MEMO

DATE: 8/19/13

TO: Chapman University Students

FROM: Ramon L. Knox

RE: Significant Conduct Code Changes Notice

Chapman University’s desire is to continuously update our processes and procedures to remain compliant with Federal, State, and local guidelines, as well as the changing political landscape; and the need to learn, adopt and serve our current community. This past summer was no different; with the review of our policies and practices in relationship to student conduct, you will find some new information and shifts within the code itself.

The updated code is planned to be published within the next few weeks, however I wanted to take this opportunity to inform you of some very important changes that you will find within the code. It is very important that students are aware of these changes as they go into effect immediately.

I. Community Conversation - A process/discussion intended to encourage the student to examine his/her behaviors and to develop new approaches and decision making processes as he/she examines the impact his/her decision has on the larger community and his/her future goals.

II. Abusive Behavior – The following behaviors are prohibited, including, but not limited to:

1. Verbal abuse, including defamation, threats, intimidation (which may include shouting at another individual or acting in a hostile or aggressive manner), coercion, use of words that illicit a physical response (fighting words), profanity which is derogatory and inflammatory directed at another individual or group, and harassment, including, but not limited to sexual harassment.

2. Behavior which threatens or endangers the health, well-being, or safety of any person(s), including, but not limited to:

   a. Stalking – Behaviors or activities directed at a specific person occurring repeatedly that collectively would cause a reasonable person to feel fear, apprehension, emotional distress, and/or a threat to her or his safety, mental health, or physical health, including, but not limited to:

      i. Non-consensual communication or threats, including face-to-face, telephone calls, voice messages, emails, chat requests, friend or contact requests on social networking sites, text messages, postings of statements or pictures on social networking sites, written letters, gifts, or any other communications that are undesired.

      ii. Surveillance or other types of observation of another through computer spyware, GPS systems, pursuing, repeatedly staring, following, waiting or showing up uninvited at a class, residence, workplace, or other places frequented by the specified individual, gathering information about an individual from friends, family or co-workers, or third party stalking or stalking by proxy.

III. Hazing – Hazing is generally defined as any action taken or situation created which, regardless of location, intent, or “consent” of the participants; produces, or is reasonably likely to produce, bodily harm or danger, mental or physical
discomfort, embarrassment, harassment, fright, humiliation, intimidation, degradation, or ridicule, or otherwise compromises the dignity of an individual; compels an individual to participate in any activity which is unlawful, perverse, publicly indecent, contrary to the rules, policies and regulations of the University, or which is known by the compelling person to be contrary to the individual’s genuine moral or religious beliefs; or will impair an individual’s academic efforts.

1. Forcing, requiring, or pressuring individuals to wear, carry, or publicly display any article or apparel, especially items which are unusual, uncomfortable, degrading or physically burdensome. It is understood that students may choose to wear, pins, common T-shirts, team uniforms, etc. that are consistent with the University’s policy concerning harassment or other appropriate apparel.

2. Forcing, requiring or pressuring individuals to wear, carry, or publicly display any article or apparel, especially items which are unusual, uncomfortable, degrading or physically burdensome (e.g. taking, leaving, or giving up mobile devices, group head shaving, coloring, piercing, tattooing, etc.) It is understood that students may choose to wear pledge/associate member pins, pledge class t-shirts that are consistent with the University’s policy concerning harassment or other appropriate apparel, compelling them to do so is hazing. Examples include, but are not limited to wooden paddles, painted rocks, T-shirts with degrading slogans or names, notebooks, etc.

3. Forcing, requiring, or pressuring individuals to engage in sexual behavior or sexual misconduct.

4. Forcing, requiring, or pressuring a person to become branded or tattooed.

5. Forcing, requiring, or pressuring individuals to consume alcohol or drugs.

6. Forcing, requiring, or pressuring individuals to eat or drink foreign or unusual substances or forcing, requiring, or pressuring the consumption of undue amounts or odd preparations of food or beverages, including water.

7. Any activity as described above upon which the initiation or admission into or affiliation with the organization or team is directly or indirectly conditioned, or implied to be conditioned, or which occurs during a pre-initiation or initiation activity shall be presumed to be forced, required, or pressured activity, the willingness of an individual to participate in such an activity does not change the hazing nature of the activity.

IV. Sexual Misconduct – Any sexual or romantic behavior, attempted or completed, that goes beyond the boundaries of consent (as defined in Appendix 5, Sexual Misconduct Policies). These include rape, relationship abuse and domestic/interpersonal violence, sexual assault, sexual battery, sexual exploitation, sexual harassment, stalking, and retaliation for reporting any of these behaviors. Intoxication of the respondent does not diminish his or her responsibility for an act of sexual misconduct.

Note: See also Appendix 5: Sexual Assault Policy, for more information, please see Appendix 5, Sexual Misconduct Policies at the following link: http://www.chapman.edu/students/policies-forms/student-conduct/_files/pdfs/8.11.3.3.5%20Appendix%205.pdf.

V. APPENDIX 3; Academic Integrity Policy

1. Principle - Chapman University is a community of scholars that emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work, and academic dishonesty of any kind will be subject to sanction by the instructor/administrator and referral to the University’s Academic Integrity Committee, which may impose additional sanctions up to and including expulsion. Please see the full description of Chapman University’s Policy on Academic Integrity at www.chapman.edu/academics/academic-integrity/index.aspx.

2. Authority - The Academic Integrity Committee (AIC) is charged by the Faculty Senate under the Faculty Constitution and bylaws to be responsible for defining academic integrity and establishing policies and procedures for reporting, hearing, and sanctioning alleged violations of academic integrity. The Academic Integrity Committee also will make investigations and determinations of alleged violations of academic integrity policies and invoke the appropriate sanction as recommended by Chapman University’s Policy on Academic Integrity. The Committee includes at least three full-time faculty members, three students, ideally one of whom is a member of the student governance organization, and the Vice Chancellor for Student Affairs/Dean of Students or his/her designee (ex-
officio, non-voting). The Chair will be elected from among the returning faculty members and serve on the Faculty
Academic Council. Voting members are the faculty and students.

3. Important Guidelines for Students
   a. Students should keep their eyes on their own exams during examinations and protect their exams from the
      view of others. Students should strictly avoid any appearance of academic dishonesty. This includes but is
      not limited to: joking to others about cheating, permitting others to cheat off them, talking during
      examinations, plagiarizing, fabrication or falsification of information, or forging documents.
   b. Academic dishonesty can take a number of forms. Please refer to the catalog
      (www.chapman.edu/academics/course-catalogs/index.aspx and/or website for more information on
      Academic Integrity, including sanctioning guidelines, examples, and the appeals process.
   c. Students who discover an apparent violation of this policy should report the matter to the
      instructor/administrator of record or, if this is not known or unavailable, to the Vice Chancellor of Student
      Affairs/Dean of Students.

VI. APPENDIX 5; Sexual Misconduct Policies - It is the University’s desire to create a supportive climate that will encourage
the reporting of sexual misconduct incidents. The University encourages students to report these incidents promptly to
law enforcement and University personnel. Reporting of these incidents is the only mechanism by which offenders can be
officially sanctioned, thereby reducing the risk of repeat occurrences. Reporting provides the opportunity for an
understanding of the role the University can and should play in providing compassionate, effective intervention, support
and remediation, and most importantly, to help prevent such incidents from occurring.

Definition of Terms

Consent – an agreement between equal partners that includes the following elements:

- Clear, informed, and voluntary communication of intent. Clear and informed consent must be
  continuously present throughout an interaction, for all activities, and may be revoked at any time.
  Past consent does not constitute present consent.
- Equal partners means individuals who have the capacity to consent
- Voluntary means subject to modification or withdrawal at any time
- Consent cannot be any of the following:
  o Inferred from silence or the absence of a "no".
  o Obtained from a person who is asleep or otherwise mentally or physically incapacitated
    and this condition was known or reasonably should have been known by the other
    individual(s) involved in the designated incident.
  o Obtained from a person who is incapacitated by intoxicants such as alcohol or drugs, and
    this condition was known or reasonably should have been known by the other
    individual(s) involved in the designated incident. Incapacitation is defined as a state
    where someone cannot make rational, reasonable decisions because they lack the capacity
to give knowing consent (e.g., to understand the “who, what, when, where, why or how”
of the sexual interaction). Note: a person may still be conscious, but lack the capacity to
    consent to a sexual act(s).
  o Obtained by threat or force.
  o Obtained through coercion. Coercion is the application of verbal, emotional, or physical
    manipulation to convince another person to do something he/she may not want to do, in
    this case to engage in sexual acts that the individual does not want to do. This includes
    tactics of post-refusal sexual persistence; in other words, verbally or physically persisting
    with a sexual act (attempting to wear him or her down) after the individual has already
    refused to participate in it. Coercing someone into having sex or performing specified
    sexual acts is violates the boundaries of consent.

The intoxication of the respondent does not diminish his or her responsibility for an act of sexual
misconduct. It is also important to note that intent is not an acceptable defense for violating the sexual
misconduct policy. For instance, it is no defense to a report of sexual harassment that the respondent did
not intend to harass.
Prohibited behaviors – Any sexual or romantic behavior, attempted or completed, that goes beyond the boundaries of consent (as described above). Intoxication of the respondent does not diminish his or her responsibility for an act of sexual misconduct. The following behaviors are prohibited:

- **Rape** - vaginal-penile penetration (intercourse) that is accomplished by force, violence, duress, menace, coercion, or fear of immediate bodily injury on the person or another. Any vaginal-penile penetration, however slight the penetration, is sufficient to complete the act of rape.

- **Relationship Abuse and Domestic/Interpersonal Violence** - Relationship abuse and violence involves one or more of the following elements:
  - Individuals who are or formerly were spouses, cohabitants (or similarly situated as such), or who have or formerly had a romantic or intimate relationship.
  - Battering that causes bodily injury.
  - Emotional abuse reflecting apprehension of bodily injury or property damage.
  - Repeated telephonic or other forms of communication - anonymously or directly - using coarse language or threats in order to intimidate, terrify, annoy, harass, threaten, or offend.
  - Sexual assault or harassment.
  - Forcible denial of use of or access to owned or shared assets, or limiting or controlling access to educational or work opportunities.
  - Coercion used to compel another to act as directed.
  - Isolation used to deprive another of personal freedom of movement or access to friends, family, or support systems.

- **Retaliation** – retaliating against anyone for exercising the right to report or make a complaint for any of the behaviors prohibited in the Sexual Misconduct policy. This includes attempts or threats of retaliation, violation of a no-contact order harassment, or efforts to impede an investigation. Retaliation is a violation of policy whether or not the underlying complaint of harassment, discrimination, or any type of sexual misconduct is proven.

- **Sexual Assault** – an act accomplished by force or by threats of bodily injury and involving penetration, however slight the penetration, of a person’s genitalia or anal openings in relation to the following: sodomy (anal intercourse); forced oral copulation (oral genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger).

- **Sexual Battery** – touching without consent the sexual or other human parts of another, directly or through clothing, in order to gratify sexual desire or to cause injury, humiliate, harass, or degrade another.

- **Sexual Exploitation** - examples of sexual exploitation include, but are not limited to, prostituting another student; non-consensual video or audio-taping of sexual activity or distribution of such; going beyond the boundaries of consent (such as letting your friends surreptitiously watch you having consensual sex); engaging in sexual activity in the presence of a third party; engaging in voyeurism; exhibitionism; and knowingly transmitting an STI/STD or HIV to another student.

- **Sexual Harassment** – Events or actions (verbal, visual, or physical in nature) that are unwelcome (neither solicited nor incited and are regarded by the recipient as undesirable or offensive) conduct of a sexual nature that would be offensive to a reasonable person, which could interfere with an individual’s academic pursuits or create or substantially contribute to an intimidating or hostile work, academic, or student living environment. Sexual harassment may be found in a single episode, as well as in persistent behavior.

- **Stalking** – Please see Student Conduct Code for a full definition of stalking at this link: [https://www.chapman.edu/students/policies-forms/student-conduct/index.aspx](https://www.chapman.edu/students/policies-forms/student-conduct/index.aspx)

For information about reporting, support services for students, contact persons, grievance and conduct procedures, and Title IX coordinators and compliance, please review the information at the links below:

**Key contact persons and Title IX information**

[http://www.chapman.edu/students/dean-of-students/title-ix.aspx](http://www.chapman.edu/students/dean-of-students/title-ix.aspx)
Support Services and Rape Crisis Counseling

http://www.chapman.edu/students/student-health-services/peer/index.aspx

http://www.chapman.edu/students/student-health-services/health-services/index.aspx

http://www.chapman.edu/students/student-health-services/psychological-counseling/index.aspx

Equal Opportunity

http://www.chapman.edu/faculty-staff/human-resources/eoo.aspx

Conduct Policies and Procedures:

https://www.chapman.edu/students/policies-forms/student-conduct/index.aspx

Harassment and Discrimination Policy:

http://www.chapman.edu/faculty-staff/human-resources/_files/HARASSMENT%20AND%20DISCRIMINATION%20POLICY%20Rev%203-2012%20FINAL.pdf

Reporting Abuse or Neglect of Minors:

All incidents of suspected abuse or neglect of individuals under the age of 18 should be reported immediately to the Chapman University Department of Public Safety at (714)997-6763 and/or the Orange Police Department at (714)744-7444. A second report shall also be made to the Child Abuse Reporting Hotline at (714)940-1000 or (800)207-4464. These reports may be made 24 hours per day. If assistance is needed in making such a report, please do not hesitate to call the Department of Public Safety.

VII. Sanctioning:

a. Probation with Loss of Privileges now has 3 subcategories (academic, leadership, and social). Subcategory determines the notification (e.g. Coaches, College Dean, Greek Life, Student Engagement, etc.) and can affect opportunities within the institution.

b. A student with 4 incidents will be referred for a Suspension Hearing. At this hearing the student’s cumulative conduct record will be reviewed and sanctions assigned (e.g. suspension and/or removed from Housing and Resident Life). The student will have to present solid reasons why he/she believes they should be allowed to continue at the institution. The Suspension Board will have the final say in the sanctioning process, and the decision appeal process is the same as the formal conduct hearing appeal process.

It is encouraged that all members of the Chapman University community take time to review the Student Conduct Code in depth.