BOWIE
STATE UNIVERSITY
1865

Student Organization Code of Conduct

Division of Enrollment Management and Student Affairs

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TABLE OF CONTENTS

1. INTRODUCTION 3
2. BSU CORE VALUES 3
3. DEFINITIONS 3
4. UNIVERSITY CONDUCT AUTHORITY 5
5. JURISDICTION 5
6. PROHIBITED CONDUCT 6

6.1 ALCOHOL 6
6.2 DRUGS and DRUG PARAPHERNALIA 6
6.3 SMOKING 7
MEDICAL AMNESTY (RELATED TO ALCOHOL and OTHER DRUGS) 7
6.4 UNAUTHORIZED POSSESSION and USE OF WEAPONS or WEAPONRY 7
6.5 PHYSICAL ABUSE 8
6.6BULLYING, CYBERBULLYING, DEFAMATION or INTIMIDATION 8
6.7DAMAGE or DESTRUCTION OF PROPERTY 8
6.8DECEPTION 9
6.9DISORDERLY CONDUCT 9
6.10DISORDERLY or IMPROPER ASSEMBLY 9
6.11 DISRUPTIVE BEHAVIOR 9
6.12FAILURE TO COMPLY 9
6.13FIRE SAFETY 10
6.14GAMBLING 10
6.15HARASSMENT 10
6.16HAZING 10
6.17INAPPROPRIATE DRESS 10
6.18JOINT RESPONSIBILITY 10
6.19MISUSE OF UNIVERSITY CONDUCT PROCESSES 10
6.20NOXIOUS ODORS 11
6.21SOLICITATION 11
6.22STUDENT IDENTIFICATION CARD VIOLATIONS 11
6.23THEFT, BURGLARY, or ROBBERY 11

6.24UNAUTHORIZED ENTRY 11
6.25UNAUTHORIZED POSSESSION or ABUSE OF ANIMALS 12
6.26UNAUTHORIZED USE 12
6.27 UNAUTHORIZED USE OF COMPUTER or NETWORK SYSTEM RESOURCES 12
6.28UNDISCLOSED RECORDING 12
6.29VIOLATION OF CONFIDENTIALITY 12
6.30VIOLATION OF LAW 12
6.31VIOLATION OF PUBLISHED UNIVERSITY POLICIES 13
6.32VIOLATION OF RESIDENCE LIFE POLICIES 13
6.33EVENT-RELATED MISCONDUCT 13
6.34TRAFFIC-RELATED OFFENSE 13
7. STUDENT CONDUCT PROCESS 13
7.1 Advisors 13
7.2 Reports 14
7.3 Review and Investigation 14
7.4 Interim Measures 15
7.5 Notice of Allegation(s) 16
7.6 Information Session 17
7.7 Resolutions 17
8. OUTCOMES 23
8.1 Status Outcomes 23
8.2 Educational Outcomes 24
8.3 Administrative Directive Outcomes 24
9. STUDENT ORGANIZATION APPEAL PROCEDURES 24
10. OTHER POLICIES AND PROCEDURES 26
10.1 PEACEFUL PROTESTS AND FREEDOM OF EXPRESSION 26
10.2 STUDENT TRAVEL POLICY 27
11. RECORDING KEEPING PRACTICES 27
12. EXCEPTIONS TO PROCEDURES 27

1. INTRODUCTION

Bowie State University (BSU) is a learning community that is committed to its core values. In order for us to meet our educational goals, we must promote and uphold a high level of behavioral and academic standards. To that end, the University has created a set of standards regarding conduct for student organizations within our community. Student organizations play a key role in the campus culture at BSU and are invaluable in promoting and upholding our BSU core values. Student organizations are actively involved in leading, supporting, and serving the University community.

This Code outlines BSU's student organization conduct procedures, policies, and rights and responsibilities. Please note that our organizational conduct procedures are designed to be educational in nature and promote the University's mission. The process and procedures are not set up to enforce criminal or civil laws or to operate in place of civil authority (i.e., law enforcement agencies, court system, etc.). However, when a student organization's behavioral choice or outcome warrants the involvement of civil authorities, the University will notify the proper authorities.

Additional expectations for individual students are outlined in the *Code of Student Conduct* and other University rules, regulations, and/or policies.

2. BSU CORE VALUES

Excellence: Bowie State University expects students, faculty, staff, and administrators to demonstrate outstanding levels of performance by fostering a stimulating learning and work environment.

Inclusivity: Bowie State University is intentional about creating a community that encourages involvement, respect, and connection among students, faculty, staff, and administrators regardless of differences of race, gender, ethnicity, national origin, culture, sexual orientation, religion, age, and disability.

Integrity: Bowie State University students, faculty, staff and administrators demonstrate high ethical standards in their interactions with one another and the larger community.

Accountability: Bowie State University expects each member of the University community to be responsible and accountable for the outcomes of their efforts and actions.

Innovation: Bowie State University aspires to infuse innovative practices into academic and administrative functions by encouraging students, faculty, staff, and administrators to utilize best practices and pursue new opportunities.

3. DEFINITIONS

When used in the context of this Code, the terms below mean the following:

1. "BSU" or "University" means Bowie State University.
2. The term "student" means anyone admitted to the University and (a) enrolled in or attending classes, whether full-time or part-time, at or through the University, both on and off-campus; (b) not currently enrolled for a particular term at the time the alleged violation occurred but has a continuing relationship with the University; or (c) participating in any University-sponsored program (e.g., pre-matriculation orientation programs).

3. The term “university premises” includes all land, buildings, or grounds owned, leased or rented, operated, controlled, or supervised by the University and adjacent sidewalks and streets.
4. The term “university-sponsored activity” means any activity, including classes, programs, and events, that is directly initiated, aided, authorized, or supervised by the University, on or off university premises.
5. The term “university official” means any person employed by the University and performing assigned administrative, educational, professional, or paraprofessional responsibilities (including student resident assistants and building managers).
6. The term “student organization” means any group of students meeting the University’s criteria for organizational recognition or registration established by the University or its units, colleges, or departments. In this Code, the term “student organization” also refers to a student group which is defined as any number of persons who are associated with the University and each other but do not have status as an officially recognized student organization. This includes, but is not limited to, student organizations that are no longer recognized by the University and/or (inter)national organization.
7. The Vice President of Enrollment Management and Student Affairs is the person designated by the University President to be responsible for the administration of the Code.
8. The term “EMSA” refers to the Division of Enrollment Management and Student Affairs.
9. The term “student conduct administrator” means a university official authorized by the Vice President of EMSA to hear cases, conduct investigations, and recommend outcomes upon students who admit to a violation of, or are found to have violated, the Code.
10. The term “shall” is used in the imperative sense.
11. The term “may” is used in the permissive sense.
12. The term “allegation” means an assertion that someone has engaged in behavior that may be a violation of this Code.
13. The term “Complainant” means an individual who has referred a student, student group, student organization, or incident to the Office of Student Conduct and Community Standards based on an alleged violation of this Code.
14. The term “Respondent” or “Responding Student Organization” means a student organization that has been reported to have committed a violation of this Code.
15. The term “outcome” means an action imposed upon any student, student group, or student organization found responsible for a violation of this Code.
16. The term “Student Conduct Conference” means an administrative conduct proceeding when the outcome(s) administered may not result in university suspension or expulsion, except in instances where a Respondent waives their right to a University Student Conduct Panel.
17. The term “University Student Conduct Panel” means a combination of trained faculty, staff, and/or students who serve as conduct administrators during official student conduct proceedings when the outcome may result in a Respondent’s suspension or expulsion from the University.
18. The term “advisor” means a person who accompanies a Responding Student Organization or Complainant for the purpose of providing support, advice, or guidance during student conduct proceedings. An advisor serves at the own expense of each Respondent or Complaint.
19. The term “preponderance of the evidence” refers to the standard of proof used to determine if a Respondent is “responsible” or “not responsible” for a violation of student policy. The preponderance of evidence standard requires that it is more likely than not that the Respondent violated the *Code of Student Conduct*. This decision is based upon the information available at the time the decision is made.

4. UNIVERSITY CONDUCT AUTHORITY

The Vice President for EMSA (or designee) is responsible to the President of Bowie State University for the supervision, administration, and enforcement of all university policies related to student behavioral misconduct. The Vice President for EMSA grants authority to the Office of Student Conduct and Community Standards (OSCCS) to receive complaints on student conduct, direct such investigations as deemed appropriate, and determine the disposition of cases within the university's jurisdiction.

Any student organization found to have violated any policies herein is subject to the student conduct outcomes articulated within this document. Additional outcomes may be issued based at the discretion of the Office of Student Conduct and Community Standards (OSCCS), which administers the student conduct process at Bowie State University. Staff in the OSCCS investigate and adjudicate alleged incidents of student misconduct, academic integrity, and threat assessment. The office also educates the campus about community standards and other ethical issues.

The office is led by the Director of Student Conduct and Community Standards. The Director, at their discretion, grants authority to other staff to serve in the capacity of Student Conduct Administrators (SCA) and to make decisions on matters involving student misconduct. Student Conduct Administrators are authorized to hear cases, conduct investigations, and recommend outcomes upon student organizations who admit to violations of, or are found to have violated, this *Code*.

For the purposes of investigation, the SCA has entry to all university offices and access to pertinent records as permissible by law (including records maintained in the university conduct database). The SCA also has the authority to request witnesses, including any member of the university community (i.e., other students, faculty and staff). Likewise, the SCA may issue any outcome(s) to a student or organization found responsible for a *Code* violation in a given case, subject to the policies of the University.

5. JURISDICTION

The jurisdiction of this Code applies to behavior(s):

1. occurring on any university premises or off-campus;
2. occurring in connection with any University-sponsored, -recognized, or -approved program, visit, or activity;
3. that adversely affects the University's pursuit of its mission, goals, or policies; or
4. that otherwise threatens the health or safety of any member of the University community.

Additionally, the University retains jurisdiction over students who choose to take a leave of absence, withdraw, or have graduated when there has been misconduct that occurred prior to the leave, withdrawal, or graduation. Individuals who are not currently enrolled at the University remain subject to the student conduct process for:

1. behaviors that occurred during any period of enrollment,
2. behaviors that occurred during a period between any consecutive semesters, terms, or summer sessions for which they are enrolled,
3. behaviors that occurred during the time after admission to the University but prior to first enrollment, and/or
4. statements, acts or omissions related to application for enrollment.

If found responsible, a hold may be placed on the student's ability to re-enroll and/or graduate. All outcomes must be satisfied prior to re-enrollment eligibility. In the event of serious misconduct committed while still enrolled but reported after the accused student has graduated, the University may invoke these procedures. Should the former student be found responsible, the University may revoke that student's degree.

Sexual misconduct is governed by Bowie State University's *Policy on Equal Opportunity, Harassment and Nondiscrimination* found online at VI - 1.40 - Equal Opportunity, Harassment and Nondiscrimination. Allegations of discrimination or sexual harassment are investigated by the Office of Equity Compliance, which includes the University's Title IX Coordinator.

6. PROHIBITED CONDUCT

6.1 ALCOHOL

1. Using, possessing, or distributing alcohol while under the age of twenty-one (21);
2. Operating a motor vehicle while under the influence of alcohol;
3. Being intoxicated or under the influence of alcohol while in public;
4. Providing alcoholic beverages to a person who is intoxicated;
5. Providing alcoholic beverages to any person under the age of 21;
6. Possessing and/or using alcohol in any Residence Life facility; and/or
7. Any activity or conduct involving the use of alcohol that is in violation of law.

It should be noted that at university-approved events on campus (e.g., Alumni events), alcoholic beverages may be sold or served in accordance with applicable laws and University policies. Students who are of age will be asked for standard identification (i.e., a driver's license) before the beverage can be sold or served. Purchases made in violation of this policy, including supplying alcoholic beverages to underage students, or the selling to or furnishing to minors, will be appropriately adjudicated by the Office of Student Conduct and Community Standards.

6.2 DRUGS and DRUG PARAPHERNALIA

1. The possession, use, manufacture, cultivation, distribution, sale, and/or misuse of any controlled or illegal substance, over-the-container drug, designer drug or synthetic cannabinoid;
2. The possession and/or use of any drug paraphernalia (i.e., bowls, hookah pipes, bongs, hollowed-out cigars, vaporizers, "homemade" smoking devices, any other smoking device or smoking paraphernalia);
3. Operating a motor vehicle while impaired by a drug; and/or
4. Any activity or conduct involving drugs or drug paraphernalia (i.e., use of University property like a residence hall room, cashier's office or campus mailbox; monies (real and counterfeit) from a drug sale; exchange of materials to grow and manufacture drugs) that are in direct violation of local, state and/or federal laws.

Regardless of the legal status of marijuana in the State of Maryland, marijuana remains prohibited on all university premises and at all university-sponsored events. It should also be noted that this policy applies to students who possess a medical marijuana prescription. As a university community, we take seriously our obligation to ensure the safety and well-being of our students. Any student found responsible for a violation of this policy will be issued appropriate outcomes. Further, violation of this policy may lead to legal action, arrest, and/or imprisonment.

6.3 SMOKING

1. The lighting, burning, or vaporizing of tobacco, nicotine, marijuana or any other material in any type of smoking equipment, including but not limited to, cigarettes, electronic cigarettes (e-cigarettes), vape pens, cigars, hookahs, or pipes.

   Smoking is prohibited on all property owned, leased, or operated by BSU. This includes all buildings, including residence halls; all grounds, including exterior open spaces, parking lots, sidewalks, streets, driveways, stadium, athletic and recreational facilities; and all BSU-owned or leased vehicles and golf carts.

   Refer to VI - 8.50 - Policy on Smoke-Free Campus for additional information.

   MEDICAL AMNESTY (RELATED TO ALCOHOL and OTHER DRUGS)

   The University's highest priority is the safety and wellbeing of students and members of the University community. Therefore, students seeking assistance for themselves or others as a result of a hazing incident, intoxication, and/or medical emergency from alcohol or other drugs may be granted medical amnesty and not charged with a violation of alcohol, drugs, or hazing provisions of this *Code* if:

   1. The student calls local or University law enforcement or medical assistance;
   2. The student cooperates fully with the University, law enforcement, and medical personnel, as applicable; and
   3. The student remains at the scene with the person in need until assistance has arrived

   If medical amnesty is determined to be appropriate for the circumstances, a student organization may receive some variation of educational, rehabilitative, and/or restorative outcomes in lieu of going through the formal conduct process.

   Students who may be struggling with use/abuse of alcohol or other drugs are encouraged to seek out campus resources by contacting the Alcohol, Tobacco & Other Drug Prevention Center (ATOD) at 301-860-4127; Counseling Services at 301-860-4161; or the Henry Wise Wellness Center at 301-860-4170.

6.4 UNAUTHORIZED POSSESSION and USE OF WEAPONS or WEAPONRY

2. Possessing, using, or displaying any firearm, ghost gun (e.g., 3D-printed guns), or other lethal/dangerous device capable of launching a projectile by air, gas, explosion or mechanical means (e.g., water guns/projectiles, BB guns, airsoft guns, stun guns and paintball guns) on any property owned, controlled or leased by the university (unless authorized by the university or as a part of a university-sponsored event). This policy also includes any toy weapon that resembles a real weapon (e.g., water guns/projectiles);
3. Using any object to injure, attempt to injure or harass another person (e.g., scissors; baseball bat; Taser); and/or
4. Violating local, state or federal law as it relates to brass knuckles, nun chucks, pocketknife, knife, razor, switchblade, dagger, sword, or bow and arrow/crossbow.

   It is the entire campus' responsibility to ensure that our community remains weapon-free. The Division of Enrollment Management and Student Affairs works closely with BSU's Department of Public Safety to promptly identify and confiscate weapons and weaponry, when we have been

made aware of their presence; or when they are provided as evidence or being affiliated with a student conduct case. A violation of this policy will lead to student conduct action up to and including **interim suspension**, **suspension** or **expulsion** from the university.

6.5 PHYSICAL ABUSE

1. Any attempt to cause injury or inflict pain; or causing injury or inflicting pain. Also causing physical contact with another when the person knows or should reasonably believe that the other will regards the contact as offensive or provocative. It is not a defense that the person, group, or organization against whom the physical abuse was directed consented to, or acquiesced to, the physical abuse.

   The physical abuse policy is not intended to prohibit the following conduct:
   - Customary public athletic events, contests, or competitions that are sponsored by the University or the organized and supervised practices associated with such events; or
   - Any activity or conduct that furthers the goals of a legitimate educational curriculum, a legitimate extracurricular program or a legitimate military training program as defined and approved by the University.

6.6 BULLYING, CYBERBULLYING, DEFAMATION or INTIMIDATION

1. The act of creating an environment where persons are subject to or feel threatening behaviors from another person;
2. The act of communicating, electronically or digitally (e.g., email, texting, group messaging, websites/videos, social media), to someone in any way that is likely to cause alarm;
3. The act of holding, sharing or threatening to share any personal information and media, electronically or digitally (e.g., email, texting, group messaging, websites/videos, social media), about anyone through any and alternative means of communication;
4. The act of intentional behavior that is repetitive in nature and that causes alarm or discomfort to another person;
5. The act of developing fictitious information about another individual and disseminating that to a third party, which then makes the person susceptible to acts of hate, contempt, ridicule, loss of goodwill or loss of standing in our community; and/or
6. The act of holding, sharing or threatening to share any sexual content, electronically or digitally (e.g., email, texting, group messaging, websites/videos, social media), about anyone through any, and alternative means of, communication.

   With the increased use of social media in our society, including virtual personas, pages and websites/videos, texting and group messaging, we have seen an uptick in students who choose to use their virtual presence as a way to negatively engage with their peers. **Please note that your digital footprint can be tracked and used as information in student conduct proceedings**.

6.7 DAMAGE or DESTRUCTION OF PROPERTY

1. Any behavior that destroys, damages, or litters any property of the University, of a University community member, of another institution, or of another person, on or off campus (as permitted by the University's jurisdiction) is prohibited.

6.8 DECEPTION

1. Any misuse of any university records, forms or documents through forgery, fabrication, unauthorized alteration, reproduction or other means;
2. Any giving of false information or misrepresenting the truth to the University or to any university official, administrator or administrative unit;
3. Possession of any fake, altered or any other identification that belongs to another person;
4. Any attempt to perpetrate fraud against the University or a member of the university community; and/or

   Any submission of false information at the time of admission or readmission is grounds for rejection of the application, withdrawal of any offer of acceptance, cancellation of enrollment, dismissal or other appropriate outcomes.

6.9 DISORDERLY CONDUCT

1. All lewd, obscene, indecent behavior or other forms of disorderly conduct;
2. Any abuse or unauthorized use of sound amplification equipment; and/or
3. Any conduct which materially interferes with the normal operation of the University, or with the requirements of appropriate discipline.

6.10 DISORDERLY or IMPROPER ASSEMBLY

1. Any assembly for the purpose of inciting violence, destruction of property or disorderly diversion, which interferes with the operations of the University, administrative, and/or academic functions; and/or
2. Any obstruction to the free movement of other persons about campus or the interference with the use of university facilities.

6.11 DISRUPTIVE BEHAVIOR

1. Disruption or obstruction of teaching, research, administration, or other University activities (including public-service functions on or off campus) or of other authorized non-University activities when conduct occurs on University premises. Such activities may include, but are not limited to:
   a. Leading or inciting others to disrupt normal activities on University premises;
   b. Classroom behavior that seriously interferes with either (a) the faculty member's ability to conduct the class or (b) the ability of other students to profit from the instructional program; and/or
   c. Any behavior in class or out of class, which for any reason interferes with the class work of others, involves disorder, or otherwise disrupts the regular and essential operation of the University.

6.12 FAILURE TO COMPLY

1. Failure to respond to a lawful request by properly identified university or law enforcement officials in the performance of their duties;
2. Failure to provide identification upon request of a University official; and/or
3. Failure to comply with any university directive or outcome imposed on a person by any student adjudication body or administrator.

6.13 FIRE SAFETY

1. Any failure to evacuate or immediately respond to a fire alarm;
2. Participation in creating or causing a false fire alarm;
3. Participation in tampering, disconnecting or altering any fire alarm system, equipment or component;
4. Failure to follow the instructions of staff and emergency personnel during fire alarms;
5. The possession, use, manufacture, and/or sale of any incendiary device;
6. Participation in setting or causing to set any unauthorized fire; and/or
7. The possession and/or use of any type of fireworks/explosive devices.

6.14 GAMBLING

1. Engaging in any form of gambling or wagering (e.g., dice, card games) within or on University premises.

6.15 HARASSMENT

1. Any act that creates an unpleasant or hostile situation for another person especially by uninvited and unwelcome verbal or physical conduct; and/or
2. Intentionally and/or repeatedly following, stalking or contacting another person in a manner that intimidates, harasses or places another in fear of their personal safety or that of their property.

6.16 HAZING

1. Any act when engaged in for the purposes of admission, initiation, or continued association with an organization or group (e.g., social, honor, service, Greek-letter, athletic, band) which subjects another person to physical harm or pain, emotional distress, humiliation, personal degradation, or harm from unreasonable requirements. It is not a defense that the person (or group) against whom the hazing was directed consented to, or acquiesced to, the behavior in question.

   (See BSU's Policy on Hazing for additional reference.)

6.17 INAPPROPRIATE DRESS

1. Dress and/or appearance that is derogatory, offensive and/or displaying lewd messages, either in words or pictures; sagging pants; midriffs or halter tops; mesh or netted shirts; tube tops or cut off t-shirts—in academic buildings, administrative offices, the cafeteria, Student Center, or common areas of residence halls; and/or
2. The showing of any private body part or undergarments outside of private living quarters in the residence halls.

6.18 JOINT RESPONSIBILITY

1. Students who knowingly act or plan to act in concert to violate university regulations have individual and joint responsibility for their behavior; and/or
2. Any student who knowingly allows another individual (including a non-BSU community member) to violate university regulations without reporting to a university official.

6.19 MISUSE OF UNIVERSITY CONDUCT PROCESSES

1. Failure to obey the notice from any student adjudication body or administrator to appear for a meeting or conduct proceeding as part of an official University student conduct process;

2. Providing false testimony or information at any University Conduct meeting;
3. Intentionally initiating or causing to be initiated any false report;
4. Attempting to discourage an individual's proper participation in, or use of, a student conduct, disciplinary, or legal process;
5. Interference with or disruption of the conduct process (e.g., investigation, conference, or an appeal process); and/or
6. Failure to complete any imposed outcome(s).

6.20 NOXIOUS ODORS

1. A noxious odor is any fragrance or aroma that has such intensity that it can become apparent and disruptive to those around or the academic experience. This may become noxious when the smell emanates too strongly (e.g., cigarette, marijuana, cigar or pipe, perfume, air fresher or large amounts of dirty laundry).

6.21 SOLICITATION

1. Conducting any unauthorized business sales or monetary drives, political/business campaigns on campus, classroom, administrative building or any other campus location without approval of the Division of Student Affairs;
2. Unauthorized placing of door hangers or signs on cars on campus or in on-campus residential facilities, or other campus property; and/or
3. Any violation of the University Advertising, Sales, and Solicitation Policy.

6.22 STUDENT IDENTIFICATION CARD VIOLATIONS

1. Altering, lending or selling a Student Identification Card;
2. Usage of a Student Identification Card by anyone other than its original holder;
3. Using a Student Identification Card in any unauthorized manner; and/or
4. Failure to produce a Student Identification Card when requested by a Public Safety Officer, staff (including student staff acting in an official capacity for the University), or faculty member of Bowie State University.

6.23 THEFT, BURGLARY, or ROBBERY

1. Actual or attempted taking, possessing, selling, or distributing of any property that is the property of another person, organization, or entity (including but not limited to the University) without the owner's permission;
2. Unlawful entry of a building or structure in an attempt to commit a felony or theft; and/or
3. Taking or attempting to take something of value from another person by the use of force, threats, or intimidation.

6.24 UNAUTHORIZED ENTRY

1. Unauthorized entry into any university building, office, residence hall, off-campus residence hall, parking lot, motor vehicle or other university-related facilities;
2. Remaining in any building after normal closing hours without authorization; and/or
3. Remaining overnight in public areas of the residence hall or surrounding areas without approval from Residential Life.

6.25 UNAUTHORIZED POSSESSION or ABUSE OF ANIMALS

1. Bringing and/or having any unauthorized animal on University property or into any building owned, leased or controlled by Bowie State University without approval of the Division of Student Affairs and/or the Office of Disability Support Services; and/or
2. Intentional abuse, inappropriate handling or causing death to an animal.

6.26 UNAUTHORIZED USE

1. Unauthorized use of university equipment; unauthorized use of bathrooms, exits or windows; unauthorized use or duplication of keys; and/or unauthorized use or possession of any parking permit or hang tag.

6.27 UNAUTHORIZED USE OF COMPUTER or NETWORK SYSTEM RESOURCES

1. Failure to comply with University regulations and policies, license agreements, and contracts governing network, software and hardware use; abuse of communal resources; use of computing resources for unauthorized commercial purposes or personal gain; failure to protect your password or use of your account; breach of computer security, harmful access or invasion of privacy. Misuse or abuse of computer facilities and resources include, but are not limited to:
    a. Use of another individual's identification and/or password.
    b. Use of computing facilities and resources to send obscene or threatening messages.
    c. Use of computing facilities and resources in violation of copyright laws.

    (See the Division of Information Technology's IT Standards and Policies for additional reference.)

6.28 UNDISCLOSED RECORDING

1. The acts of creating, attempting to create or disseminate audio or visual recordings of private or non-public communications and/or meetings within the university and its affiliated spaces without the knowledge or consent of the person participating or subjected to the recording. This policy excludes public events, discussions or recordings made for law enforcement and public safety purposes. If the recording is made that captures a violation of the Code, the Student Conduct Administrator may elect not to enforce this section of the policy against a student making the recording.

6.29 VIOLATION OF CONFIDENTIALITY

1. Violating the confidentiality of a student's educational record; and/or
2. Working in a university office where students' records are kept and managed and disclosing confidential personnel information.

6.30 VIOLATION OF LAW

1. Any act that violates a provision of the laws of the United States, the laws of the State of Maryland, the ordinances of any county, city, municipality or other political subdivisions, or the laws of another nation or political subdivision thereof in which such act occurs, is deemed to be a violation of the *Code of Student Conduct* when that act:
    a. Occurs on the campus of the university, including all property owned, leased, licensed or otherwise controlled by the university;
    b. Occurs on the premises of any domicile of a recognized Greek-letter organization;

c. Occurs in the context of any event planned, presented, sanctioned or made available by the university, or its affiliates or any student organization;
d. Occurs at any intercollegiate athletic event in which one of the university's teams is participating, home or away;
e. Involves more than one member of the university community; and/or
f. Otherwise adversely affects the university.

6.31 VIOLATION OF PUBLISHED UNIVERSITY POLICIES

1. Violation of any University policy, rule, or regulation published in hard copy or available electronically on the University's website. Such policies include, but are not limited to, Office of Residence Life contracts and policies, Division of Information Technology (DoIT) policies, policies related to the use of student identification cards, entry and use of University facilities and dining hall conduct.

6.32 VIOLATION OF RESIDENCE LIFE POLICIES

1. Violation of any policies outlined in writing by the Office of Residence Life. Please refer to the Residence Life Handbook for additional information regarding Residence Life Policies and procedures.

6.33 EVENT-RELATED MISCONDUCT

1. Event-related misconduct is rioting, assault, theft, vandalism, fire-setting, or other misconduct related to an institution-sponsored event, occurring on or off campus, that results in harm to persons or property or otherwise poses a threat to the stability of the campus or campus community.

   A student suspended under this section shall not be admitted to any other institution in the University System of Maryland during the term of the suspension. A student expelled under this section shall not be admitted to any other institution in the System for at least one year from the effective date of the expulsion. Additional information regarding this policy may be found on the System's website: V800 - USM.

6.34 TRAFFIC-RELATED OFFENSE

1. Driving in a manner that recklessly endangers the health and/or safety of oneself or others; and/or
2. Obstruction of the free flow of pedestrian or vehicular traffic on University premises or at University-sponsored or supervised activities.

7. STUDENT CONDUCT PROCESS

This section provides general information and an overview of the student conduct process. Not all cases are the same, and allegations differ in their severity and complexity. However, OSCCS endeavors to treat similar facts and circumstances consistently.

7.1 Advisors

1. An advisor may be present to advise a student organization, complainant, or witness and may participate in all aspects of any student conduct proceedings. However, the advisor shall not

testify on behalf of the student organization, complainant, or witness. In Title IX hearings only, an advisor shall abide by the procedural requirements as outlined in the Title IX policy.

2. Consultation with an advisor during a meeting, proceeding, or hearing must take place in a manner that is not disruptive. An advisor who is disruptive to any student conduct proceedings may be dismissed at the discretion of the Student Conduct Administrator.
3. Identity of an advisor is required to be reported to the conduct investigator and/or Student Conduct Administrator at least one business day prior to a meeting, proceeding, or hearing.
4. Advisors may not be individuals who serve other roles in the process as outlined in this Code (i.e., Student Conduct Administrator, witness, etc.), or if service in an advisory capacity would unreasonably conflict with the fair administration of the student conduct process as determined by the OSCCS.
5. The University is not responsible for selecting or compensating an advisor for any student organization navigating the student conduct process.
6. The availability of an advisor, advocate, or legal representative to attend a student conduct meeting, proceeding, or hearing will not unreasonably interfere with or delay the student organization conduct process. For Title IX processes, if a student organization's advisor does not appear, the University shall assign an advisor or delay proceedings as outlined in the Title IX policy.
7. Once a meeting, proceeding, or hearing has been scheduled, it will rarely be rescheduled due to later unavailability of an advisor, advocate, or legal representative.
8. A representative from the University's Office of the General Counsel may also be present at any meeting, proceeding, or hearing.

7.2 Reports

1. Any person may file a report with the University alleging that a student organization has violated this Code. Any report should be submitted as soon as possible after the incident takes place. When there is significant delay, the Office of Student Conduct & Community Standard's ability to resolve an incident may be difficult due to access to reliable information and witnesses.
2. Reports may be accepted through alternative reporting mechanisms at the discretion of the OSCCS including, but not limited to, written communication, published information, or referral from another University department.
3. If a report alleges sexual misconduct, the OSCCS shall report the matter to the Title IX Coordinator (or designee) to evaluate the appropriate procedures for investigating the matter in accordance with the Title IX Policies.
4. Retaliation against anyone for reporting an alleged violation of this Code is strictly prohibited and any student who retaliates will be considered for further student conduct action during this Code.

7.3 Review and Investigation

1. All reported information shall be reviewed by the OSCCS to determine the appropriate steps for resolution.
2. Interim health and safety measures may be issued pursuant to the interim measures outlined in this Code. Interim measures shall be communicated in writing to the student organization, typically through the chief student officer and the organization's campus advisor. Interim

measures are temporary measures applied through the duration of an investigation and/or resolution process and do not replace a resolution process as outlined in this Code.

3. A student organization, through its chief student officer, may request a review of an interim measure in writing to the Director of the OSCCS (or designee) within five (5) University business days from the effective date of the interim measure.
    a. The scope of the request is limited to whether the interim measure(s) should remain in place, based on the information available.
    b. The requesting student organization may provide information including reports, witness statements, communications, or other documentation for review.
    c. The Director of the OSCCS (or designee) may schedule a meeting with the student organization upon receipt of the written request to review the request or to gather additional information.
    d. Interim measures may be affirmed, modified, or lifted as a result of a requested review or as new information becomes available.
    e. The Director of the OSCCS (or designee) will communicate the final decision in writing within a reasonable timeframe of the review meeting.
4. Investigations shall include a review of the submitted report, and other additional information, such as that gathered from investigation meetings with involved individuals or groups. Any involved individuals or groups may be interviewed and asked to share information they have regarding the incident including documents (e.g., text messages, photos, videos, etc.) and identification of any additional witnesses who may provide direct information regarding the allegation(s).
5. Students and student organization representatives may be accompanied by an advisor of their choice. Individuals are encouraged to participate in the process to allow for as thorough an investigation as possible; however, an individual may decline to participate in the investigation process.
6. At the conclusion of an investigation, the OSCCS shall produce an investigation report to determine the appropriate referral, resolution, and/or dismissal in accordance with University policy.

7.4 ***Interim Measures***

1. Interim measures may include any actions deemed appropriate to mitigate the threat to health, safety, or welfare of the University community or individuals involved in an incident, ranging from interim suspension to restrictions on participation in university-sponsored programs or activities or presence on campus.
    a. **Interim Suspension:** Suspension for an interim period pending resolution of conduct proceedings. Interim suspensions may become effective immediately without prior notice whenever there is evidence that the continued presence of the student organization in the University community poses a significant threat to themselves or others, or the stability and continuation of normal University operations. The student organization shall be afforded an opportunity to contest the interim suspension with the OSCCS within five (5) University business days from the effective date of the interim suspension. However, there is no guarantee

that the student organization will be permitted to return to campus prior to a resolution of the conduct proceedings.

b. **Cease and Desist:** A cease-and-desist notice may be issued to student groups or student organizations whose continued operation poses a threat to the health and safety of the University community. Directives to cease and desist may be effective immediately without prior notice if there is evidence that continued presence and operation of the student group or organization poses a substantial threat to the health and safety of their members or others in the community.
c. **No Contact Directive:** An official University directive that is effective immediately without prior notice whenever there is evidence that the continued interaction of an individual or group poses a substantial threat to themselves or others, or to the stability and continuation of normal University operations. A no contact directive applies to all parties involved and prohibits contact between/among parties by any means. This directive may only be removed at the discretion of the OSCCS and at the written request of all individuals involved.
d. **University Directive:** As an administrative measure, the University, at its discretion, may adopt the terms and conditions of a court order or other similar directive, with reasonable modifications to apply to the University setting. The university directive may be issued independently, preceding, or concurrent with the University conduct process. For the duration of the directive, an involved student organization may submit documentation of any modifications issued by the originating source. The University may adjust the university directive as new information becomes available.

   University directives issued as a result of a Restorative Resolution Agreement, signed by all necessary parties, are considered final and are not subject to any further review or appeal.
e. **University Restriction:** Additional social and behavioral restrictions or conditions may be imposed upon a student organization, depending on the nature and seriousness of the alleged misconduct.

7.5 Notice of Allegation(s)

1. Written notice given to any Responding Student Organization shall include the following:
   a. Sufficient detail (description of the alleged behavior(s), specific alleged Code violation(s), date/time/location of student conduct proceedings, etc.) to allow a student organization representative to prepare a response. Absent extenuating circumstances, this notice shall be provided a minimum of three (3) University business days before the conduct proceeding.
   b. Absent extenuating circumstances, the date/time/location for an information session shall be scheduled a minimum of three (3) University business days prior to the conduct proceeding. The information session will be an opportunity for the Responding Student Organization to review information related to the allegation(s), receive instruction

regarding the student organization conduct process and the student organization's rights, and discuss the type of resolution process to be utilized.

c. The identity of the decision-maker(s) and a listing of all relevant witnesses will be sent a minimum of three (3) University business days in advance of the conduct proceedings. This information may alternatively be included in the written notice.
d. Applicable deadlines for submissions by the involved parties including, but not limited to, impact statements, information, objections, and witness identification where not otherwise specified. For cases involving a complainant, these deadlines may be required further in advance to allow both parties adequate notice to prepare for the conduct proceedings. The University may adjust these deadlines with written notice in a reasonable amount of time prior to the conduct proceedings.

7.6 Information Session

1. During the information session, the complainant or Responding Student Organization representative may view all materials related to the allegation(s), review procedural standards, and discuss options for resolution. The OSCCS will determine what resolution process is appropriate after considering the expressed preferences of any complainants and Responding Student Organization, and the totality of the circumstances.

   If a Responding Student Organization elects to resolve the allegation(s) and the OSCCS deems appropriate, the administrator conducting the information session may immediately facilitate a resolution or schedule the resolution to take place within a reasonable time. Options for resolution will be scheduled no sooner than three (3) University business days after the information session, unless a student organization waives their right for a resolution to be scheduled sooner.
2. In cases involving a complainant, the administrator will gather the necessary information and conduct an appropriate resolution within a reasonable time.
3. When a Responding Student Organization has two or more outstanding incidents, those incidents may be heard as a single case at the discretion of the OSCCS.

7.7 Resolutions

1. Alternative Resolution (AR)

a. In an Alternative Resolution, the Responding Student Organization accepts responsibility for the behaviors and agrees to complete the assigned outcomes. Once the AR Agreement is signed by the student organization representative, it constitutes a University Directive. By agreeing to resolve the allegation(s) with an AR, the Responding Student Organization waives their right to resolve the allegation through a formal conduct proceeding and an appeal. The signed agreement constitutes a final resolution.
b. Failure to complete the agreed upon outcomes by their specified deadline may result in a violation of the Code or another administrative restriction(s).
c. Alternative Resolution Agreements are not categorized as a student organization conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.
d. If deemed appropriate by the OSCCS, a student organization may agree to resolve an allegation violation with an AR. Factors that the University will consider when determining

whether a student organization is eligible for an AR include, but is not limited to, the following:

i. Whether the responding organization has recent conduct history.
ii. Whether the responding organization has recently resolved an allegation with an AR.
iii. The number and severity of the alleged violations.

e. Allegations involving an identified complainant will not be eligible for an AR.

2. Restorative Resolution (RR)

a. Participation is voluntary and both the Responding Student Organization Representative and the Impacted Party must consent in writing to participate in a Restorative Resolution.
b. The RR process is used for incidents which allege behavior that violates a specific University policy.
c. The RR process may not be used for incidents that allege violence against a member of a vulnerable population, the use of dangerous weapons, or significant physical injury.
d. The Responding Organization must take responsibility for having violated the alleged policy to participate in a RR process.

3. The University will not pressure or compel any party to participate in any form of RR.

a. The RR process is not a disciplinary proceeding and therefore, an advisor may not speak on behalf of the Responding Student Organization, Impacted Party, or Affected Party.
b. Any party may withdraw from the RR process until the signing of the RR Agreement.
c. In the event that any party withdraws from the RR or if parties are not able to reach an agreement through the RR Agreement, the incident will be referred back to the appropriate office (e.g., OSCCS, Title IX, etc.) based upon the nature of the allegation for further action.
d. Information obtained through the RR process may not be utilized in any other form of investigation or resolution. Additionally, information obtained through the RR will be kept confidential except when otherwise required by law or the University (e.g., disclosure of sexual misconduct, direct threat of harm to self or others).
e. Separate meetings in the RR process may be merged based on the discretion of the facilitator and the needs of the students or University.
f. A RR process concludes with the drafting of a RR Agreement detailing the agreed upon outcomes for the Responding Student Organization.
    i. The RR Agreement must be signed by both the Responding Student Organization and the Impacted Party as well as the Facilitator.
    ii. RR Agreements signed by all necessary parties are considered final and are not subject to any further review or appeal. Upon signing, the outcomes agreed upon in the Agreement constitute a University Directive.
    iii. Cases resolved by a signed RR Agreement through the RR process are not categorized as a student conduct record at the University but may be referred to as an aggravating factor in assigning outcomes if a future violation occurs.
g. Failure to adhere to the requirements agreed upon in the signed RR Agreement may result in a violation of the Code for failure to comply with a University Directive.

4. Accepted-Responsibility Resolution

a. A Responding Student Organization may elect to resolve an outstanding violation through an Accepted-Responsibility Resolution in lieu of a conduct proceeding if deemed appropriate by the OSCCS and if the student organization representative accepts the findings of facts as obtained by the OSCCS for the alleged violation(s).
b. In an Accepted-Responsibility Resolution, because the student organization does not dispute the findings of facts, the proceeding will be focused on appropriate outcomes.
c. Accepted-Responsibility Resolutions may take place during the Information Session or be scheduled within a reasonable time thereafter.
d. Accepted-Responsibility Resolutions are noted as a finding of responsibility for violation(s) of the Code and are considered a part of the student organization's conduct record.

5. Administrative Conduct Conferences

a. A Responding Student Organization may elect to resolve an outstanding violation through an administrative conduct conference if deemed appropriate by the OSCCS. Administrative conduct conferences are typically utilized when there is not conflicting, complex, or additional information that would be best examined through a University Student Conduct Panel setting.
b. Administrative conduct conferences may take place as an element of the Information Session or be scheduled within a reasonable time thereafter.
c. The Responding Student Organization Representative may provide information including reports, witness statements, communications, or other documentation for the administrative conduct conference.
d. A Student Conduct Administrator may temporarily adjourn the administrative conduct conference if the administrator determines that further review or clarification is necessary including, but not limited to, interviewing the complainant or witnesses.
e. A Student Conduct Administrator may utilize information gathered from information sessions, investigation meetings, or other proceedings involving individuals associated with the incident in making a determination on responsibility. If such information is under consideration, a Responding Student Organization Representative shall be informed of the information and have an opportunity to respond.

6. Formal Conduct Proceedings

a. Formal conduct proceedings may be heard by a Student Conduct Administrator(s) or a University Student Conduct Panel, based upon the determination of the OSCCS. For cases that include allegations that fall under the Title IX policy, if a formal conduct proceeding is selected, the proceedings shall be conducted in accordance with the Title IX policies.
b. Notice of formal conduct proceedings, including the identity of the conduct administrator(s) or panel, shall occur at least three (3) University business days prior to the proceedings. Any objection regarding the selected conduct administrator(s) or panel must be submitted by the deadline specified in the notice.
c. Formal Conduct Proceedings Guidelines
    i. **Private proceedings**
        1. Proceedings are conducted in private. The complainant(s) (if applicable), Responding Student Organization representative, and advisor(s) are allowed to attend the entire portion of the proceedings at which information is

presented. Admission of any other individual to the proceeding is at the discretion of the OSCCS.

ii. **Scheduling**

1. Formal proceedings are scheduled at the earliest availability of the complainant(s) (if applicable), Responding Student Organization representative, person providing information on behalf of the University, and the conduct panel.
2. Student availability is determined based on academic class schedules and requirements. Absent extenuating circumstances, lack of availability based upon personal matters, employment schedules, or the availability of an advisor/advocate/legal representative are not considered in scheduling conduct proceedings.
3. Student Organization Representatives should select an advisor whose schedule reasonably allows attendance at the scheduled date and time for the proceedings.

iii. **Witnesses**

1. Appropriate witnesses identified by the OSCCS, reporting individual(s), or the Responding Student Organization representative may be invited to the proceedings to provide information in support of, or challenging responsibility of, the alleged violation(s).
2. Absent extenuating circumstances, any witnesses must be identified at the information session or by the date otherwise given in a notice of allegations or other communication from the OSCCS.
3. Witnesses will be invited by the OSCCS. Only witnesses providing relevant and permissible information will be invited.
4. Witnesses identified solely on the basis of character reference will not be allowed to participate in the fact-finding portion of a proceeding.
5. In identifying appropriate witnesses, the student organization representative or complainant shall supply the name, contact information, and a summary of the information the witness will provide to address the alleged violation(s).
6. Proceedings will be scheduled within a timeframe to allow witnesses reasonable notice to participate, but a proceeding will not be unreasonably delayed or disrupted based on the availability of witnesses.
7. At the discretion of the Student Conduct Administrator or conduct panel, written witness statements will be accepted for review if the witness does not attend the formal proceedings.

iv. **Questions**

1. The Student Conduct Administrator or conduct panel may pose questions directly to any individual providing information in the proceedings.
2. The complainant(s) (if applicable) and Responding Student Organization representative may propose questions to be answered by one another, but questions must be directed to the Student Conduct Administrator or chair of the panel rather than to the individual directly.

3. Advisors may propose questions to be answered by a complainant, responding organization, or witness on behalf of the student organization they are representing, but questions must be directed to the Student Conduct Administrator or chair of the conduct panel rather than to the individual directly.
4. The Student Conduct Administrator or chair will determine whether questions or potential information are appropriate for review as part of the conduct proceedings.
5. In formal conduct proceedings that fall under the jurisdiction of the Title IX Office, questioning of participants will be made as outlined in the Title IX policy.

v. **Information**

1. Additional information including, but not limited to, reports, witness statements, communications, or other documentation may also be reviewed in conduct proceedings. Any such documentation that was reasonably available during a University instigation, but which was not provided during the course of the investigation by the student organization representative or other individual afforded an opportunity to do so, may not be considered. Any additional information must be submitted to the OSCCS immediately upon the discovery of such information.
2. Individuals may decline to provide information or answer questions posed in a conduct proceeding. However, the Student Conduct Administrator or conduct panel will make a decision on responsibility after considering the information that is shared as part of the formal proceedings.
3. Past behavior of a Responding Student Organization may be reviewed as an aggravating or mitigating factor for consideration in assigning appropriate outcomes if the Responding Student Organization is found responsible for a violation.
4. Complainant(s) and Responding Student Organization representatives may submit an impact statement to the OSCCS by the deadline specified in the notice letter. Impacts statements are considered an element of the conduct record and accessible for review by a complainant and Responding Student Organization in the event there is a finding of responsibility. If applicable, the complainant and Responding Student Organization representative may review the impact statement and provide a response within a reasonable time and by such method as determined by the OSCCS.
5. Consideration of information for a determination regarding responsibility is limited to the information presented in the conduct proceedings. Information that is discovered in a separate meeting originating from the same reported incident may be introduced in a future conduct proceeding.

d. Outcomes-Only Proceeding

i. The OSCCS may determine that an outcomes-only proceeding is appropriate to resolve a case in the following scenarios:

1. Where a student organization as an entity is found guilty or at fault in a criminal or civil court case based on a preponderance of the evidence or higher standard; or
2. There has been a determination by another investigation/misconduct proceeding at Bowie State University for the same or comparable policy violations.

ii. Outcome resolutions may take place as an element of the information session or be scheduled within a reasonable time. If a Responding Student Organization representative does not participate in the proceedings, the OSCCS will issue the appropriate outcomes based on the information available.

iii. The Responding Student Organization representative and complainant(s) may provide information, including an impact statement, for consideration.

iv. An outcomes-only proceeding is not permitted for violations charged under the jurisdiction of the Title IX policy.

v. An outcomes-only proceeding decision is not eligible for appeal on the basis of information review.

e. General Guidelines

i. The basis for any decision of responsibility in an informal or formal proceeding will be a preponderance of the evidence—whether it is more likely than not that a violation of the Code occurred.

1. The burden to demonstrate if this standard has been met rests with the University, and all Responding Student Organizations are considered to be not responsible for a violation until and unless a Student Conduct Administrator or conduct panel makes a finding of responsibility.

ii. Formal rules of process, procedure, and/or technical rules of evidence such as are applied in criminal or civil court are not used in student organization conduct proceedings.

iii. Any student with a qualified disabling condition may work with Disability Support Services (DSS) to request a reasonable accommodation in order to equally participate in the student organization conduct process. All requests for reasonable accommodations must be made either through the OSCCS or DSS in a timely manner and coordinated with DSS.

iv. If a complainant, Responding Student Organization representative, or witness does not appear for a proceeding after notice, the OSCCS or conduct panel may postpone the proceeding or review any information in support of or challenging the violations in the individual's absence and determine a finding regarding responsibility and any related outcomes based upon the available information.

v. The OSCCS may place a hold on privileges of recognition of any student organization who fails to resolve allegations of a violation of the Code in a timely manner.

vi. Any question of application of (or objection to) procedural standards, authority, scope, or other provisions of the Code must be referred to the OSCCS by the deadline specified in the notice letter.

vii. A conduct panel or Student Conduct Administrator may impose other reasonable procedural requirements for the orderly administration of student conduct proceedings, provide that such requirements are not inconsistent with this Code and do not infringe upon a student organization's procedural due process rights.
viii. In cases involving more than one Responding Student Organization, whether in a formal or informal proceeding, the conduct panel or administrator may hear each student organization proceeding either separately or jointly.
ix. There shall be a single record, such as a digital audio recording, of formal conduct proceedings. Deliberations will not be recorded. This recording will be the property of the University but will be made available for the complainant(s) or Responding Student Organization representatives to review upon request. Any recordings of the conduct proceeding without the acknowledgement and permission of involved individuals is prohibited.
x. The decision of any proceeding or resolution must be presented to the Responding Student Organization and complainant (if applicable) in writing and within a reasonable period of time after the conclusion of the proceeding.

8. OUTCOMES

Outcomes are status designations or education assignments that alone or in any combination are assigned to a student organization as a final outcome at the conclusion of a resolution process. The purpose of outcomes through the student organization conduct process is to facilitate accountability, learning, and overall wellness. The outcomes listed below are not intended to serve as an exhaustive list of all outcomes the University may be able to utilize regarding a given student conduct concern.

8.1 Status Outcomes

1. **Letter of Reprimand**: An official written statement to the student organization that it has violated a University policy. It is a warning that any further misconduct may result in more severe outcomes in the future.
2. **Conduct Probation**: This status is assigned to a student organization for a specified period of time. While on this status, any further violations may result in suspension or loss of recognition from the University. Other restrictions that may be placed upon a student organization on probation may include, but are not limited to, the following:
    A. Participation in University or student activities,
    B. Representation of the University in leadership positions or eligibility for awards or honors,
    C. Use or entrance into university facilities or campus areas,
    D. Contact with any specified individual(s), and/or
    E. Events under the auspices of the student organization such as organization social events.
3. **Suspension of recognition**: Suspension of recognition with the University for a specified period of time. Through the duration of the suspension period, the student organization will be prohibited from utilizing the support and services afforded by a recognized student organization and will be restricted from the following:
    A. Participation in University or student activities,

B. Representation of the University in leadership positions or eligibility for awards or honors,
C. Use of entrance into university facilities or campus areas, and
D. Events under the auspices of the student organization such as organization social events.

To regain recognition at the conclusion of the suspension period, a student organization must demonstrate compliance with any terms of the suspension and meet requirements of any applicable recognition processes(es) through the Office of New Student Experiences and Student Engagement and any other governing councils (if applicable).

4. **Loss of recognition**: Loss of recognition from the University for an indefinite period of time. During which time, the student organization will be prohibited from utilizing the support and services afforded to a recognized student organization and any privileges as outlined under the "suspension and recognition" section. The University may set a designated timeframe during which the organization will not be eligible to apply for re-recognition. This timeframe may be extended if there are further violations of university policy by the student organization or student organization members.

8.2 Educational Outcomes

1. **Community Service**: An organization must complete assigned mandatory hours of service at a non-profit/community-based organization or University department.
2. **Discretionary outcomes**: Work assignments, essays, presentations, research projects, conduct contracts, or other discretionary assignments.

8.3 Administrative Directive Outcomes

8.3.1 **Restitution**: Compensation for loss, damage, or injury to University property or an individual. This may take the form of appropriate service, monetary, or material replacement.

8.3.2 **No Contact Directive**: A No Contact Directive may be given to student organizations or individuals who need to discontinue all communication with individuals involved with a reported incident. This action is immediate in nature and active indefinitely, unless otherwise notified by the OSCCS.

8.3.3 **Loss of Privilege**: A denial of specified privileges for a designated period of time.

8.3.4 **Behavioral Plan**: This is a directive to the student organization from the OSCCS and/or in consultation with another appropriate office (e.g., Student Engagement, Greek Life, Residence Life, Title IX, etc.) which outlines expected behaviors.

A Responding Student Organization found to have violated this *Code* may receive more than one outcome. Responding Student Organizations found responsible for violations of this *Code* may also be prohibited from additional restrictions or from representing the university.

9. STUDENT ORGANIZATION APPEAL PROCEDURES

In each case involving a finding of responsibility, the Responding Student Organization shall have the right to appeal the decision as outlined below.

1. The Responding Student Organization is afforded a single opportunity to appeal decisions and/or any outcomes issued by a Student Conduct Administrator or conduct panel within five University business days of the date of the written decision and outcomes. Any matters pertaining to Title IX incidents will follow Title IX procedures related to appeals.
2. Any interim actions will remain in effect at the discretion of the Student Conduct Administrator; however, any outcome(s) resulting from the original conduct decision will be placed on hold pending the conclusion of the BSU appeal process.
3. All appeals must be in writing, identify the basis (or bases) for appeal, and include any supporting documentation the appealing party wishes to be considered.
4. Deference is given to the original/initial conduct findings of fact and decision on responsibility and/or any outcomes; therefore, the burden is on the Responding Student Organization filing an appeal request to sufficiently demonstrate cause to alter the decision of the conduct panel or any outcomes. An appeal review will generally be limited to a review of the record of the proceedings and supporting documents for one or more of the bases of appeal listed below. In some circumstances, the appeal administrator may request additional information or clarification from the University, investigator(s), conduct panel, Student Conduct Administrator, reporting individual(s), Responding Student Organization, or witnesses for purposes of this review.
5. Decisions are appealed through the Dean of Students (or designee). In instances when the Dean of Students is the initial decision maker for an outcome, the appeal will be decided by the Vice President of EMSA.
6. Appeal reviews are not a "rehearing" of a student organization conduct matter. It is a review of the process and submitted information to ensure stated procedural standards were followed. Appeal considerations are limited to one or more of the following bases:
    a. **Process Review**: To determine whether there was any procedural irregularity, including arbitrariness or bias, that significantly affected the outcome of the matter;
        i. A finding of bias will require specific allegations about why the Decision-Maker was not fair or impartial under the circumstances of a particular case.
    b. **Outcome(s) Review**: To determine if the imposed outcome(s) was appropriate for the violation(s); and/or
    c. **New Information Review**: To consider new information that could alter a decision, only if such information was not reasonably available or could not have been known to the appealing party at the time of the original decision.
7. The following applies to review of an appeal under these procedures:
    a. Cases that are resolved prior to an administrative conference (e.g., Alternative Resolutions) may not be appealed.
    b. Failing to retrieve official Bowie State University email communication does not constitute a deviation from procedure and cannot be the basis for appeal.
    c. An appeal cannot be submitted solely because the Appealing Party is dissatisfied with the decision.
    d. If the Appealing Party was permitted to, but did not, attend the scheduled conduct proceedings, any information that could have been known to the Appealing Party at the time of the scheduled proceedings will not be considered new information.

e. Except for new information, an appeal is limited to the written record, which includes written notice, evidence considered by the Decision Maker, and to the extent at issue in the appeal, records related to the outcome(s).

8. An Appeal Administrator reviewing an appeal request may make one of the following determinations:
    a. **Affirm the original decision and/or outcomes** of the original conduct panel;
    b. **Modify the outcome(s)** issued by the original conduct panel;
    c. **Determine a new conduct proceeding** by a different conduct panel is warranted to correct procedural irregularity or to consider new information. A Responding Student Organization may appeal any decision by the conduct panel assigned to adjudicate a new conduct proceeding; or
    d. **Remand the case to the original decision-maker(s)** to review their original determination subject to any instructions from the Appeal Administrator, including the requirement of further clarification of the rationale supporting the decision.
        i. The conduct panel may affirm its original decision or render a new decision consistent with those instructions.
        ii. A Responding Student Organization may appeal a decision made on remand; however, if a conduct panel affirms its original decision, the Responding Student Organization may not appeal the decision on the same grounds as in the previous appeal.

10. OTHER POLICIES AND PROCEDURES

10.1 PEACEFUL PROTESTS AND FREEDOM OF EXPRESSION

As a public institution in the state of Maryland, Bowie State University acknowledges students' *First Amendment Rights*, as they pertain to religion, expression, assembly, intellectual freedom and the right to petition.

Students are free to exercise and demonstrate these rights (i.e, communication through lawful means; peaceful assembly; speech-making; distributing literature; engaging with the media; hanging of materials and administering petitions), as long as, in accordance with Maryland Code, Criminal Law § 10-201 (c)(2)/10-201 (c)(4).

Students are encouraged to consult with the Office of New Student Experience and Student Engagement, Division of Student Affairs, and/or Public Safety, to ensure that any university materials and spaces needed for such activities, are properly secured; and the safety of students, faculty and staff, whether they are participants or bystanders, is paramount. Those found in violation of this law, or prevent students, faculty or staff from exercising their *First Amendment Rights*, will proceed through the student conduct process and be issued appropriate outcomes accordingly (as outlined in the *Code of Student Conduct*). Disorderly or Improper Assembly under the Bowie State University policy states: Any assembly for the purpose of inciting violence, destruction of property or disorderly diversion, which interferes with the operations of the university and/or administrative and/or academic functions; and/or any obstruction to the free movement of other persons about campus or the interference with the use of university facilities is prohibited.

10.2 STUDENT TRAVEL POLICY

Any student or student organization representing Bowie State University while attending any conference, workshop, or other activity and while traveling to and from these events is considered to be on official university business and is therefore governed by the *Code of Student Conduct* and other Administrative Policies. Any violation of the Code may result in appropriate student conduct action as allowed by the Code. In addition, all Bowie State University students on official university travel must follow the procedures listed below: Completion of a *Liability Form*; have a required GPA or above; and enrolled-full time in classes.

1. Participation

Students are expected to participate fully in the conference, workshop or other activity by attending all programs and events as outlined by the conference or event when feasible. If participating as a part of a group, the group will seek to attend as many sessions as possible in order to obtain the greatest amount of information and/or resources.

2. Proper Dress

Students must dress appropriately for the conference event based on the guidelines provided by the conference organizers and conference materials. Any questions about proper attire should be directed to the advisor or the conference organizers prior to leaving for the conference.

3. Alcohol and Drug Use

Students must comply with the university's Alcohol and Drug Policy while on university travel. Violators of these policies will proceed through the Student Conduct and Community Standards process, upon their return to the university.

11. RECORDING KEEPING PRACTICES

1. Records of all student organization misconduct cases will be maintained by the OSCCS indefinitely.
2. The release of student organization conduct records will be governed by applicable federal and state laws regarding the privacy of education records. General information regarding the outcome of student organization conduct proceedings (without identifying information) may be released to the public.
3. A Student Organization Representative is permitted access and review of information in the conduct file for the purpose of reviewing information that is subject to consideration as part of a student organization conduct proceeding.
4. In some instances, requests for access to information may be referred to the Office of General Counsel for a confidentiality review of any information contained within the conduct file. The requester will bear the cost for any information requested as a part of this review.

12. EXCEPTIONS TO PROCEDURES

1. A Party may submit a petition to the OSCCS to request exceptions to these procedures for good cause. In order to be considered, petitions must:
    a. Provide a brief written statement regarding the reason for the exception; and

b. Be made by the date specified in these procedures and where not specified no later than a date that gives the University a reasonable amount of time to consider the request.

2. The University has the discretion to grant or deny petitions. Where the outcome of a petition has the potential to impact both parties (i.e., complainants and respondents), the University may choose to provide the other party with an opportunity to respond to the petition.
3. For good cause, the University may also make an exception to these procedures. If an exception is made by the University which significantly impacts timelines or other aspects of the process, the University will send a notice of exception within a reasonable time.