

# Student Code of Conduct

The Johnson & Wales University (JWU) Student Code of Conduct and the Conduct Review Process are designed to support the university in maintaining a safe, healthy and positive campus community and online environment for learning, living and working where individuals act lawfully and in compliance with university policies and procedures, and with civility, honesty, integrity and respect for themselves and others. Any behavior inconsistent with these goals, whether on or off campus, is prohibited and constitutes a violation of the Student Code of Conduct.

For purposes of the Student Code of Conduct and the Conduct Review Process only, any person subject to the Student Code of Conduct will be referred to as a "student" regardless of whether the person is registered for classes. Additionally, during the Conduct Review Process, the person making the complaint will be referred to as the "complainant," and the student responding to the complaint will be referred to as the "respondent." All students (including online students) are subject to the Student Code of Conduct, and Community Standards and Conduct has the authority to proceed with the Conduct Review Process at any time after a student has been accepted to the university, even after a student leaves, withdraws or graduates.

Behavior that violates the Student Code of Conduct includes the following, which is not intended to be an exclusive list of all conduct that may be deemed a violation:

## 1. Harming or Endangering

- a. Use of physical force or violence
- b. Threatened use of physical force or violence
- c. Dating violence or domestic violence
- d. Disorderly Conduct, which may include, but is not limited to, public intoxication or disturbing the peace
- e. Endangering or threatening health or safety
- f. Intentional possession of a dangerous article or substance that may be used to injure or cause discomfort to any person
- g. Possession of firearms, ammunition, shell casings, BB guns, air guns, airsoft guns, fireworks, incendiary devices, explosives and items that resemble a firearm
- h. Initiating or circulating a report or warning of an impending bombing, fire or other crime, emergency or catastrophe, knowing that the report is false
- i. Intentionally or recklessly starting a fire
- j. Misuse of or tampering with fire safety equipment (e.g., fire extinguishers, smoke detectors, exit signs and pull stations)
- k. Hazing
- l. Aiding, abetting, encouraging or participating in a riot, commotion or disturbance
- m. Possession of weapons, including, but not limited to, knives with a blade of three inches or longer (excluding university-issued culinary knives, unless they are being used as a weapon), brass knuckles, swords and items that resemble a weapon
- n. Animal abuse or neglect

For more information on dating violence or domestic violence, see the university's Sexual Assault and Relationship Violence Policy and the Title IX Policy and Procedures.

For more information on Hazing, see the university's Hazing Policy.

## 2. Bias and Harassment

- a. Any Student Code of Conduct violation against another person committed with bias, hatred or animus based on the person's actual or perceived race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a protected veteran, pregnancy, marital status, or any other category protected by law
- b. Harassment or the creation of a hostile environment based on race, religion, color, national origin, age, sex, sexual orientation, gender identity or expression, genetic information, disability, status as a

protected veteran, pregnancy, marital status, or any other category protected by law

- c. Physical, verbal, nonverbal, written, electronic or technological harassment of another person, including harassment on social networking sites and other online forums
- d. Stalking
- e. Intimidation

For more information about discrimination and harassment, see the university's Prohibited Discrimination and Harassment (including Sexual Harassment) Policy.

## 3. Sexual Misconduct

- a. Sexual assault
- b. Sexual exploitation
- c. Sexual harassment
- d. Lewd, indecent or obscene behavior
- e. Illegal possession of pornography
- f. Illegal distribution of pornography

For more information on what constitutes sexual assault (including the university's definition of consent) and sexual exploitation, see the university's Sexual Assault and Relationship Violence Policy and the Title IX Policy and Procedures.

For more information about sexual harassment, see the university's Prohibited Discrimination and Harassment (including Sexual Harassment) Policy and the Title IX Policy and Procedures.

## 4. Drugs

- a. Possession of drug paraphernalia (such as bong, scales, pipes, etc.)
- b. The actual or intended purchase, possession or use of illegal drugs, narcotics, controlled substances or prescription drugs without a prescription
- c. The actual or intended sale, distribution, cultivation or manufacture of illegal drugs, narcotics, controlled substances or prescription drugs
- d. Presence at a gathering where there is obvious illegal drug use

A finding of responsibility for intended or actual sale or distribution can be based on the mere presence of a distributable quantity of illegal drugs, narcotics, controlled substances or prescription drugs or the presence of paraphernalia used for the sale or distribution of illegal drugs, narcotics, controlled substances or prescription drugs.

Students can be found responsible for a drug violation based on the presence of residue or paraphernalia alone.

The university may inform local police of illegal drug violations.

The university will report drug violations to the student's parents or guardians if the student is under the age of 21.

If drugs are found in a residence hall room or other campus location, the university may find all occupants of the room or other campus location responsible for the drug violation if it is unable to ascertain which student(s) possessed and/or used the drugs.

For more information on drugs, narcotics and controlled substances, see the university's Drug and Alcohol Policy.

See the Call for Help Policy.

## 5. Alcohol

- a. Possession or use of alcohol anywhere on university property, except for legal use at events, operations, programs, premises or facilities sanctioned by the university
- b. The actual or intended purchase, possession or use of alcohol by anyone under the applicable legal drinking age
- c. Selling alcohol to or buying alcohol for anyone under the applicable legal drinking age, or negligently allowing a minor to consume alcoholic beverages
- d. Presence at a gathering where there is obvious illegal drinking

e. Use of drinking paraphernalia typically used or associated with excessive drinking (such as drinking funnels, kegs, beer balls, trash can punches, beer bong, beer pong tables or taps)

f. Possession of drinking paraphernalia typically used or associated with excessive drinking (such as drinking funnels, kegs, beer balls, trash can punches, beer bong, beer pong tables or taps)

g. Violation of the Residential Life alcohol guidelines applicable for students who are 21 years of age or older and who have received permission to consume alcohol on campus

Alcohol includes powdered alcohol.

The university will generally report alcohol violations to the student's parents or guardians if the student is under the applicable legal drinking age.

Students can be found responsible for an alcohol violation based on evidence of intoxication alone.

If alcohol or drinking paraphernalia is found in a residence hall room or other campus location, the university may find all occupants of the room or location responsible for the alcohol violation if it is unable to ascertain which student(s) possessed and/or used the alcohol or paraphernalia.

For more information on alcohol, see the university's Drug and Alcohol Policy.

See the Call for Help Policy.

## 6. Theft and Abuse of Property

a. Actual or intended theft or unauthorized use or possession of the resources, property or services of the university or of another person, business or government

b. Unauthorized use of the university's name, logo or seal

c. Unauthorized use of ATM cards, cellphones, credit cards, checks, long distance accounts, identification cards, key combinations, passwords, PIN numbers or other property, equipment or accounts belonging to the university or another person, business or government

d. Possession, use or sale of resources, property or services which the student knows or should know have been stolen

e. Unauthorized entry (including forcible entry), use, presence in or occupancy of any premises or facilities

f. Vandalism

g. Reckless damage to or destruction of university property or the property of others

h. Disposal of trash, garbage or refuse anywhere on the campus except in designated trash receptacles

i. Unauthorized removal of food or other items from the dining halls

j. Throwing food or other objects in the dining halls

It is the university's practice to cooperate with local, state and federal law enforcement authorities in their investigation of theft, identify theft, computer/internet crimes and other similar crimes, including providing copies of incident reports and other evidence to these authorities.

## 7. Failure to Comply and Interference

a. Failure to comply with the directions of a university representative (including student employees, resident assistants and graduate assistants) acting in the performance of their duties. By way of example, when a JWU official or healthcare professional gives any student instructions or directives related to health or safety of that student, other students, university employees, or the university community at large, the student must comply with such instructions or directives, and interim protective measures may be particularly appropriate.

b. Failure to participate in the university's Conduct Review Process as a witness

c. Failure to comply with any university policy or rule

d. Failure to evacuate any building in which a fire or other emergency alarm has been sounded or when directed to evacuate by a university representative

e. Failure to comply with the Good Neighbor Policy and/or the Guide to On-Campus Living

f. Failure to present a student identification card upon request from a university representative

g. Interference with university representatives carrying out their duties or other university business

h. Interference with any member of the university community in the pursuit of the university's mission or purposes

i. Actions which obstruct, disrupt or physically interfere with the use of university equipment (including safety and security equipment), premises, buildings, rooms or passages

j. Retaliation against any individual who has made a good faith complaint against another individual or who has participated in the Conduct Review Process, including cooperation with the investigation of the complaint

k. Failure to comply with the directions of emergency personnel (i.e., police, fire and emergency medical technicians) acting in the performance of their duties

## 8. Dishonesty

a. Violation of academic integrity, including, but not limited to, cheating, plagiarism, self-plagiarism, and unauthorized collaboration

b. Knowingly furnishing false information

c. Forgery, alteration or unauthorized use of student or university documents, records, identification, passwords, library materials or property

d. Misrepresentation, fraud or deceit

e. Possession or use of falsified forms of identification

f. Knowingly bringing a false complaint against another person

g. Falsification, distortion or misrepresentation of information before a panel or hearing officer in the Conduct Review Process

For more information about academic integrity violations, see Academic Integrity.

## 9. Other Prohibited Conduct

a. Illegal gambling, wagering, betting or bookmaking

b. Participating in or accepting members into any organization that the university has not approved for recognition or that has been withdrawn or suspended from university recognition

c. Associating with or facilitating the existence of any organization that has been withdrawn or suspended from university recognition

d. Unauthorized operation of a business on university property or use of university resources

e. Any conduct by a guest of a student that violates university rules or policies including the Student Code of Conduct (Note: Students are responsible for the behavior of their guests.)

f. Behavior that would offend or frighten a reasonable person

g. Conduct that interferes with student learning or with the mission of the university

h. Intentionally Left Blank

i. Conduct that adversely affects the security of the university community, local residents or property, the name of the university, or the integrity of the educational process

j. Communicating with university faculty or staff in a manner that a reasonable person would find (1) disrespectful, rude or otherwise inappropriate to that faculty or staff member or other members of the university community or (2) disruptive to the educational process. Examples of such "unprofessional" conduct include, but are in no way limited to, the following:

i. Addressing faculty or employees in conversations, emails or other communications in a manner that a reasonable person would find disrespectful, rude or otherwise inappropriate in language or tone.

ii. Making false or misleading claims or threats to faculty or employees.

iii. Disrupting any activity, class, course, lab or program through conduct that a reasonable person would find disrespectful, rude or otherwise inappropriate.

k. Encouraging, enticing, influencing or enlisting another person to violate any of the university rules, regulations or policies listed in the Student Code of Conduct