

The Student Conduct System

The conduct of all enrolled students at Brandman University is governed by the Institution's Student Conduct Code as well as its various related policies and procedures. All students are expected to be familiar with and abide by its contents. The entire Brandman University Student Conduct Code, including the appendices, can be found for your review and edification on Brandman University's web site at www.brandman.edu.

Student Conduct Code

Introduction

Brandman University (also referred to as the University") is primarily an academic community for working students that seeks to maintain an optimal working and learning environment. It is a community with high standards and high expectations for those who choose to become a part of it, including established rules of conduct intended to foster behaviors that are consistent with a civil and educational setting. Members of the University community are expected to comply with all laws and University policies, conducting themselves in ways that support a positive learning environment.

To achieve this objective, the University exercises, among other things, certain disciplinary and discretionary powers. It protects its educational environment by formulating and maintaining standards of conduct for its students as individuals and as groups. These standards reflect the very nature of a university community and the need to preserve an effective educational environment.

The University is specifically concerned when student conduct directly interferes with the University's primary educational objectives and functions, its subsidiary responsibilities of maintaining an ongoing institution, or the rights or safety of other members of the university community.

The University's function with reference to the conduct of working students differs from the community's function in method as well as in scope. Recognizing its role in developing a sense of responsibility in students, the university uses education, example, counseling and guidance and formal conduct proceedings. Every Brandman University student is presumed to have sufficient maturity, intelligence, and concern for the rights of others and the rights of the institution to help maintain the standards of the academic community. When it appears that a student's behavior may have been a violation of the Student Conduct Code, the University will consider such conduct hearings as deemed necessary.

The conduct of all enrolled students at Brandman University is governed by this Code as well as its various related policies and procedures. This version of the Student Conduct Code is reviewed annually, supersedes all previous versions of this Code, and will serve as the standard for conduct proceedings.

BRANDMAN UNIVERSITY adheres to the Joint Statement on Rights and Freedoms of Students published by the National Association of Student Personnel Administrators (NASPA). Brandman University

Article I: Definition of Terms

- A. **Conduct Hold:** A registration hold which prevents a student from registering for classes, adding or dropping classes, having transcripts released; receiving a diploma (in the case of graduating students) and may further affect a student's ability to conduct any other official university business.
- B. **Admission of Responsibility:** A respondent's willingness to acknowledge and accept responsibility for code violations as charged, as well as the appropriate corresponding sanctions.
- C. **Complainant:** The individual(s) who brings forward a complaint or files a report alleging a violation of this Code.
- D. **Regional Conduct Board:** The senior administrator at each BRANDMAN UNIVERSITY campus who is responsible for referring all conduct matters to the Regional Conduct Board.
- E. **Cumulative Conduct:** Multiple violations of this Code, during a student's enrollment at the university, which will result in increasingly severe conduct sanctions.
- G. **Vice Chancellor for Enrollment and Student Affairs:** Position designated by the Chancellor of Brandman University to be responsible for the administration of this Code.
- H. **Event:** Any program, activity, function, or social gathering held on BRANDMAN UNIVERSITY property shall be deemed an event. The Regional Conduct Board shall determine whether a program, activity, function or social gathering held off-campus is an event.
- I. **Faculty Member:** An individual identified by Brandman University to conduct classroom instruction.
- J. **Guest:** Any person(s) who visits the campus who is not a student or employee.
- K. **Member of the University Community:** Any person who is a student, a student's family members/significant other, faculty member, alumnus, regent, university official or any other person employed by the university (or spouse or dependent thereof), or off-campus individuals or groups who have interacted with campus students. A person's status in a given situation shall be determined by the Regional Conduct Board.
- L. **Policy:** Written regulations of the university as found in this BRANDMAN UNIVERSITY Student Conduct Code and its various appendices including, the BRANDMAN UNIVERSITY Catalogs, and any BRANDMAN UNIVERSITY policies promulgated in the future.
- M. **Respondent:** The student(s) alleged to have violated BRANDMAN UNIVERSITY this Code.
- N. **Sanction:** Assignment given, action taken, and/or status placed on students found responsible for violation of the Student Conduct Code.

- O. **Standard of Proof:** Factual determinations required under this Code shall be made on the basis of whether evidence establishes that it is more likely than not that the fact is true.
- P. **Student:** All persons taking courses at or through BRANDMAN UNIVERSITY (including internships and off-site study trips) both full-time and part-time, pursuing undergraduate, graduate, or professional studies, as well as persons who are not officially enrolled but who have an academic relationship with BRANDMAN UNIVERSITY. Persons who are not enrolled but are satisfying incompletes, persons who are taking classes but are not officially admitted to BRANDMAN UNIVERSITY, or persons who are enrolled in continuing education courses and workshops are also considered “students.” The Regional Conduct Board has the discretion to determine whether a non-matriculating (not officially admitted) or a continuing education student has a right to a hearing.
- Q. **University:** Brandman University and its affiliated sites and programs which include all BRANDMAN UNIVERSITY campuses.
- R. **Regional Appeals Board (RAB):** A conduct body appointed by the Vice Chancellor for Enrollment and Student Affairs, to consider appeals of Student Conduct Code violations. The RAB is made up of three members of faculty and staff and is convened as necessary.

Regional Conduct Board (RCB): A conduct body appointed by the Vice Chancellor for Enrollment and Student Affairs, to consider all alleged violations of student conduct.
- S. **Brandman University Official:** Any person charged by the University to perform assigned administrative or professional responsibilities.
- T. **Brandman University Premises:** All land, buildings, facilities, and other property used or controlled by BRANDMAN UNIVERSITY.

Article II: Conduct Authority

- A. The Vice Chancellor for Enrollment and Student Affairs and designated staff shall develop policies for the administration of the Student Conduct Code and procedural rules for the adjudication of student conduct cases.
- B. Decisions made by the Regional Appeals Board- RAB- shall be final.

Article III: Jurisdiction of the University And Conduct Regulations

BRANDMAN UNIVERSITY shall have jurisdiction over student behavior which occurs on Brandman University premises, at Brandman University sponsored events, or other off-campus locations if it adversely affects the Brandman University community and/or the pursuit of its objectives as determined by Brandman University officials. If an incident that occurs off campus is determined to fall under the jurisdiction of the University, it will be handled according to the policies and procedures of this Code.

Students may also be subject to conduct charges if it is brought to the University's attention that they had placed or distributed material via electronic media (e.g., on-line social networks like Facebook and MySpace, web sites, blogs, e-mails, IM, CDs, DVDs, etc.) that violates this Code. In other words, students can be held responsible for their inappropriate electronically conveyed behavior.

A. Student Conduct Policies

Any student found to have committed any of the following misconduct is subject to the sanctions outlined in Article IV. While it is not possible to define each and every type of act which may give rise to a finding of misconduct, wherever possible, the University has provided examples below. Any examples provided should be considered illustrative only, and not a comprehensive list of all potential prohibited acts.

1. **Abusive Behavior** - : Abusive behavior will not be tolerated and the University will seek to take all appropriate action to prevent abusive behavior in the University community. While it is not possible to define each and every type of abusive behavior, the following behavior, including any like or related behavior, are examples of what is prohibited:
 - a. Verbal abuse, including defamation (an intentional false communication that injures another person's name or reputation), threats, intimidation (which may include shouting at another individual or acting in a hostile or aggressive manner), coercion, use of fighting words, profanity which is derogatory and inflammatory directed at another individual or group, and harassment, including, but not limited to, sexual harassment behavior which threatens or endangers the health, well-being, or safety of any person(s).
 - b. Stalking – behavior in which an individual engages in a knowing course of conduct directed at a specific person which reasonably and seriously alarms, torments, or terrorizes the person.
 - c. Hate Behavior – any occurrence that involves a verbal, written, electronic or physical action that is intended to create emotional suffering, physical harm, or property damage to a person(s) because of their perceived or actual race, ethnic background, national origin, religious belief, gender, sexual orientation, or physical or mental disability. This may include, but is not limited to, slurs, symbols, posting, circulating demeaning jokes, leaflets, or caricatures; defacing, removing or destroying posted materials; distributing or posting hate literature.
2. **Threats of Violence** – The University will not tolerate violence, threats, intimidation or other disruptive behavior on its campuses, at off-campus locations, in its programs, or at any University events. Such behavior may include oral, written or electronically communicated statements, gestures, or expressions that communicate a direct or indirect threat of physical harm or intimidation, even in jest. Individuals who commit such acts may be subject to sanctions including, but not limited to, removal from the premises; exclusion from the premises; criminal prosecution; corrective and/or disciplinary action; immediate suspension or expulsion.
3. **Alcoholic Beverages** - The following behaviors are prohibited:

- a. The sale, possession, use, consumption, production, purchase, or provision of alcoholic beverages to or by any person under the age of 21.
 - b. Public intoxication, displaying intoxicated behavior, requiring assistance due to intoxication, and/or causing University or law enforcement officials to respond due to the consumption of alcohol, even if the subject is over the age 21.
 - c. Possessing open containers or consuming alcoholic beverages in any outside location or in public areas inside University buildings except under those specific conditions outlined in Appendix 6.
4. **Breach of Peace:** - In addition to the above prohibitions on conduct, the University also prohibits the following behaviors:
 - a. Any conduct which, in the University's discretion, is disorderly and/or disruptive, as defined by applicable laws or by University policy.
 - b. Aiding, abetting, or procuring another person to breach the peace.
5. **Business & Private Enterprise** – Students may operate a business (e.g., sales/services, advertisements provided through the mail, telephone/fax, Internet, or other means of mass communication) and/or complete employment requirements on University property as long as it:
 - a. Is not disruptive to other students;
 - b. Does not create health and safety concerns;
 - c. Does not violate a contract the University has with a vendor;
 - d. Is not deemed indecent or inappropriate for association with the University's name/reputation;
 - e. Does not use University resources for commercial purposes;
 - f. Does not seek to use the University's name for commercial gain;
 - g. Complies with the Computer Network Acceptable Use Policy.

Note: If a business or the completion of employment requirements becomes disruptive and/or creates health and safety concerns, the student may be asked to immediately cease all business activities on campus.

6. **Computer and Network Violations** - It is prohibited to violate the University's Computer and Network Acceptable Use Policy. (Refer to appendix 7.)
7. **Conduct System Abuses** – Students may be separately disciplined for abusing the Student Conduct Code system. The following behavior is prohibited:
 - a. Falsification, distortion, or misrepresentation in a conduct hearing or with a university official;
 - b. Disruption or interference with the orderly conduct of a conduct proceeding (including the behavior of advocates and witnesses);
 - c. Instituting a conduct proceeding in bad faith;
 - d. Attempting to discourage an individual's proper participation, or use of, the conduct system;

- e. Attempting to influence the impartiality of a member of a conduct board prior to, and/or during the course of, the conduct proceeding;
 - f. Harassment (verbal or physical) and/or intimidation of a member of a conduct board or university official prior to, during, and/or after a conduct proceeding;
 - g. Failure to comply with or complete the sanction(s) imposed under the Student Conduct Code;
 - h. Influencing or attempting to influence another person to commit an abuse of the Student Conduct Code;
 - i. Plagiarism of a conduct sanction;
8. **Dishonesty** – Students are prohibited from misrepresenting or obscuring the truth, including but not limited to:
- a. Cheating, plagiarism, or other forms of academic dishonesty (see Appendix 4 Academic Integrity Policy);
 - b. Furnishing false information or identification, whether written or oral, to any Brandman University official, faculty member or office;
 - c. Forgery, alteration, or misuse of any University document, record, or instrument of identification. Allegations of forgeries of an academic nature (e.g., forging petition or advising forms) are referred to the BRANDMAN UNIVERSITY Student Standards committee. Non-academic forgery allegations are relayed to the Regional Conduct Board for conduct consideration;
 - d. Fraud – receiving, or attempting to receive, payment, services, or academic credit under false pretenses.
9. **Disruption/Demonstration** – Conduct which disrupts learning or the normal campus operations will not be tolerated. The following behavior is prohibited: (Refer to Appendix 8)
- a. Behavior which, in the University’s discretion, interferes with teaching, research, administration, conduct proceedings, other University activities or other authorized non-BRANDMAN UNIVERSITY activities, including all functions on or off-campus;
 - b. Participation in a campus demonstration which disrupts the normal operation of the BRANDMAN UNIVERSITY and infringes on the safety of other members of the BRANDMAN UNIVERSITY community;
 - c. Leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area;
 - d. Intentional obstruction which unreasonably interferes with freedom of movement.
10. **Domestic Disputes/Violence** – The following behaviors are prohibited:
- a. Disputes between spouses, family members, parents, children, or individuals that result in a breach of peace, possible abusive behavior policy violations, or violence. Anyone, including but not limited to, family members, spouses, parents, or any invited or uninvited individuals who are guests of BRANDMAN UNIVERSITY students, and who cause any disturbance/disruption, will be immediately escorted from the campus. Invited and uninvited guests may be arrested for trespassing; such guests will be forbidden from returning to BRANDMAN UNIVERSITY property.
 - b. Any act of violence or threat of violence;

- c. All physical abuse including physical assault and /or battery as well as any domestic disputes, hate crimes and/ or child abuse.
11. **Electronic Media Violations** – BRANDMAN UNIVERSITY prohibits the misuse of electronic media devices, including but not limited to: camera and/or video enabled cell phones, PDAs, MP3 players, data storage devices, personal DVD players, cameras, printers, computers, computer lines/networks or computing facilities. This includes, but is not limited to:
- a. Disruption of classroom or any other academically related proceedings;
 - b. Engaging in any form of academic dishonesty;
 - c. Sending, viewing or obtaining illegal or abusive messages, photos, video, or viewing obscene or pornographic material in a public area, University office or classroom setting;
 - d. Posting, on any social networking site, blog, or electronic bulletin board, any abusive, harassing, threatening, defamatory or discriminatory matter;
 - e. Engaging in any form of harassment, and/or discrimination;
 - f. Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose;
 - g. Unauthorized deletion, copying or transfer of a file, data, or software;
 - h. Use of another individual's identification or password without their permission and knowledge;
 - i. Use of computing facilities to interfere with the work of another student, faculty member or University official;
 - j. Use of computing facilities and/or resources to interfere with the normal operation of the University computing facilities;
 - k. Engaging in any infringement upon another's copyright;
 - l. Any violation of the University computer use policy.
12. **Endangerment of Self or Others** – The following behaviors are prohibited:
Conducting oneself in a manner that, intentionally or accidentally, endangers, or threatens to endanger, the health or safety of oneself (including threats of violence or suicide made in jest or otherwise), other members or visitors within the University community or at an event.
13. **Failure to Comply** – Students who fail to comply with directions of University officials, including but not limited to faculty members, office staff and administrators, law enforcement officers, or contract service vendors acting in performance of their duties will be referred to conduct review. Further, students who willfully resist, delay, or obstruct University officials in the discharge or attempts to discharge the duty of their office or employment will also be referred to conduct review.
14. **Fire Safety and Equipment** – The following behaviors are prohibited:
- a. Causing a false alarm, tampering with the fire alarm system, smoke detectors, sprinkler system, emergency exits, carbon monoxide detectors, fire extinguishers, exit signs, and other equipment are federal offenses.
 - b. Failing to evacuate a University building or event during fire and/or emergency alarms or re-entering the building before the all clear sign is given.

1. **Guests** – Having guests on campus is a privilege. Guests must comply with BRANDMAN UNIVERSITY policies at all times. Any person(s) who comes onto campus to visit a student or students (whether or not they were specifically invited) is considered a guest of that student. Students are responsible for the behavior of their guests; this includes any possessions that the guest brings onto campus which violate BRANDMAN UNIVERSITY policy (e.g., weapons, drugs, alcohol, paraphernalia, or other contraband). Students need to accompany their guests during their stay on campus. Students may be held fully responsible for and will be subject to conduct review for the behavior of their guests.
 - a. Guests who violate BRANDMAN UNIVERSITY policy will be immediately removed from campus; they may be forbidden from entering on to BRANDMAN UNIVERSITY property and may be arrested for trespassing if they are found on BRANDMAN UNIVERSITY property or at BRANDMAN UNIVERSITY events.
 - b. Guests are required to provide their name and show appropriate identification to a BRANDMAN UNIVERSITY Official upon request. If guests do not have identification, they may be asked to leave or be escorted off campus.
 - c. Any BRANDMAN UNIVERSITY official has the right to request a guest to leave.

15. **Identification** – All students and guests are required to provide their name and show appropriate identification to a BRANDMAN UNIVERSITY official upon request or, if a minor, be in the company of someone who can provide appropriate identification.
 - a. If guests or others responsible for minors do not have identification, they may be escorted off campus.
 - b. Falsely identifying oneself or other failure to comply with this policy may result in a violation of this Code.

16. **Illegal Substances** – The following behaviors are prohibited:
 - a. Use, possession, sale, distribution and/or production of narcotic or other controlled substances (including marijuana), or acting as an accessory, liaison, or facilitator for any of the above, except as expressly permitted by law.
 - b. Illegal or improper use of prescription medicines. All prescription medicines must be kept in their original bottle and must have the prescription from the doctor noted on the bottle. Prescription medicines found without their prescription attached may be confiscated until such time as the prescription can be produced. All prescription medications must be prescribed to the person in possession of the medication. The use or possession of medicinal marijuana is prohibited on campus, and may be treated as illegal drug use.
 - c. Possession of drug paraphernalia, including but not limited to: water pipes, scales, needles, clips, rolling papers, bongs etc.; or any other device that may be associated with illegal drug use, regardless of whether it is purchased or handmade.
 - d. Use of a legal substance in an improper manner (e.g. ingesting a cleaning chemical, inhaling other chemical substances for the purpose of intoxication).
 - e. Providing drugs with the intent of taking advantage of another.

17. **Keys and Unauthorized Entry** – The following behaviors are prohibited:
 - a. Unauthorized/improper possession, duplication, or use of BRANDMAN UNIVERSITY keys.
 - b. Unauthorized/improper entry to or use of BRANDMAN UNIVERSITY premises.
 - c. Tampering with any locking device on campus.

18. **Lewd/Indecent Behavior** – The following behaviors are prohibited:
 - a. Urinating in areas other than toilets and urinals (including lawns, lounges, elevators, stairwells, balconies, parking lots, etc.)
 - b. Public nudity
 - c. Engaging in intimate sexual contact in common or public areas
 - d. Public viewing of pornography

19. **Posting Policy** – All posting must comply with the Brandman University Posting Policy which can be found at each campus. See the Regional Conduct Board.

20. **Property Damage/Vandalism** – The following behaviors are prohibited: Destruction, damage, misuse, and/or defacing of BRANDMAN UNIVERSITY, personal or public property.

21. **Sexual Offenses** – The following behaviors are prohibited:
 - a. Sexual Assault.
 - b. Sexual Exploitation - examples of sexual exploitation include, but are not limited to, prostituting another student; non-consensual video or audio-taping of sexual activity or distribution of such; going beyond the boundaries of consent (such as letting your friends surreptitiously watch you having consensual sex); engaging in voyeurism; exhibitionism; and knowingly transmitting an STD or HIV to another student.
 - c. Sexual Harassment.

22. **Smoking** – Smoking is prohibited in all BRANDMAN UNIVERSITY buildings and 20 feet from the entrance of the buildings, unless otherwise specified by applicable law.

23. **Soliciting** – Solicitation and door-to-door sales on campus is prohibited.

24. **Theft** – The following behaviors are prohibited: Attempted or actual removal of property without prior permission. This includes but is not limited to lounge furniture, office furniture and equipment, classroom furniture and equipment, and outdoor furniture owned by BRANDMAN UNIVERSITY.

25. **Weapons, Explosives, and Hazardous Materials** – The University prohibits the use or possession of all weapons on campus. It is not possible to list all prohibited weapons, however for the purpose of this policy, a weapon includes any implement that is intended to inflict harm upon another or any other implement that, in the University's discretion, could be used to harm another. This includes, but is not limited to:
 - Any type of firearm (for example, revolver or automatic firearm, BB/pellet gun, paint gun, realistic facsimile of a weapon or any counterfeit item, taser or stun gun)

- a. Ammunition of any kind
- b. Any type of knife that is not intended or designed for cooking
- c. Bows and arrows with the exception of archery classes
- d. Martial arts weapons
- e. Slingshots and water balloon launchers
- f. Explosive devices and fireworks
- g. Dangerous chemicals or other hazardous materials
- h. All other weapons listed in California Penal Code section 12020, and/or other weapons considered dangerous on BRANDMAN UNIVERSITY premises or at University sponsored events.

Note: Students who have obtained prior approval from a faculty member or other university official to bring a weapon on campus are exempt from this policy. It is the student's responsibility to obtain prior approval before bringing a weapon on campus. Furthermore, if a student is uncertain as to whether an item is considered a weapon under this policy, it is the student's responsibility to seek clarification from the university before bringing the item to BRANDMAN UNIVERSITY. Possession of "prop" weapons, or other facsimile weapons, by student's who have not secured prior approval for use/possession of a prop weapon, is a violation of the weapons policy and will be subject to conduct review.

26. **Other Violations** - Violation of any other published BRANDMAN UNIVERSITY policies, rules or regulations, including those implemented during the academic year.

Note: Responsibility is not diminished for acts in violation of the Student Conduct Code that are committed under the influence of any illegal drugs or controlled substances such as alcohol.

B. Violation of Law and University Conduct

1. BRANDMAN UNIVERSITY conduct proceedings may be instituted against a student charged with violation of a law in connection with conduct which is also a violation of this Code; for example, if both violations result from the same factual situation, without regard to the pending status of civil litigation in court or criminal arrest and prosecution. Proceedings under this Code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.
2. When a student is charged by federal, state or local authorities with a violation of law, the BRANDMAN UNIVERSITY will not request or agree to special consideration in the criminal proceeding for that individual because of his or her status as a student. If the alleged offense is also the subject of a proceeding under this Code, however, BRANDMAN UNIVERSITY may advise off-campus authorities of the existence of this Code and of how matters will be handled internally within BRANDMAN UNIVERSITY community. BRANDMAN UNIVERSITY will cooperate as fully as is legally possible within *Family Educational Rights and Privacy Act (FERPA)* or any other appropriate federal or state guidelines with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the

rehabilitation of student violators. Students acting in their personal capacities remain free to interact with governmental representatives as they deem appropriate.

Article IV: Elements of the Conduct Policy

A. Conduct Correspondence

All conduct letters will be sent directly to the students with return receipt requested at address as listed in the database. It is the responsibility of the student to maintain current address information.

B. Interim Suspension

In certain circumstances, the University may suspend a student's enrollment with BRANDMAN UNIVERSITY pending the student's conduct hearing. Interim suspensions will be imposed only upon the approval of the Vice Chancellor of Enrollment and Academic Affairs, typically in coordination with the Regional Conduct Board. Regional Conduct Board has the discretion to impose an interim suspension which may be exercised when the University concludes that any of the following conditions exist:

Regional Conduct Board:

- a. The safety and well-being of members of the University community or University property is threatened or at risk;
 - b. The student's own physical or emotional safety and well-being is threatened or at risk; or
 - c. The student poses a threat or perceived threat of disruption of or interference with learning and the normal operations of the University.
1. During an interim suspension, a student shall be denied access to the campus (including classes) and/or all other BRANDMAN UNIVERSITY activities or privileges for which the student might otherwise be eligible.
 2. A Notice of Interim Suspension will be sent to the student and the hearing process will be initiated as soon as possible from commencement of suspension. The conduct hearing typically will take place within seven (7) days of the imposition of the interim suspension. From time to time circumstances may prevent the hearing from commencing within seven days; however the University will endeavor at all times to move forward with the conduct hearing as expeditiously as possible in light of the circumstances.
 3. The decision to impose an interim suspension is final pending the student conduct hearing. Students do not have the right to appeal the imposition of an interim suspension.

C. Reports and Charges

1. Anyone may report an alleged violation of the Student Conduct Code by a student or group of students. Reports shall be prepared in writing and directed to the Regional Conduct Board.

Note: To file a report concerning a faculty or staff member, or to obtain information about doing so, consult with the Campus Director.
2. Documentation of Reports - Any of the following types of documentation may be acceptable as a form of reporting considered for possible conduct review:
 - a. Note to file/Letter of Concern
 - b. Letter of Complaint
 - c. Email
 - d. Police Report
 - e. Report of Academic Integrity Violation
3. Aside from highly exceptional circumstances, any report should be submitted as soon as possible after the alleged violation(s) takes place, but not to exceed six (6) months following discovery of the incident. Exceptions include:
 - a. There are no time constraints restricting the reporting of violations of academic integrity.
 - b. Alleged sexual assault or other behavior which may pose a serious threat to any member of the University community may be reported at any time. Conduct proceedings involving sexual assault or other very serious matters, will be initiated by the University so long as the alleged respondent remains enrolled or has standing, with the University. Standing is determined in accordance with the Catalog. For those respondents who are no longer enrolled with the University, the complaint will be placed into abeyance until such time as the student seeks re-enrollment with the University.
4. The Regional Conduct Board may conduct an investigation to determine if the charges have merit, and/or request additional support for the charges. This initial investigation is not an exhaustive examination of the facts. It is intended to allow a determination of whether the charges appear to be supported by credible evidence which, if true, would constitute a violation of this Code.
 - a. If the charges are deemed to be without merit such determination shall be final and there shall be no subsequent proceedings.
 - b. If the charges are deemed to have merit, the Regional Conduct Board will arrange a conduct hearing with the student.
5. If the charges are deemed to have merit, the specific charges to be brought will be determined by the Regional Conduct Board who will notify the respondent(s) in writing of the policies they are alleged to have violated.
6. Students will receive notification of charges and instructions for scheduling a hearing. The University will endeavor to make every effort to schedule the hearing as soon as possible after the student is notified of the charges.

7. In order to better prepare their hearing, the respondent may also inspect and or request those reports that pertain to the charges of the particular case. The names of other individuals involved in the incident may be omitted, at the University's discretion, in order to protect their privacy. A copy of the report may be obtained by submitting a written request to the Vice Chancellor of Enrollment and Student Affairs. The University will make every effort to process request for reports within 24 hours.
8. Upon request, related witness statements and any other pertinent paperwork shall be made available to the respondent at least two working days prior to the hearing.

D. Hearings

1. Hearings shall be conducted by the Regional Conduct Board according to the following guidelines:
 - a. The Regional Conduct Board will make the final decision.
 - b. Hearings are not open to the public. Admission of any person to the hearing shall be at the discretion of the Regional Conduct Board Regional Conduct Board or his/her designee
 - c. Regional Conduct Board.
 - d. In hearings involving more than one respondent, the Regional Conduct Board at their discretion, may permit the hearings concerning each student to be conducted together with the consent of all respondents.
 - e. The parties involved (respondent/complainant) may request the opportunity to face each other and to direct appropriate questions through the Regional Conduct Board. If the request is approved and the parties have consented to appear, they must maintain professional decorum in the hearing or they will be separated.
 - f. The complainant and the respondent have the right to be accompanied by an "advocate" (but not one involved in the incident in question) if they so choose, at their own expense. This does not include attorneys. The presence of attorneys at hearings is not permitted as the conduct proceeding is not meant to function as a court of law. The complainant and/or the respondent each is responsible for presenting his or her own case and, therefore, "advocates" are not permitted to speak unless directly questioned by the Regional Conduct Board or designee, nor to participate directly in any hearing before a Regional Conduct Board or designee other than quiet communication with the respondent that does not interfere with the conduct process. Failure to comply with these rules may result in the removal of the "advocate(s)." One 5 minute recess may be requested during the course of a hearing if the complainant and/or the respondent wish to consult with their "advocate."
 - g. Upon reasonable notification to the Regional Conduct Board or designee (at least 2 working days prior to the hearing), the complainant and the respondent shall have the privilege of presenting witness statements (5 double-spaced pages, maximum). In the event that witnesses are permitted to attend a hearing, the Regional Conduct Board or designee and the other party shall have the right to ask questions of the witnesses. Witnesses may be excluded by the Regional Conduct Board if reasonable

notice (at least 2 working days) of the identification of witness a party intends to call is not provided to the Regional Conduct Board.

- h. Any pertinent materials or other written statements (10 double-spaced pages, maximum) must be submitted for consideration to the Regional Conduct Board or designee at least 2 working days prior to the hearing.
 - i. All procedural questions are subject to the final decision of the Regional Conduct Board or designee.
 - j. After the hearing, the Regional Conduct Board or designee shall excuse all parties, engage in deliberation and determine (by consensus or if necessary by majority vote) which, if any, portion of the Student Conduct Code the student has violated.
 - k. The determination shall be made on the basis of whether it is **more likely than not** that the respondent violated the Student Conduct Code. All decisions of a conduct body shall be based solely upon the factual material presented at the hearing, including all witness testimony and written material submitted prior to and in connection with these procedures.
 - l. Should new charges surface as a result of, or during, a conduct process, a separate written notification and hearing may occur unless the respondent consents to an admission of responsibility.
 - m. With the exception of the deliberation phase, hearings before a Regional Conduct Board or designee shall be recorded. In certain circumstances, written notes may serve as a substitute to a recorded record. This record shall be the property of the University. Student respondents or complainants to the hearing are free to take their own notes but may not use an electronic recording device. At the discretion of the Regional Conduct Board, student respondents or complainants may request the opportunity to review the recording of the hearing under the supervision of the Regional Conduct Board. Hearing records are confidential.
2. No student may be found to have violated the Student Conduct Code solely because the student failed to appear to the hearing. However, the Regional Conduct Board or designee may, at their discretion, proceed to conduct a hearing in the absence of any respondent or complainant who fails to appear. Should there be a hearing, the material in support of the charges shall be presented and considered regardless of whether or not the student(s) attended the conduct hearing. In addition, failure to appear, without approved documented proof supporting extenuating circumstances preventing such appearance, will result in the loss of the right to request an appeal.
 3. Students may opt to waive their hearing and make an admission of responsibility. In such situations, students must accept full responsibility for violations for the Code as charged, as well as the appropriate related sanctions.
 4. An individual's cumulative conduct history will not be considered until the sanction phase of the deliberations.

E. Hearing Outcomes

1. **Student Responsibility:** A student charged with any violation(s) of the Student Conduct Code will be found either **Responsible** or **Not Responsible** for each individual charge.

- a. **A Student Found Not Responsible** - In each case in which it is determined that a student(s) has not violated the Student Conduct Code, a record of the finding will be kept on file with the Regional Conduct Board and in the Brandman University central office. The outcome of *not responsible* will not impact the student or student group's standing within BRANDMAN UNIVERSITY, no sanctions shall be imposed and the matter will not be reported to any external agency.
 - b. **A Student Found Responsible** - In each case in which it is determined that a student(s) has violated the Student Conduct Code; the sanction(s) shall be determined and imposed by the Regional Conduct Board. The student or student group will normally be advised in writing of the determination and of the sanction(s) to be imposed, if any, within 9 working days of the hearing. Regional Conduct Board Failure to complete sanctions as required will result in a Conduct Hold.
2. **Cumulative Conduct:** A student's prior conduct history will be taken into account during the determination of appropriate sanctions for a violation of the Code. Multiple violations of the Code during a student's tenure at BRANDMAN UNIVERSITY will result in increasingly severe sanctions.
 3. **Conduct Status:** Any of the following disciplinary actions may be imposed upon any student found responsible for violating the Student Conduct Code. There is no requirement that conduct sanctions be progressive in nature. The University may, at its discretion, impose severe discipline for a student's first code violation. Each case should be evaluated based upon its individual circumstances.
 - a. **Formal Warning** – This is a written reprimand to the student that he/she is violating or has violated the Student Conduct Code and that any future violation(s) may result in more serious sanctions. Formal Warnings have no time limit.
 - b. **Probation** - This reprimand is in effect for a prescribed period of time and includes the probability of more severe sanctions for any future violation(s) of the Student Conduct Code during the probationary period.
 - c. **Suspension** - Separation of the student from BRANDMAN UNIVERSITY for a defined period of time, after which the student is eligible to return. Conditions for re-admission will be specified. Students may be held responsible for meeting their financial obligations to the University and may not visit the University while under suspension.
 - d. **Deferred Suspension** – A suspension may be deferred by the Regional Conduct Board allowing the student to remain at BRANDMAN UNIVERSITY provided specified conditions are adhered to by the student. Failure to meet those conditions or further violations of the Student Conduct Code will result in automatic suspension from BRANDMAN UNIVERSITY.
 - e. **Expulsion** – Permanent surrender of all rights and privileges of membership in the University community and exclusion from the campus, from any University property and from all University functions. Students may be held responsible for meeting their financial obligations to BRANDMAN UNIVERSITY and may not visit the campus while under expulsion. **Expulsion will be noted on the student's transcript.** Students who have been expelled from the University are not eligible for readmission at any time.

4. **Educational Sanctions:** In addition to any conduct status, one or more of the following educational sanctions may be imposed. These include, but are not limited to:
 - a. **Academic Sanctions** – revocation of degree, holding transcripts, removal from classroom/courses.
 - b. **No-trespassing order** – student will be prohibited from entering onto campus or other University property.
 - c. **Reflective assignments** - apology letters, research paper on an assigned topic, written responses to posed questions.
 - d. **Restitution** – compensation for loss, damage or injury (may take the form of appropriate service and/or monetary or material replacement).
 - e. **Service** benefiting BRANDMAN UNIVERSITY or surrounding community.
 - f. **Workshops** – decision-making skills workshops, anger management, alcohol and/or drug education or other formal coaching or counseling.

5. **Other Considerations Related To Sanctions**
 - a. There is no limit to the number of educational sanctions that may be imposed for any single violation.
 - b. Other than expulsion, sanctions will not be made part of the student's permanent transcript, but will become part of the student's confidential conduct record.
 - c. Failure to complete or comply with all sanctions as prescribed:
 - i. Will require a review of the matter by the Regional Conduct Board
 - ii. Will result in an Administrative Hold
 - iii. May result in further sanctions, including suspension, until such time as full compliance of sanctions is obtained.
 - d. Unless otherwise specified, all sanctions take effect upon notification of results of the hearing outcome; however, sanction deadlines may be altered pending outcome of a potential appeal. Sanctions will be tracked by the office of the Vice Chancellor for Enrollment and Student Affairs.

6. **Notification and Confidentiality**
 - a. **Financial Aid Notification** – As required by federal law, drug violations may be reported to the Office of Financial Aid, which may have repercussions on the student's future federal aid eligibility.
 - b. **Complainant Notification** – At the discretion of the Regional Conduct Board, Complainants may be notified of the outcome of the case.

F. Appeals

1. A complainant may not request an appeal of a decision made by a Regional Appeals Board.

2. Failure of the respondent to appear at the initial hearing involving the original charges without approved documented proof supporting extenuating circumstances preventing such appearance will result in the loss of the right to request an appeal.
3. There is only one appeal available for any and all sanctions imposed per incident.
4. A respondent(s) may **request** an appeal of a hearing outcome. Appeals are not granted automatically. Appeals will be considered when the respondent can demonstrate that at least one of the following criteria exists:
 - a. That there was a substantive procedural error that may have prohibited the hearing from being conducted fairly.
 - b. The facts in the case were insufficient to establish that a violation of the Student Conduct Code occurred.
 - c. The sanction(s) imposed was not appropriate for the violation of the Student Conduct Code for which the student was found to be responsible.
 - d. New evidence that was not available at the time of the hearing has become available, and is potentially sufficient to alter a decision or other relevant facts not brought out in the original hearing.
5. A request for appeal shall be submitted in writing to the office of the Vice Chancellor for Enrollment and Student Affairs within 5 working days of the receipt of the written hearing outcome, must clearly demonstrate the grounds for appeal, and is not to exceed 5 double-spaced pages in length.
6. Upon receipt of the request for appeal, it will be referred for review to the Regional Appeals Board (RAB). A request for appeal shall be limited to review of the documentation associated with the initial hearing, supporting documents and testimony. If the RAB determines that none of the criteria for appeal have been met, the RAB shall sustain the decision of the respective Campus Director. If however, any of the conditions are found to exist, the RAB may:
 - a. Hear the full appeal;
 - b. Hear only a portion of the appeal; or
 - a. Render a decision without a hearing involving the parties.
7. If deemed warranted by the RAB, the Regional Conduct Board may be requested to appear in an appeal hearing.
8. In determining whether to modify any given sanction(s), the RAB has the option to take either of the following actions:
 - a. Elect not to change any of the sanctions imposed by the Regional Conduct Board; or
 - b. Reduce the severity of the conduct status (the conduct status cannot be increased.)

9. At the discretion of the Vice Chancellor for Enrollment and Student Affairs, the complainant(s) may receive the appeal documentation of the respondent(s). This shall occur only in the event that an appeal hearing is deemed appropriate. In this case, the complainant will be offered the opportunity to submit a rebuttal statement to the RAB.
10. At the discretion of the Vice Chancellor for Enrollment and Student Affairs, the complainant may be notified of the outcome of the respondent's(s') appeal of the case.
11. After investigation and review by the Vice Chancellor for Enrollment and Student Affairs all appeal decisions will be final and binding on all parties and shall be given to the respondent in written form in approximately 5 working days from the date of decision. A complainant may not request an appeal of a decision made by the RAB.

Article V: Interpretation and Revision

- A. Any question of interpretation regarding the Student Conduct Code shall be referred to the Regional Conduct Board and/or the Vice Chancellor for Enrollment and Student Affairs for final determination.
- B. The Student Conduct Code shall be reviewed annually under the direction of the Vice Chancellor for Enrollment and Student Affairs.
- C. This Brandman University Student Conduct Code supersedes any and all previous versions of the Code which are identifiable by the date code below, and shall serve as the official reference for all student conduct matters.

***Brandman University** Student Conduct Code was adapted from A Model Student Disciplinary Code developed by Stoner and Cerminara, 1993.

Appendix 1

Brandman University **Annual Notification of Student Rights Under The Family Educational Rights and Privacy Act (FERPA)**

The Family Educational Rights and Privacy Act (FERPA) affords students certain rights with respect to their education records. They are:

1. The right to inspect and review the student's education records within 45 days of the day the University receives a request for access. Students should submit to the Registrar's Office written requests that identify the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the Registrar's Office, the student shall be advised of the correct official to whom the request should be addressed.
2. The right to request the amendment of the student's education records that the student believes are inaccurate. Students may ask the University to amend a record that they believe is inaccurate. They should write the Registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate. If the University decides not to amend the record as requested by the student, the student shall be notified of the decision and advised as to his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.
3. The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. One exception which permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is a person employed by the University in an administrative, supervisory, academic or research, or support staff position (including law enforcement personnel and health staff); a person or company with whom the University has contracted (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility. The University may also disclose education records without consent to officials of another school in which a student seeks or intends to enroll, upon request.
4. The right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC, 20202-4605.

At its discretion, the University may provide Directory Information in accordance with the provisions of the Family Education Rights and Privacy Act. Directory Information is defined as that information which would not generally be considered harmful or an invasion of privacy if disclosed. Designated Directory Information at the University includes the following: student name, permanent address, local address, temporary address, electronic mail address, telephone number, dates of attendance, degrees and awards received, major field of study, participation in officially recognized activities and sports, weight

and height of members of athletic teams, these titles/topics, photograph, full-time/part-time status, most recent previous school attended, date and place of birth, class schedule.

Students may withhold Directory Information by notifying the Registrar in writing; please note that such withholding requests are binding for all information to all parties other than for those exceptions allowed under the Act. Students should consider all aspects of a Directory Hold prior to filing such a request. Although the initial request must be filed during the first two weeks of the enrollment period, requests for non-disclosure will be honored by the University for no more than one academic year. Re-authorization to withhold Directory Information must be filed annually in the Registrar's Office within the first two weeks of the fall semester.

Regional Conduct Board Appendix 2

Standards of Academic Integrity

As a community of scholars, Brandman University emphasizes the mutual responsibility of all members to seek knowledge honestly and in good faith. Students are responsible for doing their own work, and academic dishonesty of any kind will not be tolerated anywhere in the University. In order to safeguard the conditions under which scholarship is performed, measured, and evaluated, the following will serve to define academic dishonesty, to identify procedures for hearing cases involving academic integrity violations, and to give suggested guidelines for sanctions according to the offense.

A. *Academic Integrity Violations*

Academic dishonesty can take a number of forms. It includes, but is not limited to, cheating on a test or examination; claiming the work of another as your own; plagiarizing any paper, research project, or assignment; or falsely submitting material to fulfill course requirements.

Cheating includes unauthorized copying from the work of another student, with or without that student's consent, using notes or other unauthorized material during a test period, and giving or receiving assistance from another when it is expected the student will perform his or her own work.

Falsifying data to show either the process or the product of scholarly examination to be different from what actually occurred is also considered dishonest. This includes falsely reporting attendance or participation in any field-work experience.

Students may not submit work done in one course to satisfy the requirements of another course, unless both instructors agree beforehand to accept such work. Forged or altered documents may not be presented. This includes transcripts, add/drop forms, or any academic form which has been falsified or on which a professor's signature, or anyone else's signature, has been forged or altered.

Assisting any other person to engage in an act of academic dishonesty is an independent violation of the University's academic integrity standards.

Failure to report any previous academic work at another college or University is also considered a violation of academic integrity.

B. *Procedures for Hearing and Investigation*

In cases involving academic integrity violations, the appropriate action is initiated by the course instructor. If the instructor believes a student has violated the University standards, the following action should be taken:

1. The instructor must contact the student(s) to discuss the possible violation. If the transgression occurs during class, which may occur during a test or examination, the instructor should deal with the situation at that time. Otherwise, the student(s) will meet with the instructor for the purpose of settling the issue of guilt or innocence. If the student(s) admits guilt, or if the instructor and student(s) involved agree a violation took place, then an appropriate sanction may be set at that time. A report of this action will be filed with the appropriate campus and School Dean.
2. If the student(s) does not admit guilt, if an agreement upon sanction cannot be reached, or if any party does not agree with the resolution of the specific issue of academic integrity, then the matter will be taken up with the School Dean. In this case, the Dean will meet with the involved faculty member and the student(s) in an effort to resolve the matter, and initiate whatever action is deemed appropriate.
3. If there is dissatisfaction with the results of a meeting with the School Dean, any of the parties may request a hearing through the Brandman University Academic Standards Subcommittee. In this instance, the committee will take whatever action is deemed necessary to answer questions and determine the truth of each particular case.
4. Finally, if any party still feels extenuating circumstances or new information was not adequately considered by the Academic Standards Subcommittee, or that the sanctions imposed are unfair, the matter may be brought on appeal to the Vice Chancellor for Academic Affairs of Brandman University for final disposition. At this juncture, the Vice Chancellor will then take whatever action is deemed appropriate. The Vice Chancellor's decision is final and binding.

In all cases of alleged violations of academic integrity it is vital to maintain confidentiality. None of the parties involved should discuss the issue outside the above procedures.

Dismissal for a violation of academic integrity will be noted on the student's transcript.

Appendix 3

HARASSMENT AND DISCRIMINATION POLICY

Brandman University is committed to providing an environment which is free of any form of harassment and discrimination based upon an individual's race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status, or any other classification protected by law, so that all members of the community are treated at all times with dignity and respect. It is the University's policy, therefore, to prohibit all forms of such harassment or discrimination among University faculty, students, staff, and administration.

The university's administration, faculty, staff, and students are each responsible for creating and maintaining an environment conducive to work, study, and learning. Harassment and discrimination, in any form prohibited by this policy, impede the realization of the university's mission to provide an education of distinction in a dignified and respectful learning environment.

It is the duty of every member of the faculty, staff, and administration to assure compliance with this policy by promptly reporting allegations of policy violations to the University's Equal Opportunity Officer. Students are also strongly encouraged to report any alleged violations of this policy, and may do so by contacting either the Equal Opportunity Officer or the Vice Chancellor for Enrollment and Student Affairs. The University will strive to review any charges in a confidential, sensitive, and expeditious manner consistent with due process and the rights of all concerned parties.

In addition to or in lieu of the procedures set forth in this policy, any individual who feels he or she has been subjected to unlawful harassment or discrimination may contact the California Department of Fair Employment and Housing, the United States Equal Opportunity Commission, or Office of Civil Rights.

A. Definitions

1. **Discrimination.** For purposes of this Policy, the term "discrimination" refers to conduct that subjects an individual to disparate treatment on the basis of race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status, or any other classification protected by law. This would include within its scope alleged conduct that deprives an individual of academic, employment, or other opportunities offered by the university on the basis of such protected characteristics. Examples of types of discriminatory conduct prohibited by this policy include:
 - a. Depriving an individual of employment opportunities on the basis of a protected characteristic such as:
 - refusing to hire or promote a person because of a protected characteristic;
 - terminating a person on the basis of a protected characteristic;
 - subjecting an employee to different performance standards or reviews because of a protected characteristic, other than in conjunction with a reasonable accommodation offered to a qualified individual with a disability; or
 - depriving an employee of job benefits on the basis of a protected characteristic.
 - b. Depriving an individual of academic opportunities on the basis of a protected characteristic such as:
 - refusing admission to academic programs on the basis of a protected characteristic;
 - subjecting individuals to different academic standards on the basis of a protected characteristic;
 - refusing access to university housing, recreational, or social activities on the basis of a protected characteristic.
2. **Harassment :**For purposes of this policy, the term "harassment" refers to conduct that meets all of the three criteria defined below, a, b, and c:
 - a. **Unwelcome:**
 - i. For purposes of this policy, conduct is considered "unwelcome" if, under the totality of the circumstances it is 1) neither solicited nor incited; and 2) it is regarded by the recipient as undesirable or offensive.

- b. Directed or related to an individual's race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status or any other classification protected by law;
- c. When either of the following conditions exists:
 - i. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions, evaluations, or permission to participate in a University activity; or
 - ii. The conduct would be offensive to a reasonable person under the circumstances in question and, if not corrected, could interfere with an individual's academic or work performance or create or substantially contribute to an intimidating or hostile work, academic, or student living environment. In determining whether the alleged conduct constitutes discrimination or harassment under this policy, consideration of the incident will include but will not be limited to the totality of the circumstances, the context in which the alleged incident(s) occurred, the relationship of the parties, whether the alleged offending party was asked to cease the offending conduct and principles of academic freedom.

Examples of types of harassment prohibited by this policy include:

- a. Verbal harassment, such as harassing phone calls, jokes, slurs, epithets, anecdotes, or other derogatory statements directed to an individual or group of individuals' race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status or any other classification protected by law other than in an appropriate academic study of such activity;
- b. Visual, through the use of writings, graffiti, e-mail, posters, objects, or symbols that ridicule or demean an individual or group of individuals' race, color, religion, ancestry, national origin, gender, marital status, sexual orientation, age, disability, veteran status or any other classification protected by law other than in an appropriate academic study of such material; and
- c. Physical, such as unwanted touching, stalking, or impeding an individual's free movement on the basis of a protected characteristic.

Sexual harassment, for purposes of Brandman University's Sexual Harassment Policy, is sexual conduct meeting the above criteria and is the subject of further definitions contained in the University's Sexual Harassment Policy.

B. Scope of The University's Harassment And Discrimination Policy

Persons To Whom The Policy Applies.

This policy applies to all Brandman University administrators, faculty, and staff. This policy also applies to all students, although alleged violations of this policy and disciplinary actions involving students shall be conducted and determined by the Regional Conduct Board or his/her designee in accordance with

the Student Conduct Code. Independent contractors and others conducting business at the university are also expected to conform their conduct to the University's Harassment and Discrimination Policy, and alleged violations of this policy by such persons should be reported.

When The Policy Applies.

1. On-Campus Activities.
2. Off-Campus Activities. This policy also applies to "off campus" activities that are university related. Examples of activities that normally would fall into this category are:

For all persons (University administrators, faculty, staff, and students):

- i. off-campus activities that are sponsored by or associated with the university; or
- ii. off-campus activities that derive from class assignments or for which credit may be received;

For University personnel (University administrators, faculty and staff):

- i. off-campus activities that occur during their normal working hours;
- ii. off-campus activities that involve students; or
- iii. off-campus activities that occur outside their normal working hours that materially derive from, relate to, or bear upon their official capacities;

C. Confidentiality

To the extent possible, the university will make a reasonable effort to conduct all proceedings related to harassment and discrimination allegations in a manner which will protect the confidentiality and privacy interests of all parties. Examples of situations where confidentiality cannot be maintained include circumstances when the university is required by law to disclose information and when disclosure is warranted by the university in order to protect the rights of others. In addition to these efforts by the university, all parties to the alleged complaint should treat the matter under investigation with discretion and respect for the reputation of all parties involved.

D. Academic Freedom

Brandman University is an institution dedicated to learning and teaching and for this reason it is committed to the protection of the principle of academic freedom. All members of the university community have a right to use the academic forum provided by the university to discuss subjects and to express ideas with which members of the community may disagree or be uncomfortable. Within a university committed to the principle of academic freedom there can be no forbidden ideas. Consequently, faculty members, as experts in their disciplines, have not only the right but also the responsibility to select those materials and pedagogical tools which are appropriate to the content of the courses they teach.

Faculty members and students engaged in the creation and presentation of works of the visual and the performing arts are as much engaged in pursuing the mission of the university as are those who write, teach, and study in the other academic disciplines. These presentations, therefore, merit no less protection.

This policy fairly balances the imperative of protecting academic freedom while providing a learning and working environment free of harassment and discrimination. Words, visual images, and behaviors which are disturbing to an individual or group of individuals are not necessarily a violation of this policy. Concerns or alleged charges regarding a violation of this policy will, therefore, be carefully reviewed with full consideration given to the protection of freedom of speech, academic freedom, and the pedagogical requirements of the course. As an academic institution, Brandman is obliged to ensure that regulations and procedures do not impair freedom of expression or discourage creativity by subjecting artistic work to tests of propriety or ideology.

In the context of conduct, speech, or ideas that occur or are shared as part of a class or course, the following considerations should be applied in assessing whether the conduct is harassing conduct and whether the conduct would be "offensive to a reasonable person under the circumstances":

Whether the conduct seeks to demean or ridicule a specific individual, such as a class participant on the basis of that individual's protected characteristic; whether the conduct involves an offensive touching; whether the conduct was directed to a particular person; and whether the conduct was persistent and pervasive.

E. Protection Against Retaliation

Retaliation against an individual who in good faith brings a charge of harassment or discrimination, otherwise reports harassment or discrimination, or participates in an investigation under this policy is prohibited by university policy and state and federal law. Retaliation is a serious violation which can subject the offender to sanctions independent of the merits of the harassment or discrimination allegation.

F. Education

The university recognizes that educating faculty, staff, students and administrators about this policy and the problems it addresses plays a significant role in maintaining a campus environment that is free of harassment and discrimination. There are at least four major goals to be achieved through education: (1) ensuring that all victims and potential victims are aware of their rights; (2) notifying individuals of conduct that is proscribed; (3) informing administrators about the proper way to address complaints of alleged violations of this policy; and (4) helping educate the uninformed about the behavior this policy addresses.

In keeping with this objective, an annual letter from the University's Equal Opportunity Officer will be sent to all administrators, faculty, and staff to remind them of the contents of the University's Harassment and Discrimination Policy. A copy of this policy will be included in student, faculty, and employee orientation materials, and it will also be in the Student Conduct Code, . In addition, copies of this Policy will be available in the Equal Opportunity Office.

This policy will be reviewed annually.

Appendix 4

SEXUAL HARASSMENT POLICY

A. Sexual Harassment Policy Overview

Brandman University is committed to providing an environment which is free of sexual harassment in any form and applies regardless of the sex of the alleged victim or of the alleged offending party and would include within its scope harassment directed to members of the same sex as well as harassment of members of the opposite sex. Sexual harassment is a form of harassment and discrimination strictly prohibited under the University's Harassment and Discrimination Policy. Accordingly, the provisions of that policy shall apply fully to the interpretation, application, and enforcement of this Sexual Harassment Policy.

Because the University's goal is to create an environment free of any form or degree of sexual harassment, the scope of conduct prohibited under this policy is intended to be broader in scope than the definition of unlawful sexual harassment under state and federal non-discrimination laws while still including such unlawful conduct within its scope. Thus, a person may be found to be in violation of Chapman's Sexual Harassment Policy even though the conduct in question does not rise to the level of unlawful sexual harassment.

B. Definitions

1. **Sexual Harassment:** For purposes of this Policy, the term "sexual harassment" refers to unwelcome conduct of a sexual nature when:
 - a. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions, evaluations, or permission to participate in a University activity; or
 - b. The conduct would be offensive to a reasonable person under the circumstances in question and, if not corrected, could interfere with an individual's academic or work performance or create or substantially contribute to an intimidating or hostile work, academic, or student living environment. In determining whether the alleged conduct constitutes sexual harassment under this policy, consideration shall be given to the record of the incident as a whole including but not limited to repetitive, persistent, and accumulative alleged incidents. Harassment and discrimination as defined by this policy constitutes a form of intimidation which is inconsistent with a campus that fosters a free and supportive learning and academic environment.
2. **Conduct of a Sexual Nature.** This includes conduct that is verbal, visual, or physical. Conduct of a sexual nature may either be explicitly sexual or may involve conduct that derives its sexual nature from the circumstances in which the conduct occurs or when combined with other conduct that occurs in a sexual context. Conduct does not need either to express any sexual desire or to be directed to a specific person and can include conduct that attempts to demean, control, or stereotype others on the basis of their sex. While it is not possible to list every form that sexual conduct may take, the following are illustrative:
 - sexual jokes, innuendoes, slurs or sexually suggestive comments other than in an appropriate academic study of such activity;
 - sexually explicit or sexist statements or anecdotes or questions or statements about sexual activity other than in an appropriate academic study of such activity;
 - unwanted sexual advances, propositions, invitations, or other forms of pressure (either blatant or subtle) for sexual activity;
 - offensive touching, including engaging in unwanted hugging, patting, kissing, or brushing up against someone's body, or other inappropriate sexual touching;

- knowingly invading another's personal space in a sexually suggestive manner;
 - displaying sexually suggestive pictures, objects, posters, cartoons, or calendars other than in an appropriate academic study of such activity;
 - making sexual gestures; or
 - sending suggestive or obscene notes or phone calls or e-mail.
3. Unwelcome conduct. For purposes of this policy, conduct is considered "unwelcome" if, under the totality of the circumstances it is 1) neither solicited nor incited; and 2) if it is regarded by the recipient as undesirable or offensive.
 4. Offensive to a Reasonable Person. For purposes of this policy, a determination whether the conduct would be offensive to a reasonable person shall be determined under the totality of the circumstances, including but not limited to the nature and context of the conduct, its frequency, the relationship of the parties, whether the offending party was asked to cease the offending conduct, and whether the offending party did so.

C. Prohibited Conduct

The following conduct is strictly prohibited:

1. Engaging in sexual harassment as defined by this policy;
 2. Engaging in threats or reprisals to dissuade another from reporting sexual harassment under this policy;
 3. Impeding or obstructing the investigation under this Policy of complaints of sexual harassment;
- or
4. Retaliating in any manner against someone from pursuing or participating in a charge of sexual harassment.

D. Consensual Relationships

There are special risks in any sexual or romantic relationship between individuals in inherently unequal positions (such as teacher and student, supervisor and employee, student and administrator, or student resident and the individual who supervises the day-to-day student living environment).

These risks are particularly high in relationships involving students. Because of the respect and trust accorded a professor or administrator by a student and the power exercised by the professor or administrator in giving praise or blame, grades, recommendations for further study or future employment, the student's actual freedom of choice is greatly diminished when sexual demands are made. Therefore, consenting romantic and sexual relationships between faculty or administrators and students; while not expressly forbidden, are generally deemed unwise. Codes of ethics for most professional associations forbid professional-client sexual relationships. Therefore, faculty and administrators need to be aware of the possible costs of even an apparently consenting relationship, in regard to the academic efforts of both faculty member and student.

A faculty member or administrator who enters into a sexual relationship with a student (or supervisor with an employee) where a professional power differential exists, must realize that if a charge of sexual harassment is subsequently lodged, it will be exceedingly difficult to avoid adverse consequences on grounds of mutual consent. Parties in such a relationship assume those risks. Such relationships may

undermine the real or perceived integrity of the supervision and evaluation provided, and the trust inherent particularly in the student-faculty relationship. They may, moreover, be less consensual than believed by the individual whose position confers power. The relationship is likely to be perceived in different ways by each of the parties to it, especially in retrospect.

Moreover, such relationships may harm or injure others in the academic or work environment. Romantic and sexual relationships between supervisor and employee are also discouraged, and for the same reasons. Relationships in which one party is in a position to review the work or influence the career of the other may provide grounds for complaint when that relationship gives undue access or advantage, restricts opportunities, or creates a hostile environment for others. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic involvement, this past consent does not remove grounds for a charge based upon subsequent unwelcome conduct. In any such relationship, mutual consent will not guarantee immunity from charges of sexual harassment.

Appendix 5

PROCEDURES FOR ADDRESSING CONCERNS ABOUT HARASSMENT

Complaints of Harassment or Discrimination

Any person who feels he or she has been subjected to harassment or discrimination in violation of this policy or who feels he or she is aware of prohibited harassment or discrimination directed to others may file a complaint with one of the following designated administrators:

- Brandman University
 - Assistant Vice Chancellor of Human Resources, Learning and Development (AVC-HR) or the Employee Relations Manager located in Irvine
 - Center Directors. Persons at the remote campuses are also urged to file complaints with the AVC-HR or the Employee Relations Manager, but alternatively complaints may also be filed with the center director who will then forward the complaint to the AVC-HR for investigation and handling.

The University requests that complaints be made in writing to assure the accuracy of the charge, although verbal complaints will also be accepted.

Upon receipt of a complaint, the designated administrator will conduct a preliminary assessment of the complaint to determine whether the complaint can be handled through an informal resolution process. To resolve a complaint informally, it is necessary to obtain the written consent of 1) the complaining party; 2) the accused; and 3) the university.

Complaints that are not eligible for informal resolution shall be further investigated by a university designated administrator, and the results of such investigation shall be submitted for formal resolution to the appropriate member of the senior administration. The applicable procedure for formal resolution shall depend primarily upon the status of the person or persons accused of a policy violation. The status of the accusing party may be taken into consideration in cases in which the accusing party is a student and modification of the procedures is necessary to protect the well-being of the student while still assuring a full and fair investigation for the accused. Complaints of harassment or discrimination against students shall be reviewed and resolved in accordance with the disciplinary procedure for student

conduct violations. Complaints against faculty generally will be reviewed and resolved under the disciplinary procedure in the Faculty Manual, and charges directed against staff or administration generally will be reviewed and resolved under the disciplinary procedures in the university's Staff and Administrative Handbook.

Persons who feel they may have been subjected to unlawful harassment or discrimination may also file a charge with the California Department of Fair Employment and Housing (DFEH), the United States Equal Employment Opportunity Commission (EEOC), or the Office of Civil Rights.

Non-Retaliation Policy

The University strictly prohibits any form of retaliation against individuals who have reported any incident, filed a complaint, or otherwise participated in the investigation of such a complaint.

Civil Rights Complaints

The procedure utilized in the investigation of any complaint of Civil Rights infringement, harassment or handicap (Section 504 of the Rehabilitation Act of 1973) will be the same as those used for the investigation of a complaint of sexual harassment or gender discrimination.

Appendix 6

ALCOHOL AND SUBSTANCE ABUSE POLICY

I. PURPOSE: DRUG-FREE SCHOOLS AND COMMUNITIES ACT

The Drug-Free Schools and Communities Act Amendments of 1989 require that institutions of higher education certify that they have adopted and implemented a drug and alcohol prevention program as a condition of receiving funding under any federal program. The Secretary of Education has, as required by the Amendments, issued regulations to enforce the law. These regulations, known as the "Drug Free Schools and Campuses," may be found in 34 CFR 86 at www.edc.org/hec/pubs/dfsca/part86.htm.

II. STATEMENT OF PHILOSOPHY

In keeping with its institutional mission, Brandman University seeks to provide an environment which is conducive to the pursuit and acquisition of knowledge and which fosters the social, cultural and intellectual growth of students. Responsibility for the preservation of a quality academic environment rests with faculty, staff, and students alike.

III. FEDERAL, STATE, AND LOCAL LAWS AND SANCTIONS REGARDING DRUGS AND ALCOHOL

It is the University's belief that all disciplinary sanctions should assist in education and provide the opportunity for personal growth. The following is a summary of federal, state and local laws regarding drugs and alcohol.

A. Laws Regarding Drug Use

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute narcotics. For unlawful

possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fined as authorized by law.

Criminal Sanctions under California Law for the unlawful possession or distribution of illicit drugs and alcohol include the following:

1. Imprisonment in State prison for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).
 2. Imprisonment in State prison for two to four years for possession or sale of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11351).
 3. Imprisonment in State prison for three to five years for possession for sale of cocaine base (Health and Safety Code Section 11351.1).
 4. Fine not exceeding \$50,000 for possession for sale of heroin (Health and Safety Code Section 11352.5).
 5. Fine of not more than \$250 for possession of less than 28.5 grams of marijuana (one ounce); imprisonment in county jail and/or fine of not more than \$500, or imprisonment in State prison for possession of concentrated cannabis (Health and Safety Code Section 11357).
 6. Imprisonment in State prison for possession or sale of marijuana (Health and Safety Code Section 11359).
- B. Laws regarding the use of alcohol**

Brandman University has established an alcohol use policy based on the tenet that those serving and drinking alcohol will do so legally and responsibly, with concern for others around them, and with an understanding of the social, personal and legal issues involved.

It is the responsibility of persons or groups that use, possess, distribute or produce alcohol to be familiar with and abide by all laws regarding the sale and use of alcoholic beverages. The following is a summary of the more important laws that directly relate to the University's Alcohol and Substance Abuse Policy:

1. The purchase, possession, or consumption of any alcoholic beverages (including beer and wine) by any person under the age of 21 is prohibited (Business and Professional Code, § 25658 and § 25662).
2. It is a misdemeanor for anyone to sell, furnish, or give or cause to sell, furnish, or give any alcoholic beverage to a minor (Business and Professional Code §25658(a)).
3. It is prohibited to advertise alcoholic beverages in such a way as to encourage minors to drink (Business and Professional Code §25664).
4. It is a misdemeanor for a minor to have any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public (Business and Professional Code §25662(a)).
5. Any minor who purchases any alcoholic beverage, or any minor who consumes any alcoholic beverage, or any minor who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00, no part of which shall be suspended (Business and Professional Code §25658(b)).
6. Minors attempting to purchase alcoholic beverages will be fined \$100.00 for the first offense and \$250.00 for a second or subsequent offense. Violators may also be required to perform 36 hours of community service (Business and Professional Code §25658.5).

7. No minor shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless the minor is accompanied by a parent or legal guardian (California Vehicle Code §23224(a)).
8. Peace officers who lawfully enter premises may confiscate alcoholic beverages which are in plain view and possessed by or provided to minors at social gatherings. Alcoholic beverages in open containers that are confiscated may be destroyed while those in unopened containers shall be impounded for no more than seven (7) working days after which they too may be destroyed. Unopened containers may be released within the seven (7) days to the owner or resident of the property provided they are 21 years of age (Business and Professional Code §25662(b)).
9. Any person providing an alcoholic beverage to a minor will be contributing to the delinquency of a minor and guilty of a misdemeanor (Penal Code §272).
10. Possession of Alcohol in a Public Place:
It is unlawful to be in possession of alcoholic beverages in a public place (Orange Municipal Code 9.16.050). A public place is defined as any location where all members of the public have unrestricted access.
The use of intoxicating liquor by the average person in such quantity as to produce intoxication causes many commonly known outward manifestations which are "plain" and "easily seen or discovered". [People of the State of California v. Johnson, 185 P.2d 105 (Cal.App. Sup.Ct. L.A.Cty. 1947), p. 106]. , the sale or furnishing of alcoholic beverages to an obviously intoxicated person is a misdemeanor (Business and Professional Code §25602).
12. Operation of a Vehicle
 - a. It is unlawful for any person who is under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug, to operate a bicycle (California Vehicle Code §21200.5) or a motor vehicle (California Vehicle Code §23152(a)).
 - b. No person shall drink any alcoholic beverage while driving a motor vehicle upon any highway (California Vehicle Code §23220).
 - c. No person shall have in his or her possession, on his or her person, while driving a motor vehicle upon any highway, any bottle, can or other receptacle, containing and alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed (California Vehicle Code §23223).
13. Sale of Alcohol
It is a misdemeanor to sell alcoholic beverages without a license from the State Alcoholic Beverage Control Board (Business and Professional Code §23300 and §23301). Included are forms of indirect sales such as selling tickets which may be exchanged for drinks, tickets of admission which include an alcoholic beverage or "passing the hat" during an event to cover the cost of alcohol.

III.
Appendix 7

Technology Acceptable Use Policy

The University's computing and network systems and services, "Brandman University Technology", are a University-owned resource and business tool to be used only by authorized persons for educational purposes and to carry out the legitimate business of the University.

Freedom of speech is central to the mission of higher education. Brandman University respects and encourages the exchange and debate of ideas, including electronic interchanges. However, all communications conducted on University computers or networks should be business-like, courteous and civil. The protection of confidential, sensitive, and proprietary information is of critical importance to the University; therefore it is essential that faculty, students and staff take steps to safeguard such information. The University does not condone messages of hate, bigotry, violence or intimidation directed at any individual or group, or harassment of any kind. Acts of harassment and threats will be thoroughly investigated by University, and may be subject to review by state and federal enforcement agencies.

All users of Brandman University technology agree to abide by the acceptable use policy for all Chapman University System affiliates (Chapman University System Computer and Network Acceptable Use Policy). Use of Brandman University technology constitutes acceptance of the terms and conditions specified by these policies. The policy describes acceptable use of Brandman University Technology, whether accessed through computers and devices owned by Brandman University, or through personally owned computers and devices connected to the Brandman network, or remotely through outside equipment. For the purposes of this policy, Brandman University Technology is defined to include all Brandman University-owned computer equipment, the operating systems and application software that reside on this equipment, and the networking hardware and software which connects this equipment. By extension, this policy applies to all Internet traffic that flows through Brandman University Technology. As a condition for receiving a Brandman University account, you agree to observe the following:

1. It is appropriate to use Brandman University technology for classroom and instructional activities, research related activities, correspondence and support and administrative functions. Misuse includes but is not limited to violation of federal or state law, violation of University policy, unauthorized use of the technology for commercial purposes, displaying sexually graphic images or text, abusive language, harassing behavior, unauthorized use of copyrighted materials, and excessive use for non-official or frivolous purposes.
2. University owned equipment and Brandman University technology and services may not be used for illegal purposes. Users must abide by all software licenses, copyright and intellectual property policies and applicable federal and state laws. Plagiarism of electronic works is prohibited. The unauthorized use of copyrighted material is prohibited. This includes but is not limited to:
 - a. Reproduction of copyrighted materials, trademarks, or other protected material in any electronic form without express written permission from the material's owner.
 - b. Use, distribution or duplication of copyrighted software without appropriate licensing agreements, or use of software in a manner inconsistent with its license;
 - c. Use, distribution or reproduction, in any digital form, of copyrighted music, video, or other multimedia content without the express written permission of the material's rightful owner;
 - d. Copyright violations as they apply to all information available electronically.
3. Although Brandman University does not make a practice of monitoring Brandman University e-mail, the University reserves the right to retrieve the contents of University-owned computers or Brandman University e-mail messages for legitimate reasons, such as to find lost messages, to

comply with investigations of wrongful acts, to respond to subpoenas, or to recover from system failure.

4. Except as authorized, in writing or by e-mail, by the University, users are not to use Brandman University for compensated outside work, the benefit of organizations not related to the University (except in connection with scholarly, creative or community service activities), or commercial or personal advertising.
5. Direct political campaigning and fundraising of any kind is considered an inappropriate use of Brandman University Technology; however, general discussion and debate of political issues falling within the scope of intellectual activity is not discouraged.
6. The privilege of using Brandman University technology is provided by the University and is not transferable or extendable by members of the University community to people or groups outside the University.
7. Users are responsible for the use or misuse of their own accounts. Users are responsible for safeguarding their account passwords. A user should never use another person's account, or give his or her own password to another person for the purpose of gaining access to Brandman University Technology. Account holders are responsible for all actions performed with their accounts.
8. The ability to read, alter or copy a file does not imply permission to read, alter, or copy that file.
9. It is unacceptable to try to bypass standard procedures, including attempting to discover another person's password, or to use an account for purposes for which it was not intended. Attempts to gain unauthorized access to machines via the network, to decrypt encrypted material, or to obtain privileges to which the user is not entitled are prohibited by public law. Attempts to circumvent data protection schemes, to discover security loopholes, or possession of software for such purposes by users are prohibited. Port scanning or other network vulnerability scanning to discover open services on computers inside or outside the Brandman network is prohibited except for use by the Information Technology personnel who, with the knowledge and permission of the Chief Information Officer, may use this technique to monitor the Brandman network.
10. It is unacceptable to intentionally distribute a computer virus or engage in any procedure that interferes with the normal operation and delivery of services over the network.
11. Brandman University users assume the responsibility for backing up their own data and programs.
12. No person shall use or cause to be used any software on the University's computers that does not fall into one of the following categories:
 - a. It is in the public domain.
 - b. It is covered by an effective licensing agreement with the software author, authors, vendor or developer, whichever is applicable.
 - c. It has been donated to the University and a record of a bona-fide contribution exists.
 - d. It has been purchased by the University and a record of a bona-fide purchase exists.

- e. It has been purchased by the user and a record of a bona-fide purchase exists and can be produced by the user upon demand.
 - f. It is being reviewed or demonstrated by the users, pursuant to permission given by the owner, in order to reach a decision about possible future purchase or request for contribution or licensing.
 - g. It has been written or developed by a Brandman University employee for the specific purpose of being used in the University's computer environment.
13. Agreements for all software for Brandman University must be authorized by a University official with appropriate contractual signatory authority.
 14. Copying of computer software may be done only in compliance with the published copyright and licensing agreements provided with the purchase of all software.
 15. All Brandman University servers, including but not restricted to web servers, ftp servers, email servers, game servers and computers equipped with peer-to-peer file sharing software through which files are made available to other users, are prohibited unless authorized by the Information Technology Department. Authorized servers must not interfere with the performance of the network by consuming excessive amounts of resources.
 16. Brandman University technology users who wish to create web sites on Brandman's web servers agree to abide by the guidelines in Brandman University policy.
 17. All Brandman University technology users must observe the policies of other networks accessed via Brandman University Technology.
 18. Brandman University technology users may not conceal or misrepresent their identities when sending e-mail messages.
 19. Brandman University technology users should keep in mind that many people use the Brandman University network for daily work. Behaviors that inhibit or have the potential to inhibit the ability of others to utilize shared computing resources are considered policy violations. Such behaviors include but are not limited to:
 - a. Exceeding limits for resource usage (e.g. disk space, bandwidth, CPU time). Allowable limits are determined by the Information Technology Department.
 - b. Providing access to Brandman resources to individuals outside the university community.
 20. Brandman University technology may not be used for playing computer games if such activity is detrimental to the use of Brandman University network or computing systems for academic, research or university business purposes in the judgment of the Information Technology Department.
 21. Regardless of available encryption methods or other security, users should understand even with the commitment to safeguard Brandman University Technology, it is impossible to eliminate all risk of breach; therefore, every effort should be made to secure data that is considered highly sensitive, confidential or personal.

22. All wireless traffic is presumed to be insecure and susceptible to unauthorized examination. Due to this lack of privacy, users should not use the wireless network to access critical and essential applications or transmit sensitive material and information, social security numbers or credit card information. Individuals assume full responsibility and accountability of wireless network communications. Brandman University will take precautions to minimize this exposure and will proactively introduce new technologies, when available, to secure and safeguard network traffic.
23. The 2.4 GHz frequency band is for the use of Brandman's 802.11b/g wireless network on the Orange Campus and on the Brandman University campuses. Devices that operate in the 2.4GHz frequency band, including some portable telephones, are prohibited if they are found to interfere with the operation of Brandman's wireless network. The use of all wireless access points on all Brandman campuses must be authorized and configured by the Information Technology Department.
24. When connecting personally owned computers to Brandman University technology services, the user of those computers must take steps to make sure that the computers are free from security vulnerabilities and viruses. In particular these computers must have operating systems that are supported by their manufacturers (e.g. Microsoft Windows XP and Apple Macintosh OS/X) and must have antivirus software packages installed which are updated with the latest antivirus data files. Users must download and install the latest operating system and application software security patches. (Brandman provides antivirus software to be used by faculty, staff and students free of charge. Security patches can be downloaded at no cost to the user.) The Information Technology Department reserves the right to specify procedures that must be followed when connecting personally owned computer equipment to Brandman University technology services.
25. Each user is ultimately responsible for his or her own computing and his or her own work using a computer. Users should take this responsibility seriously. For example, users should remember to make backup copies of their data, files, and programs, particularly those created on microcomputers and those used on individually or departmentally operated systems. Furthermore, users with desktop computers or other computers that they operate themselves must remember that they may be acting as the system administrators for those computers and need to take that responsibility very seriously.
26. It is the user's responsibility to review, understand and comply with this policy. The University is responsible to assure that all users are made aware of the policy and have access to the most recent version of it. Questions regarding the provisions and interpretations of this policy shall be directed to the Chief Information Officer or his/her designee.

Consequences of Misuse

The university reserves the right to restrict the use of its computing facilities and limit access to its networks when faced with evidence of violations of university policies or standards, contractual obligations, and federal, state or local laws. Violations of the law may be reported to the appropriate civic authorities.

Misuse of Brandman University technology may result in the loss of computing privileges and will require financial restitution to the University for losses incurred by the University. Misuse of Brandman University technology could also result in University disciplinary action and/or civil or criminal actions. Both unauthorized use of Brandman University technology and use of Brandman University technology for personal gain constitute theft under California law and will be prosecuted by the University.

Any actions which deter others from doing their work or which would be otherwise deemed malicious will result in the loss of access to the system and possible University disciplinary action and/or civil or criminal actions. Violations of this policy shall be referred to the appropriate University officials for disposition in accordance with the applicable policy governing the individual's conduct.

Appendix 8

Policy on Free Expression and Dissent

Brandman University is committed to fostering a learning environment where free inquiry and expression are encouraged and celebrated and for which all its members share responsibility. Dissent (defined as disagreement, a difference of opinion, or thinking differently from others) is an integral aspect of expression in higher education, whether it manifests itself in a new and differing theory in physics, a personal disagreement with a current foreign policy, opposition to a position taken by the university itself, or by some other means.

The university is a diverse community based on free exchange of ideas and devoted to the use of reason and thought in the resolution of differences. Whether in free debate or in the exchange of information, this community must rely on self-restraint and self-discipline if it is to retain its freedom to search and question. However, when self-restraint and self-discipline fail, the university will initiate such action as is necessary to prevent disruption of or substantial interference with its community and to preserve the rights of its individual members.

The university's position is set forth in the following statement on Student Rights and Responsibilities (See Appendix 1 of *the Student Conduct Code*):

“Students shall be free to examine and discuss all questions of interest to them and to express opinions publicly and privately. They should always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students speak only for themselves.”

Reasonable Time, Place and Manner

In exercising its responsibility to provide and maintain an atmosphere of free inquiry and expression, the university may establish reasonable time, place and manner restrictions for the purpose of avoiding disruption to or substantial interference with its regular and essential operations and activities. The university will not base decisions regarding time, place and manner upon the content of the message, except as permitted in those narrow areas of expression devoid of federal or state constitutional protection.

The university recognizes the crucial importance of respecting First Amendment rights and maintaining open communication and dialogue in the process of identifying and resolving problems which arise in the dynamics of life in a university community. The legitimate expression of differing opinions and concerns, including unpopular, controversial or dissident viewpoints, is an essential element of the

academic process; the imposition of these opinions and concerns upon those who in turn dissent from them is not to be condoned and is inconsistent with a university's process and function.

Lawful and peaceful demonstration as an expression of favor or dissent will be permitted and protected. On the other hand, the university will not tolerate coercive disruption, defined generally herein as activity that imposes the will of other persons or groups within the university community, outside of the established university procedures and policies for the expression of opinion and the resolution of differences. Coercive disruption is construed to include any activity which:

1. Denies the rights of other students, the faculty or the staff of the university.
2. Disrupts or obstructs educational and other activities of the university.
3. Reacts to the expression of the peaceful dissent of others by attempting to deny their rights.
4. Obstructs or restricts free movement of persons or vehicles on any part of the university campus, including the free entry to or exit from university facilities.
5. Denies or interferes with the use of offices or other facilities by students, faculty, officers, staff or guests of the university.
6. Threatens or endangers the safety of any person on the university campus. This includes but is not limited to signs on any form of stakes.
7. Results in damage to or destruction of property.
8. Contains "fighting words" which is defined as speech which considered objectively, is abusive and insulting rather than a communication of ideas and is actually used in an abusive manner in a situation that presents an actual danger, or incites others to engage in acts of violence.
9. Constitutes "hate violence," meaning any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group, or the property of any person or group because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political or religious beliefs of that person or group. (Acts shall not be considered "hate violence" based on speech alone, except upon a showing that the speech itself threatens violence against a specific person or group, that the person or group against whom the threat is directed reasonably fears that the violence will be committed because of the speech, and that the person threatening violence had the apparent ability to carry out the threat.)
10. Makes sustained or repeated noise in a manner which substantially interferes with a speaker's ability to communicate his/her message or the rights of others to listen.
11. Involves a gathering that becomes unmanageable or exceeds the safe capacity for the space assigned. In such a situation, the university reserves the right to relocate or cancel the event.

Since a clear differentiation between lawful or peaceful dissent and coercive disruption may often be difficult, the foregoing list is illustrative and not exhaustive; this list is expected to evolve, based on experience and changes in the law. It should be understood that the application of this policy also takes situational factors into consideration. For example, conduct appropriate at a political rally might constitute a violation of this policy if it occurred within a classroom.

Any coercive disruption initiated by a visitor or a student member of the university community or occurring during any university-sanctioned activity or function may be met by the action of the university that is necessary to restore the order and communication required for the rational solution of problems and free debate. In addition, any coercive disruption by students may be subject to conduct review through standards set forth in the University Student Conduct Code up to and including suspension or expulsion and/or legal action through local, state or federal courts.

If any member of the university community believes that disruption of or substantial interference with the regular and essential operations and activities of the university is occurring or that this policy is otherwise being violated, the established procedure is to inform local law enforcement and/or university administrators. It is the responsibility of designated university officials to protect the university community to the fullest extent possible.

Appendix 9

School of Education Professional Code of Conduct

The professional conduct of every educator affects attitudes toward the profession. In accordance with the Commission on Teacher Credentialing (CTC) accreditation standards, the School of Education at Brandman University assumes responsibility for ensuring that individuals who complete any of our credential programs are not only academically competent but aware of and capable of functioning with the established ethical and professional standards of the profession.

The mission of the Brandman University School of Education is to prepare inquiring, reflective, ethical, caring and productive educators to work in a variety of educational settings including public and private schools. The School of Education is committed to ensuring that all candidates successfully complete their programs with not only the knowledge and skills necessary to work in educational settings, but also with the appropriate dispositions.

The National Council for the Accreditation of Teacher Education (NCATE) defines dispositions as “professional attitudes, values and beliefs demonstrated through both verbal and non-verbal behaviors as educators interact with students, families, colleagues and communities. These positive behaviors support student learning and development.” The School of Education at Brandman University has adopted a set of professional behaviors or dispositions that we feel are essential for prospective educators to possess. Adherence to these dispositions is expected of all credential candidates.

The dispositions adopted by Brandman University are listed below. The behaviors listed are examples of the kind of conduct expected of students in the School of Education, but are not intended to be inclusive.

1. **Professional Demeanor & Responsibility** - punctual and prepared for classes and field experiences, dresses appropriately in professional settings, responsible for meeting deadlines and following instructions, accepts responsibility for own actions, capable of dealing with disappointment, flexible, adapts to change, reacts appropriately under stress, exhibits a positive attitude toward schools, teaching, students and parents
2. **Commitment to Learning for ALL Students** - shows sensitivity to all students, respects individual differences, responds to the needs of students and their families and communities, embraces diversity to improve student learning

3. **Communication** - has command of written language (mechanics, usage, spelling) and oral English language, uses standard English in writing and speaking, demonstrates responsive listening skills, able to communicate with a variety of audiences
4. **Collaboration** - is skilled in expressing self in groups, works effectively with professional colleagues and other adults, able to accept and respect different points of view
5. **Self Reflection** - engages in problem solving and self-evaluation, accepts and acts upon constructive criticism and is receptive to new ideas, uses feedback to make improvements, strives for personal and professional growth
6. **Ethics** - demonstrates truthfulness and honesty, maintains ethical and legal behaviors in interactions with others, maintains confidentiality, respects the intellectual property of others by giving credit and avoiding plagiarism/cheating

Candidates are expected to demonstrate these dispositions throughout the credential program. When there are strong concerns about a candidate's dispositions, action plans for remediation will be enacted and, if necessary, candidates who do not demonstrate these dispositions may be dismissed from the credential program as described in the Professional Code of Conduct Procedures. All students admitted to a program in the School of Education must *sign* and affirm this policy.

Appendix 10

School of Nursing Professional Code of Conduct Student Integrity Pledge

Integrity

Academic-encompasses honesty in classroom and practice settings, and is a way of believing and acting that fosters a climate of trust, honesty, openness, consistency, and respect for oneself and others.

Professional-encompasses characteristics of consistently sustaining ethical principles, judgment, and actions in client and colleague interactions.

Students, together with faculty, assume as part of their obligation to themselves, their peers, the university, the nursing profession, and society, the responsibility to uphold standards of academic and professional integrity. Integrity is essential to accountability in nursing education and practice. Breaches of integrity lead to demoralization and lack of trust. The SNaHP standards are firm due to the nature of professional responsibilities and accountability to the client and nursing profession. Professional development not only includes theoretical knowledge and clinical competence, but the cultivation of integrity and sound judgment.

Preparing graduates for practice as responsible and accountable professional nurses is a primary goal of the SNaHP at Brandman University. Toward this end, the faculty and students of the school endorse the values identified in the Code for Nurses with Interpretive Statements (American Nurses Association, 2001) and those of the American Association of Colleges of Nursing (AACN) as essential to professional nursing. These values provide the foundation for guiding professional behavior and fostering academic and professional integrity in the SNaHP.

Student Integrity Pledge

I, _____, have read the SNaHP Student Handbook. I understand, and will abide by the policies and procedures of the Brandman University.

Signature

Date

Please print, sign, and return this page to your academic advisor or program director.

Appendix 11

**Psychology Program
Ethical and Professional Responsibility Statement**

Student's Name: _____ **SSN:** _____
Location/Center: _____

I acknowledge that I, the undersigned student, have read and understand the Brandman University MA Psychology Program Policies and Procedures contained in the Brandman University Catalog, and the Brandman Student Code of Conduct located in My Window. I understand that my program and/or requirements may be altered only on written request and that any changes must be approved by the Designated Campus Staff/Full Time Psychology Faculty/Associate Dean/Dean. I agree to adhere to the procedures as outlined and understand that any appeal of action under these policies and procedures must be made through the Designated Campus Staff/Full Time Psychology Faculty/Associate Dean/Dean.

It is the obligation and responsibility of the University to determine the student's appropriateness and suitability for the helping profession. As a student in a program leading to service in one of the helping professions, I understand that I must meet all program standards and abide by the ethical standards of the profession and the Brandman University Student Code of Conduct. I also understand that poor academic work, observed professional deficiencies or any violation of the professional standards or the Brandman Student Code of Conduct will constitute grounds for disciplinary action against me, which may include, suspension or termination from the MA Psychology Program, or dismissal from Brandman University.

I have read and understand the ethical standards of the profession of one or more of the professional organizations listed below and will comply with these standards and the Brandman University Student Code of Conduct located in *My Window*.

MFT students are required to read the AAMFT & CAMFT Code of Ethics	
<p align="center"><i>American Association for Marriage and Family Therapy AAMFT Ethics (current version)</i></p> <p>http://www.aamft.org/imis15/content/legal_ethics/code_of_ethics.aspx</p>	<p align="center"><i>California Association of Marriage, Family Therapists, CAMFT (current version)</i></p> <p>http://www.camft.org or Washington Association for Marriage and Family Therapy http://www.wamft.org/ohana/website/index.cfm?p=95575656262</p>
Counseling Psychology students are required to read the APA & NBCC Code of Ethics	
<p align="center"><i>Ethical Principles of Psychologists, American Psychological Association (current version)</i></p> <p>http://www.apa.org/ethics/code.html</p>	<p align="center"><i>National Board of Certified Counselors, NBCC Ethics (current version)</i></p> <p>http://www.nbcc.org/Assets/Ethics/nbcc-codeofethics.pdf</p>

Student's Signature: _____ **Date:** _____

Designated Campus Staff/ Faculty: _____ **Date:** _____

(A signed original copy of this page must be filed with the University)