

Off-Campus Misconduct Policy

While the University has a primary duty to supervise behavior on its premises, there are many circumstances where the off-campus behavior of students affects a Substantial University Interest and warrants disciplinary action.

The Pennsylvania State University expects students to conduct themselves in accordance with the law. Student behavior off the premises of the campus that may have violated any local, state, or federal law, or yields a complaint from others alleging law violations or student misconduct will be reviewed by the University. Upon receipt of a complaint alleging off-campus student misconduct the Director of Judicial Affairs will review the allegations and if necessary consult with a Senior Student Affairs Administrator to determine the appropriate course of action by the University. When students are found responsible for behavior off-campus that both meets the definition of affecting Substantial University Interest, and violates the Code of Conduct, sanctions will be applied.

Under normal circumstances, the Off-Campus Misconduct Policy will be reviewed simultaneously by the University. However, the University may defer action until the proceedings of the criminal or civil action have been completed when requested to do by the student. Such a request will be considered by Judicial Affairs following an initial review of the circumstance and the basis for the student's request. Whether or not such a request is made and approved, students may also delay action by Judicial Affairs by seeking a Disciplinary Withdrawal, whereby they would withdraw from the University until the criminal matter has been resolved.

At the same time, where there is a compelling reason (such as concern for the safety of other students), Judicial Affairs may, after an initial review of the of the evidence, impose the sanction of Interim Suspension, requiring that the student leave the campus pending disciplinary proceedings or medical evaluation.

Student conduct committed off the campus which affects a Substantial University Interest is conduct which:

- * Constitutes a violation of local, state or federal law. Included are repeat violations of any local, state or federal law committed in the municipality where the University is located.
- * Indicates that the student may present a danger or threat to the health or safety of him/herself or others.
- * Significantly impinges upon the rights, property or achievements of self or others or significantly breaches the peace and/or causes social disorder.
- * Is detrimental to the educational interests of the University.

Any off-campus student behavior that affects a Substantial University Interest (as previously defined) violates the Code of Conduct and is subject to disciplinary action following standard University procedures (http://www.sa.psu.edu/ja/Discipline_Procedures.pdf).

In accordance with University disciplinary procedures, students are entitled to contest any allegations and/or sanction and may request a hearing or review before an Administrative Hearing Officer or the University Hearing Board. The hearing body will review the referred incidents for

off-campus misconduct in the same manner they do for violations that have occurred on University premises. The hearing body may also consider whether or not the referred off-campus misconduct affects Substantial University Interest and whether the behavior should be subject to University disciplinary action.

The University has established sanctioning guidelines for University Code of Conduct violations. Specific sanctions established for off-campus misconduct will vary just as sanctions do for on-campus violations depending upon the individual nature of each situation including the student's prior misconduct record.

The sanctions for off-campus misconduct range from a Disciplinary Warning to Expulsion.

The following is a sample list of misconduct behaviors and/or law violations in each of the University's sanctioning categories of Minor, Moderate and Major. This listing does not take into consideration a student's prior disciplinary record. Therefore, those students with a history of prior misconduct may receive firmer sanctions than those listed below for any particular act of misconduct. Also, this list is not designed to be comprehensive and the University reserves the right to respond to any off-campus misconduct that affects a Substantial University Interest as defined above.

]

MAJOR STUDENT MISCONDUCT BEHAVIORS /LAW VIOLATIONS:

The University Student Code of Conduct violations committed off the campus that typically would fall into the MAJOR category and yield a sanction range of Suspension to Expulsion are:

Homicide; Manslaughter; Kidnapping; Delivery of Illegal Drugs; Assault and Abuse of a Person; Sexual Assault; Rape; Incest; Ethnic Intimidation; Crimes Motivated by Intolerance; Child Pornography; Confining Others; Domestic Violence; Burglary; Robbery; Major Thefts; Arson; Resisting Arrest or Detainment; Creating or Contributing to a Dangerous Condition; Engaging in acts which encourage, prolong or contribute to a public disturbance (e.g. riot, failure to disperse); Distribution of Illegal Drugs; and Serious cases of: Hazing, Harassment and Stalking; Direct Threat of Harm; Unlawful Use or Possessions of Weapons.

MODERATE STUDENT MISCONDUCT BEHAVIORS/LAW VIOLATIONS:

The University Student Code of Conduct violations committed off the campus that typically would fall into the MODERATE category and yield a sanction range of Probation* to Indefinite Expulsion are:

Simple Assaults; Fights with Injury; Driving Under the Influence; Furnishing Alcohol to Minors; Endangering Self or Others; Unlawful Entry; Theft; False Swearing, Reports, Witness and Identification; Impersonating a Public Servant; Obstructing an Official in their Duties; Aiding or Abetting in a Crime; Public Lewdness; Firearms Violations; Obstructing a Public Thoroughway; Public Drunkenness; Disrupting Meetings or Operations of Others and Processions; and Corruption of Minors.

**Probation may include a notation on the student's transcript*

MINOR STUDENT MISCONDUCT BEHAVIORS/LAW VIOLATIONS AT UNIVERSITY PARK AND OTHER LOCATIONS AS DESIGNATED BY UNIVERSITY PARK, ALTOONA AND BERKS.

The University Student Code of Conduct violations committed off the campus that typically would fall into the MINOR category and yield a sanction range of Disciplinary Warning to Probation* are:

Disorderly Conduct; Retail Theft; Criminal Mischief; Loitering; Public Nuisances; State Alcohol Violations, except Furnishing Alcohol to Minors and Driving Under the Influence (included in the Moderate category); Possession of Illegal Drugs and Public Damage.

**Probation may include a notation on the student's transcript*

The University will review all second or subsequent student misconduct behaviors stated above in the Minor category. Although the continuum of sanctioning for behaviors under the Minor category range from Disciplinary Warning to University Probation, because these are repeat acts of misconduct, sanctions would typically include sanctions greater than probation.