sexual Harassment Policy, the conduct officer(s) will stop the meeting. The Resolution Center will forward the case, including any new information, to be assessed under the University's Title IX - Sexual Harassment Policy.

If the conduct officer(s) administering a Student Conduct Resolution Process receives information that suggests another Student Conduct Resolution Process or Alternative Resolution Process would be a more appropriate setting, the conduct officer(s) may stop the meeting. The Resolution Center will schedule the appropriate resolution process.

- iv. **In Absentia:** In the event that a student or student group does not participate in a student conduct resolution process, the conduct officer(s), in the exercise of their discretion, may adjudicate the matter in the absence of such student or student group.
- v. **Conduct Record:** The results of student conduct resolution processes are documented, and this record may be used to establish a student's or student group's conduct history at the University.
- vi. **Role of an Advisor:** The role of an advisor is to provide support as a student or student group represents themselves in the process. An advisor does not actively participate in any part of a Student Code of Conduct process. An

advisor, may privately consult with and advise a student or student group during the proceeding, but may not act as a representative of or spokesperson for a student or student group; nor may an advisor provide any information on behalf of the student or student group, examine a witness, or otherwise participate in a conduct proceeding. Neither a witness nor a potential witness is permitted to serve as an advisor. Advisors must make themselves available for all hearing processes as requested by the student or student group and the individual schedules of advisors generally has no impact upon the scheduling of hearings or other Student Code of Conduct processes.

If an advisor is disruptive to the conduct process, they may be dismissed. Dismissal of an advisor does not constitute grounds to postpone, suspend, or reschedule any conduct process.

B. Initial Review of Complaints

Upon receipt of a complaint against a student, a student group, or a report of alleged misconduct, the Resolution Center may:

- i. Refer the complaint for further investigation, and/or
- ii. Refer the complaint to another University department, and/or
- iii. Propose resolving allegations against a respondent through an Alternative Resolution Process, or
- iv. Bring a formal charge under the Student Code of Conduct, or
- v. Determine that no further action is warranted.

A formal charge is warranted when the Resolution Center determines that the circumstances alleged in the complaint are sufficient to create a reasonable belief that a violation has occurred and that conduct action is appropriate. The Resolution Center will notify a student or student group who will be provided the opportunity to respond pursuant to a student conduct resolution process. If information presented during a student conduct resolution process indicates a violation has occurred other than that charged, the conduct officer(s) may find a student or student group responsible for that violation.

A student conduct resolution process shall be conducted within ninety (90) days of the receipt of a complaint or completed investigation report by the Resolution Center. The Resolution Center or a hearing board chairperson may modify or extend any time frames described in this code for good cause.

Student Groups and individual student group members may be formally charged collectively and/or individually when student group members act in the capacity of membership in the group, including member(s) knowing or having reasonable cause to know of such actions.

- i. Formal charges for individual student group member(s) are resolved through student conduct resolution processes as outlined in the Student Code of Conduct.
- ii. Formal charges for student groups are resolved through the Student Group Accountability Board (SGAB) as outlined in the Student Code of Conduct.

C. Procedural Rights and Protections

A respondent or student group participating in a student conduct resolution process is entitled to the procedural rights and protections listed in this section.

A Complainant participating in a student conduct resolution process related to alleged violations of the Harassment and Non-Discrimination Policy or the General Standards of Conduct related to any intentional conduct directed towards a person or group which threatens physical or psychological health or safety is entitled to the procedural rights and protections listed in this section.

- i. Receive advance written notice of the date, time, and location of a student conduct resolution process or other meeting
- ii. Receive written notice of the allegation(s) the basis for the charge, including the date or time frame and the location in which the misconduct is alleged to have occurred
- iii. Notified of the names of the conduct officers
- iv. The opportunity to review any and all documentation and/or information which might be used during the student conduct resolution process as permitted by FERPA and any other applicable privacy laws
- v. The opportunity to be heard and present written documentation, witnesses, and/or other information
- vi. Have access to a trained University staff member who is available to provide general information about the student conduct resolution processes and procedures
- vii. The opportunity to have an advisor of their choice present during any state of the student conduct resolution process
- viii. Written notice of the findings and outcomes, if any, as permitted by FERPA and other applicable privacy laws
- ix. The opportunity to have the findings and/or outcomes, if any, reviewed through the appropriate appeals process

D. Student Conduct Resolution Processes

i. Conduct Review

This process presents an opportunity for the involved student(s) to present information that will be used to determine findings and outcomes related to their

alleged policy violation(s). Conduct Reviews are ordinarily conducted by one or two staff members from the Resolution Center and/or their designee(s).

With the exception of expulsion or suspension, any conduct outcomes may be assigned as the result of a Conduct Review.

ii. Conduct Conference

A Conduct Conference is a formal student conduct resolution process in which the involved student(s) are provided an opportunity share information related to an incident involving alleged violation of the Student Code of Conduct. Conduct Conferences are ordinarily conducted by one or two staff members from the Resolution Center and/or their designee(s).

If a Conduct Conference includes both a respondent and a complainant as participants, the Conduct Officer(s) may decide to utilize many of the procedures outlined in the Hearing Board section of the Student Code of Conduct.

Following the Conduct Conference meeting, conduct officers will determine findings of responsibility for each alleged policy violation and assign student conduct outcomes, if any. With the exception of expulsion, any conduct outcomes may be assigned as the result of a Conduct Conference, including conduct probation or suspension.

iii. Hearing Board

A hearing board hears and decides cases to determine whether or not a student or student group is responsible for a formal charge under the Student Code of Conduct. The Resolution Center assigns cases to hearing boards.

Hearing boards are comprised of three conduct officers. One officer serves as panel chairperson and is responsible for meeting oversight in order to afford a fair and orderly hearing for all participants and to prevent the harassment and/or intimidation of parties and witnesses.

Formal rules of evidence do not apply. The responsibility for the resolution of all issues as to admissibility or relevance of evidence, the propriety of questions, and any other procedural matter shall rest solely with the panel chairperson in the exercise of their discretion.

- a. **University Conduct Board (UCB):** The UCB hears and decides cases involving allegations of the most serious nature and/or a repeat nature including but not limited to allegations of sexual harassment or

misconduct, discrimination, or interpersonal violence. The UCB may assign any conduct outcome(s), including expulsion, suspension, or conduct probation.

- b. **Student Group Accountability Board (SGAB):** The SGAB hears and decides cases involving allegations against a student group. The SGAB may assign any conduct outcome(s) to the student group, including revocation of student group recognition. The SGAB does not make determinations of individual student group member(s) findings or conduct outcomes.
 - 1. A representative of the student group (president, captain, or designee) is responsible for representing the responding student group during the hearing.
 - 2. The representative may identify up to two additional student group members to assist in representing the student group. Within (3) three days of receipt that a hearing will be scheduled, the student group shall provide the Resolution Center in writing the names and contact information of the student group members who will represent the responding student group.
 - 3. Student group advisors and the University department overseeing a student group will be notified in writing of the SGAB's findings and assigned conduct outcomes, if any.

iv. **Pre-Hearing Procedures**

- a. Within (3) three days of receiving notice of a scheduled hearing board meeting, a student or student group wanting to challenge the participation of any conduct officer must notify the Resolution Center in writing providing the name of the conduct officer and the reason(s) for the challenge. The challenge will be forwarded to the Vice Provost for Student Affairs who reserves discretion to make changes in the panel composition. Not filing a challenge with the stated timeframe constitutes a waiver of any objection to the composition of the panel.
- b. To provide time for hearing board members to prepare and review information, a student or student group must submit all additional information to the Resolution Center at least (3) three days prior to the hearing board meeting. Such information may include, but is not limited to names and contact information for potential witnesses, documents, reports, writings, photos, and videos. Witnesses not disclosed in advance will not be eligible to participate. Other information shared after this date may not be reviewed in advance of the conduct board meeting but instead will be considered by the conduct board during the conduct board meeting. In hearings involving a respondent and a complainant,

any information that is submitted (3) three days in advance will be made available to the other party at least (1) one day in advance to review.

- c. Witnesses, documents, statements, reports and writings submitted by a student or student group should be in addition to university investigative or incident reports prepared and submitted by qualified university officials.
- d. A student or student group is responsible for arranging for the attendance of such witnesses. The University does not coordinate or compel the attendance of such witnesses.

v. Hearing Procedures

- a. Hearing board meetings are not open to the public. All information is private and confidential, and participants will receive instruction as to the preservation of the privacy of all concerned.
- b. All participants shall affirm the truthfulness of their testimony.
- c. Hearing board meetings are recorded by the Resolution Center and no other electronic devices are allowed. Recordings are maintained by the Resolution Center and are considered part of a respondent or student group's conduct record. The Resolution Center will exercise reasonable care to minimize technical issues; however, technical issues that result in no recording or an inaudible recording are not considered procedural defects for the purposes of the appeals process. There shall be no recording of deliberations.
- d. The panel chair shall open a hearing by reading the statement of charges.
- e. The conduct officers will present information related to the case which may include but not be limited to documents, investigative reports, incident reports, or witnesses.
- f. A student or student group may present a response to the charges. The response, if any, may include the introduction of available and relevant documents, physical evidence or through the in-person testimony of witnesses. All witnesses shall be excluded from the hearing except during their own testimony.
- g. Conduct officers may direct questions to a student, student group, or witnesses if present.
- h. Following the presentation of each students' or student group's evidence the panel chair may allow each student or student group to present additional evidence in response.
- i. After the presentation of evidence is complete the panel chair may allow the student or student group to present a closing summation of their case.
- j. Upon the completion by all students' or student group's presentation of their case and information, the panel chair will declare the hearing

“closed” and no further information will be received by the conduct officers.

- k. The panel chair in the exercise of their discretion may provide a student or student group the opportunity to submit an impact and/or reflection statement which shall be considered when assigning conduct outcomes for findings of responsibility.
- l. Conduct officers will deliberate privately for the purpose of determining whether or not a student or student group is responsible for the violation(s) charged. The determination is made by majority vote and supported by a written statement of the rationale for the decision. If no findings of responsibility are determined, then the proceedings are at an end. For findings of responsibility, the conduct officers will continue deliberations for the purpose of assigning conduct outcomes, if any.

vi. Hearings related to alleged violations of the Harassment and Non-Discrimination Policy or the General Standards of Conduct related to any intentional conduct directed towards a person or group which threatens physical or psychological health or safety.

- a. A complainant has an identical right to be present at and to participate in all pre-hearing and hearing processes as outlined in hearing board procedures.
- b. The conduct officers may allow the contesting parties to be screened from the vision of one another during the hearing, arrange for attendance by video conference, or make accommodations, all within their sound discretion.
- c. A complainant has the opportunity to present any relevant information in the case against the responding student. This information may be presented by the introduction of any available and relevant documents, physical evidence or through the in-person testimony of witnesses. The panel chair and the conduct officers may direct reasonable questions to witnesses presented by the complainant.
- d. The respondent and complainant may submit, to the panel, questions to be asked of the other party or their witness. Panel members will use their discretion in allowing questions to be asked or reframed. Respondents and complainants may decide to answer or not any question asked of them.
- e. A complainant and a respondent may not directly question one another unless granted permission to do so by the panel chair. If a request to allow direct questioning between the parties is made, the panel chair shall enter into the record a written finding in support of their decision. If a request to allow direct questioning is denied, the chair, at their discretion, may allow the parties to pose additional questions or inquire further into specific matters by submitting these questions/requests in

writing to the chair. The chair may then, at their discretion, pose the submitted questions to the other party. If necessary, a brief break may be granted to allow both parties an opportunity to prepare and submit such questions/requests. The chair is empowered to disallow or reframe any questions that are irrelevant, redundant, or otherwise inadmissible.

- f. In matters alleging a violation of the University's Harassment and Discrimination Policy no information, facts or evidence bearing upon the prior sexual conduct of a party shall be introduced into a hearing process absent permission to do so granted by the panel chair. Where a respondent and complainant have a prior intimate or sexual relationship this information may be relevant to determine responsibility, however the mere fact of a current or previous consensual intimate or sexual relationship between the respondent and complainant does not itself imply consent or preclude a finding of responsibility for sexual misconduct. Any prior sexual conduct of the complainant unrelated to the respondent is not relevant and shall not be considered. The prior unrelated sexual misconduct of the respondent may be relevant to the issue of appropriateness of assigning conduct outcomes.

E. Conduct Outcomes

If it is determined that a student or student group is responsible for a violation of a University standard of conduct, the nature of the violation, the circumstances surrounding the violation, the student's or student group's prior conduct history (if any), the impact of the misconduct on the community, and conduct outcomes assigned to previous findings for such violations, will be among the factors considered in determining an outcome.

The Resolution Center and/or its designee(s) are not limited to the assignment of conduct outcomes listed in the Student Code of Conduct and the University reserves the right to impose additional and/or different conduct outcomes.

i. Administrative

- a. **Conduct Probation:** A status for a specified period in which a student's conduct is under review. Violations of University expectations and policies while on Conduct Probation may result in suspension or expulsion.
- b. **Fees or Fines:** A monetary amount assessed to a student's account, not to exceed \$1,000.00.
- c. **Housing Probation:** A status for a specified period in which a student's on-campus housing status is under review. Violations of University expectations and policies while on Housing Probation may result in residential restrictions or removal.
- d. **Policy Review:** Written notification of policy reminders.

- e. Restitution: Financial payment to the University for amounts assessed or incurred as a result of a Student Code of Conduct violation. Restitution payments between individual students, groups, or other parties are not sanctioned, mandated or administered by the University.
- f. Warning: Written notice to a student or student group that their behavior is incongruent with University standards of conduct. Future misconduct may result in an elevated University response.

ii. Restrictions

- a. Loss of Privilege: Denial of specific privileges for a designated period of time or exclusion of a student or student group from events or ceremonies.
- b. Contact restriction: Communication or contact limitations or prohibition with another member(s) of the University community.
- c. Residence-related restrictions within University Housing: Restriction, relocation, or removal of a student from University housing.
- d. Ban: Excluding a student or student group from University premises or specific University facilities, events, or ceremonies.

iii. Developmental

- a. Educational Program or Workshop: Assignment to an educational program or participation in a workshop
- b. Civic Service: Community service
- c. Educational Project: Research project, reflection prompt, reading, or other assigned learning experience
- d. Meetings: Scheduled meetings or other conversations

iv. Status-based

- a. Expulsion: Permanent separation of a student from the University
- b. Revocation of Admission and/or Degree: Revocation of admission to or a degree awarded from the University.
- c. Suspension: Separation of a student from the University for a specified period, with associated conditions for readmission.
- d. Suspension in Abeyance: to not immediately impose a suspension. An abeyance sanction sets forth conditions under which the school agrees to not impose an immediate suspension. If the student violates the conditions, the suspension will be imposed at that time.
- e. Withholding Diploma/Transcripts: Withholding a diploma/transcripts pending completion of student conduct resolution process, including the completion of all assigned conduct outcomes, if any. The University reserves the right to withhold a diploma/transcripts permanently.

- f. Revocation of Student Group Recognition: Temporary or permanent revocation of the student group's status as a University recognized student group.

VI. Alternative Resolution Processes

Following receipt of a complaint or report, the Resolution Center may propose resolving allegations against a respondent through an Alternative Resolution Process. Examples of Alternative Resolution Processes include mediation, facilitated dialogue, educational conversation, conflict coaching, and repairing harm conference. Participation in an Alternative Resolution Process must be mutually agreed upon and voluntary for all parties and may or may not result in agreement or resolution.

If resolution is reached through an Alternative Resolution Process, the situation is considered resolved. Agreements are binding and not subject to appeal. Failure to abide by the agreement may result in referral for resolution through an appropriate student conduct resolution process.

If resolution is not achieved, allegations against the respondent will be resolved through one of the conduct processes listed in the Student Code of Conduct.

The use of Alternative Resolution Processes as an appropriate method of resolution is at the discretion of the Resolution Center, based on the facts and circumstances of the case.

VII. Appeal Procedures

A. Appeal Procedures for Respondents

Respondents have the opportunity to request review of the findings and/or outcomes, if any, of a Student Conduct Resolution Process through the appropriate appeals process. Respondents may provide a written statement specifically stating the grounds for the appeal and any supporting information.

The appeals process is not intended to undermine the original factfinders or undertake an entirely new investigation. An appeal may be filed on one or more of the following grounds:

- i. **Procedural Error:** A procedural defect in published procedures and processes which more likely than not would have had a significant effect on the decision.
- ii. **New Information:** The discovery of substantive new information that was unknown or unavailable to the student or student group at the time of the student conduct resolution process that more likely than not would have had a significant effect on the decision.
- iii. **Arbitrary Findings or Outcomes:** The Findings or Outcomes that were assigned to the student or student group were unfair or not reasonable considering the facts and circumstances of the case.

Appeal requests must be submitted, using the form linked below, within five days of the date of the decision letter from the Conduct Officer(s). The Resolution Center will confirm receipt of the appeal request. In exercise of reasonable discretion, the Resolution Center may defer assigned conduct outcomes while the appeal is being considered. The status of assigned outcomes will be included in the confirmation of receipt of the appeal request.

The Appeal process is not a rehearing of the case; it is a “documents only” process and no parties are present when an appeal request is reviewed. Appeal Officers are provided with information in the original Student Conduct Resolution Process, the decision made by the original Conduct Officer(s), and information submitted with the Appeal request. Appeal Officers have access to the recording of the Hearing Board's hearing, if applicable. The Resolution Center and/or its designee may also include a written response to the appeal request.

A panel of three Appeals Officers considers cases resulting in any Status-based Conduct Outcomes. One Appeal Officer considers all other cases.

The Appeals Officer(s) may take the following actions:

- i. Remand the case to the Resolution Center with specific instructions to correct a procedural error, review new information and/or reconsider the case.

- ii. Uphold the original finding and assigned conduct outcomes if it is determined that grounds for an appeal were not met.

The Appeal Officer(s) have seven (7) days to make a decision, which shall be supported by a written rationale statement. Respondents will be notified of the decision. The decision of the Appeal Officer(s) is final and effective immediately.

B. Hearings related to alleged violations of the Harassment and Non-Discrimination Policy or the General Standards of Conduct related to any intentional conduct directed towards a person or group which threatens physical or psychological health or safety.

- i. Complainants have an identical opportunity to request review of the decision (findings and assigned conduct outcomes) of a Student Conduct Resolution Process through the appropriate appeals process as outlined above.
- ii. When the appealing party submits a request for appeal, the non-appealing party will have an opportunity to respond to the appeal. The non-appealing party must submit a response within five days. This response will be included in the materials available to the Appeal Officer(s).
- iii. Complainants will be notified of the decision of the appeal, consistent with any notification provided regarding the original decision. Notification will be made in conformance with privacy laws, including FERPA.

VIII. Administrative Action & Involuntary Withdrawal

A. Administrative Action

- i. **Interim Restriction:** Interim Restriction includes but is not limited to restricted access to university activities or property, residential facilities, room relocation, or other restrictions or conditions on attendance. Interim Restriction is effective immediately upon notification by the Resolution Center. Interim Restriction is not eligible for review.
- ii. **Interim Suspension:** Interim Suspension includes denied access to all University property, activities, services, and classes. Interim Suspension is effective immediately upon notification by the Resolution Center. Interim Suspension is subject to review.
 - a. A student or student group has three days from receipt of notification of Interim Suspension to request a meeting with the Dean of Student Well-being or designee, to review the decision. An Interim Suspension remains in effect during the Dean's review.
 - b. A student or student group will receive written notification of the Dean's decision which may include one of the following:
 1. Continuation of Administrative Action, or
 2. Conditions that must be met prior to updating the Administrative Action, or
 3. Updates to the conditions/restrictions of the Administrative Action, or
 4. Removal of Administrative Action Status.
 - c. The decision of the Dean of Student Well-being, or designee, is final and goes into effect immediately.
- iii. **Updating an Administrative Action:** If, during a student conduct resolution process, new information is discovered which the Resolution Center believes may impact the status of an Interim Action, the Resolution Center may present that information to the Dean of Student Well-being for review. If the Dean or their designee determine to update the conditions of the Administration, the student or student group will be notified.

Upon resolution of the incident, the Administrative Action is no longer in effect.

- iv. **Interim Suspension Due to Exceptional Circumstances:** When a student is unable to participate in conduct proceedings to resolve alleged violation(s) of

the Student Code of Conduct, for example incarceration or medical incapacitation, the student may be placed on Interim Suspension Due to Exceptional Circumstances status. The University will note in the student's education record the nature of the allegation and the fact that the student was on Interim Suspension status prior to resolution. A hold will be placed on the student's account and they will not be able to return to the University without resolving the alleged violation(s).

B. Involuntary Withdrawal Policy

IX. Medical Amnesty

Gonzaga University, as a Jesuit institution, upholds the tradition of cura personalis, which calls for a mature concern for others. In alignment with the principles and values of our community, particularly the mandate to take action in situations where individuals are in need of medical attention related to alcohol or drug use, the University encourages students to seek help without fear of university action. Medical Amnesty therefore reinforces the university's dedication to student health, safety, and well-being.

A. Students eligible for Medical Amnesty include:

- i. The student for whom medical attention is requested.
- ii. Students who assist individuals in need. (e.g. - calling for medical help, providing first aid, etc.)
- iii. Students who are reporting parties or complainants in cases related to Harassment and Non-Discrimination Policy or the General Standards of Conduct related to any intentional conduct directed towards a person or group which threatens physical health or safety.

B. Scope of Medical Amnesty

- i. Drugs, alcohol, paraphernalia, and other prohibited items will be confiscated according to Housing and Residence Life and/or Campus Security protocol.
- ii. Eligible students may be expected to engage in educational conversations on drug and alcohol safety and/or develop drug and alcohol safety plans.
- iii. Eligible students are not expected to admit fault or accept responsibility for violation of the drug or alcohol policies.
- iv. Eligible students will be exempt from any formal Student Conduct Resolution Process related to alcohol and drug policy violations.
- v. Relevant policy violations will not appear in a student's conduct records.
- vi. If the student's actions damaged university property or required professional cleaning during the incident, the student may be charged restitution.

C. Limits of Medical Amnesty:

- i. Medical Amnesty may not be appropriate if the student does not cooperate with medical personnel or university officials at the time of the incident.
- ii. In cases where students repeatedly require medical assistance due to drug or alcohol use, involved students may be referred for a formal or informal Student Conduct Resolution Process.
- iii. Students allegedly involved in drug manufacture or distribution, may not be eligible for Medical Amnesty.

- iv. Students allegedly involved in cases that had a significant impact to the campus community, including but not limited to Title IX, Harassment and Non-Discrimination, and/or a Threat to the Health and Safety of other persons may not be eligible for Medical Amnesty.