

# Student Code of Conduct

2022-2023

CONCORDIA  
UNIVERSITY IRVINE

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# CONCORDIA UNIVERSITY IRVINE'S STUDENT CODE OF CONDUCT

## I. OVERVIEW

### CONCORDIA UNIVERSITY IRVINE'S VISION, MISSION, AND PHILOSOPHY

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#### CONCORDIA UNIVERSITY IRVINE MISSION STATEMENT

Concordia University Irvine, guided by the Great Commission of Christ Jesus and the Lutheran Confessions, empowers students through the liberal arts and professional studies for lives of learning, service and leadership.

#### THE GREAT COMMISSION OF CHRIST JESUS

Matthew 28:19-20

Therefore go and make disciples of all nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you. And surely I am with you always, to the very end of the age.

#### 2022-2023 ACADEMIC YEAR VERSE/THEME

Romans 12:1-2

I appeal to you therefore, brothers, by the mercies of God, to present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship. Do not be conformed to this world, but be transformed by the renewal of your mind, that by testing you may discern what is the will of God, what is good and acceptable and perfect.

#### WHAT WE BELIEVE AND CONFESS

At Concordia University Irvine, we believe that the Bible is the inspired, inerrant Word of God, and we subscribe to the 3 Ecumenical Creeds (Apostle's, Nicene, and Athanasian), as well as the Lutheran Confessions as accurate statements regarding the truth of God's Word.

We believe in the one true God, who has revealed Himself as Father, Son, and Spirit. We believe that humankind, created perfectly, went against God's will and brought sin into the world. Since then, all people have inherited that sin and are born sinful. We believe that people cannot save themselves by their good works. We believe that in order to save us, God sent His Son into the world. Jesus is both true God and true man. He lived to fulfill God's Law for us, died on the cross to pay the penalty that our sins deserved, and rose from the dead so that we might have eternal life. He ascended into heaven, and will come again to take all believers to Himself. We believe that because of Jesus' death, God declares a person righteous and forgiven.

All those who believe in Jesus as Savior will be saved. We believe that this faith in Jesus is a gift of God, given by the power of the Holy Spirit.

We believe that God uses His Word and the Sacraments of Baptism and the Lord's Supper to apply His grace and forgiveness to us. Our worship, therefore, centers around these things.

Read more about [what we believe and how it is applied](#) at Concordia University Irvine.

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## **STUDENT AFFAIRS MISSION STATEMENT**

The Department of Student Affairs works to fulfill the mission of Concordia University Irvine through its commitment to the holistic education, development, and success of students. Our team is dedicated to creating opportunities for engagement and learning in a supportive Christ-centered environment. We equip our diverse student population to achieve their goals and to become wise, honorable, and cultivated citizens in a global society.

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## **STUDENT CONDUCT MISSION STATEMENT**

Within the Department of Student Affairs, the Office of Student Conduct and Care encourages education and accountability by providing processes designed to uphold the behavioral expectations of the Code of Conduct. With an understanding of the place for both Law and Gospel and through intentional conversations and activities that promote reflective learning, the Office of Student Conduct and Care is committed to fostering a Christ-centered environment in which all members of the community find meaning, dignity, and grace.

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## A MESSAGE FROM THE VICE PRESIDENT FOR STUDENT AFFAIRS, DEAN OF STUDENTS

August 1, 2022

Dear CUI Golden Eagle,

The safety and well-being of each individual member of the campus community are critical to supporting Concordia University Irvine's academic mission. The University strives to create an environment that is free of acts of violence, harassment, and infringement of rights of privacy and property. As a Christian institution of higher education, we understand that respect and civility are characteristics that help build a Christ-centered community. Being an active participant of an academic community, you are expected to accept and abide by the Concordia University Irvine Student Code of Conduct.

This document details the Code of Conduct, which includes students' rights and responsibilities, the disciplinary process, and University policies and procedures. The University views the disciplinary process as a learning experience that can result in moral, ethical, and spiritual development and growth. In addition, the University believes that this process is the catalyst to understanding one's responsibilities and privileges with the University community and the greater society. As a Christian institution, we believe in instilling a Christian freedom. This freedom allows our students to grow spiritually, to learn to make ethical and moral decisions which affect themselves and others, and in the case of mistakes, to receive the grace which Jesus Christ has given to us abundantly. Our Heavenly Father certainly has a plan for you; it is my prayer that you discover that plan and follow it faithfully.

In Christ,

Megan C. Bouslaugh

Vice President for Student Affairs, Dean of Students  
Chief Title IX Coordinator

## DISCIPLINARY PROCESS

There are two primary purposes of the disciplinary process at Concordia University Irvine. The first is to ensure the safety of the University community and its members. The second is to promote the moral and ethical development and personal growth of each individual student. In addition to these, the University supports the laws of the state and nation, and in cases where a student is found in violation of the law, the University reserves the right to take disciplinary action. Collectively, these purposes are best achieved in a learning environment that carefully balances the importance of student rights with student responsibilities.

Disciplinary regulations are set forth in writing in order to give students general notice of University policy regulating student conduct. These regulations should be interpreted broadly and are not designed to define misconduct in exhaustive terms.

Though the University disciplinary process may, at times, work collaboratively with the University Campus Safety department or local law enforcement authorities, the University disciplinary system should not be understood as analogous to the justice system used by criminal and civil courts. The disciplinary system at Concordia University Irvine serves to promote the personal and spiritual growth of students while protecting the needs of the academic community. Disciplinary action at the University will normally proceed notwithstanding any civil or criminal proceedings.

## GENERAL RIGHTS AND RESPONSIBILITIES

### THE RIGHT TO FUNDAMENTAL FAIRNESS

The University is committed to a fundamentally fair conduct process that affords each student alleged to have violated any policy notice of the allegations and a hearing before the designated University official(s). The University also allows for appeals, as outlined in the appeal procedures below.

### THE RIGHT TO REVIEW RECORDS

The Family Educational Rights and Privacy Act (FERPA) ensures confidentiality of student educational records and restricts disclosure to or access by third parties, except as authorized by law. A student conduct record is an educational record. Officers of the federal and state governments and representatives of accreditation agencies may have legal access to these records, as well as Concordia University Irvine officials who are required to perform duties which necessitate having access to these records. In addition, the University may disclose an education record to officials of another school in which a student seeks enrollment or intends to enroll, upon request of officials of that other school. Further answers to questions about FERPA can be found on our website:

<https://www.cui.edu/studentlife/registrar/FERPA>.

### IN GENERAL, A STUDENT HAS THE RIGHT TO:

1. Inspect his/her educational records within 45 days of the day the University receives a written request from the student for access;



2. Require that the University obtain his/her prior written consent before releasing personally identifiable information;
3. Request that corrections be made to educational records if the student believes the records are inaccurate or misleading.

A student should submit a written request that identifies the portion of their student conduct record that they wish to inspect, to the Dean of Students. The Dean of Students, or designee, will make arrangements for access and notify the student of the time and place where the records may be inspected.

A student has the right to file a complaint with the Family Policy Compliance Office at the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA. A complaint must be submitted to the Office within 180 days of the date of the alleged violation or of the date that the student knew or reasonably should have known of the alleged violation. The complaint must contain specific factual allegations giving reasonable cause to believe that a violation of the Act has occurred, and it should be emailed to [FERPA.Complaints@ed.gov](mailto:FERPA.Complaints@ed.gov) or printed and forwarded to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S. W., Washington, DC 20202-8520.

## **THE UNIVERSITY RESERVES THE RIGHT TO NOTIFY PARENTS WHEN DEEMED NECESSARY**

Concordia University Irvine reserves the right to notify parents/legal guardians of students when the Dean of Students or designee determines that circumstances exist where it is in the best interest of the student and the University. Following a violation of the University drug policy or, the University alcohol policy or, in any situation that is threatening to a student's health or safety or that places another in a situation that is threatening to their health or safety, both the parents and any "emergency contacts" may be notified. This may include any referral to any wellness center for alcohol or drug assessment.

## **NON-DISCRIMINATION STATEMENT – STUDENT PROGRAMS**

Concordia University Irvine is an educational institution of The Lutheran Church – Missouri Synod that takes seriously anti-discrimination provisions under federal and state law, and is committed to providing a learning and living environment that promotes student safety, transparency, personal integrity, civility and mutual respect.

Concordia University Irvine does not discriminate on the basis of disability, age, race, color, gender, gender-identity, sexual orientation, national or ethnic origin or any other protected class in administration of its educational policies, admissions policies, scholarships and loan programs, athletic programs or any other university-administered programs, except to the extent that religious freedom exemptions apply.

Concordia University Irvine has not applied for the regulatory exemption under Title IX, 34 C.F.R. section 106.12, but the Title IX statutory exemption provided by congress, see 20 U.S.C. section 1681(a)(3), is self-executing. Concordia University Irvine is entitled to that statutory exemption to the extent the application of Title IX is not consistent with the institution's religious tenets.

Concordia University Irvine is exempted by the state from California Education Code 66270, to the extent the application of California Education Code 66270 is not consistent with the institution's religious tenets. The exemption may apply to, but is not limited to, requirements as expressed in University policies, including policies found in the Student Code of Conduct, the Housing Handbook, the Student-Athlete Handbook, the Employee Handbook, and the Employee Student Handbook. Concordia University Irvine retains all rights afforded to us under federal law and the laws of the State of California.

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## ACCOMMODATIONS FOR STUDENTS WITH DISABILITIES

Concordia University Irvine is committed to providing reasonable accommodations to qualified students with disabilities in order that they may have equal access to the University's programs, activities, and facilities. In accordance with the Americans with Disabilities Act (ADA), an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities such as seeing, hearing, breathing, reading, walking, talking, learning, lifting, and performing manual tasks. In most cases, medical documentation will be required to identify a disability related need for accommodations.

Disability Access Services (DAS) at Concordia University Irvine coordinates reasonable resources with students and the campus community to allow for equal access and opportunity, which can ultimately improve a student's ability to learn, study, and/or participate in campus activities.

Students who believe they would benefit from accommodations as a way to address the impact of a disability are encouraged to contact DAS at [DAS@cu.edu](mailto:DAS@cu.edu) or 949-214-3039.

## II. POLICIES

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### JURISDICTION

Concordia University Irvine shall have jurisdiction over student behavior that is prohibited by this Code of Conduct that occurs on University premises, at University-sponsored events, or other off-campus locations if it interferes with educational programs or activities or adversely affects the University community and/or the pursuit of its objectives as determined by University officials.

The Student Code of Conduct shall apply from the time of acceptance to the University through the actual awarding of a degree, though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (even if the conduct is not discovered until after a degree is awarded). The Student Code of Conduct shall apply to a student's conduct even if the student withdraws or is dismissed from the University while a disciplinary matter is pending.

The University reserves the right to disqualify, discontinue, exclude, or involuntarily withdraw any student from the University at the discretion of the Dean of Students, or designee, as deemed necessary for the safety or well-being of the student or others. The University also reserves the right to alter this Code of Conduct, or any portion thereof, at any time. The current Code of Conduct supersedes all previous codes, and the policies expressed in the latest policy revisions will govern all student conduct issues.

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### STUDENT DEFINED

Student is defined as any individual who:

- Has been accepted to the University, or
- is enrolled in or registered in a course at the University; or
- has completed the immediately preceding semester or term, is not presently enrolled, and is eligible for re-enrollment; or
- is on an approved leave from the University.

## STANDARD OF PROOF

In all cases of alleged violations of Concordia University Irvine's Code of Conduct, the standard of proof is the preponderance of the evidence (i.e., it is more likely than not the policy was violated). This standard is also employed when making determinations regarding interim restrictions/actions.

## ACADEMIC HONESTY POLICY

All courses and academic work at Concordia University Irvine seek to empower students for independent learning, resourcefulness, clear thinking, and perception. All submitted work and activities should be genuine reflections of individual achievement from which the student can derive personal satisfaction and a sense of accomplishment. Academic dishonesty, which includes all forms of plagiarism, cheating, and the offering or receipt of unauthorized aid, subverts these goals and is prohibited.

### DEFINITIONS

1. Academic Dishonesty: Academic dishonesty includes all forms of cheating on any course-related activities, including (but not limited to) tests, quizzes, and other assigned work, as well as all forms of plagiarism, misuse of internet resources, multiple submissions of student work, falsification and false statements, and unauthorized aid. Academic dishonesty may occur in courses offered by Concordia University, in courses transferred into the university while the student is enrolled at Concordia University, or in other academic work done while the student enrolled at Concordia University (e.g., the President's Showcase of Academic Research); the provisions of this policy cover all such instances.
2. Plagiarism: Plagiarism is the submission of material from one or more sources without citing those sources, or by citing sources inaccurately or incompletely. It may consist of direct quotation of sources (uncited, inaccurately or incompletely cited), or it may consist of indirect quotation (i.e., paraphrasing) or summarizing of such sources without proper attribution. Plagiarism may be unintentional or intentional. Both forms are serious academic violations. A respected writing handbook describes academic dishonesty and plagiarism in the following way.
  - a. While there are many ways to damage academic integrity, two that are especially important are inaccurate or incomplete citation of sources—also called unintentional plagiarism—and plagiarism that is deliberately intended to pass off one writer's work as another's (Andrea A. Lunsford, *The St. Martin's Handbook* 283).
3. Internet Plagiarism: *The Scott Foresman Handbook for Writers* by M. Hairston, J Ruszkiewicz and C. Friend, has some specific advice for using the internet.
  - a. The basic rules of scholastic honesty still apply in electronic environments. [Students] may not copy and paste information from a Web site, listserv, newsgroup, or other electronic source to [their] own project without fully documenting that material. Nor may [they] call it [their] own because [they] have altered it in some minor way. (748).
4. Multiple Submission: Multiple submission is the submission of work a student has completed in one course to meet requirements in another course. Students must always obtain permission from their instructor before using work completed in one course to meet requirements in another.
5. Falsification: Falsification is the submission of another student's work as one's own. The same applies to purchasing essays or other academic materials in order to submit them as one's own work.
6. Unauthorized Aid: Unauthorized aid is any type of assistance that is not permitted by the University or its faculty. Examples include (but are not limited to) receiving answers to a quiz or test from another student or

some other source; having one student complete a homework assignment or sign a course attendance sheet on behalf of another; having one student take a quiz or test on behalf of another; aid issued by any University constituent (paid or unpaid by the University) which is unauthorized or which falsifies a student's personal academic work. Students who are unsure whether a particular type of aid is authorized or unauthorized must consult their instructor in advance before attempting to give or receive such aid. The giving, receiving, and knowing toleration of unauthorized aid are all considered to be academic dishonesty, and students who commit any of the three are liable to the consequences of this policy and its attendant procedures. Any unauthorized aid which creates an academic exception to improve a grade, earn course credit, or meet an admission, financial aid, eligibility or graduation requirement is a form of academic dishonesty.

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## ADJUDICATION

Academic dishonesty, cheating and plagiarism are academic matters, thus they are handled by faculty and academic administrators following the procedures established by the University's Academic Council, as implemented and maintained by the Office of the Provost. Since the Office of Student Conduct serves as the University's repository for student conduct records, faculty who find instances of academic dishonesty are required to notify the Director of Student Conduct & Care of them before consequences are determined, so that any previous cases of academic dishonesty in the student's record can be considered. The deans of the University's schools participate in the academic dishonesty process by verifying faculty findings of academic dishonesty and consulting the reporting faculty member regarding appropriate consequences. The Office of the Provost or its designee is the sole and final adjudicator of the application of this policy and hears any student appeals related to academic dishonesty; therefore, student conduct appeal procedures described in the "Disciplinary Process" and "Student Rights and Responsibilities" sections of this Student Code of Conduct does not apply in such cases. Findings related to academic honesty will be shared with the Office of the Dean of Students and will be considered in student disciplinary proceedings.

Multiple instances of academic dishonesty may render a student liable to dismissal from the university, depending on the number and severity of the instances. A single instance of dishonesty may be sufficient to lead to a student's dismissal, if the instance is particularly flagrant or extreme as determined by a school dean.

The faculty of the University have determined that the following range of penalties will be applied to students found responsible for committing academic dishonesty:

- a. First instance at the University: The student is required to undergo mandatory training in academic honesty as stipulated by the University, at his or her own expense. The instructor, in consultation with the dean of the school, also selects a penalty from the following range of options:
  - i. A failing grade for the assignment, with an opportunity to make up the work.
  - ii. A failing grade for the assignment, with no opportunity to make up the work.
  - iii. Up to a letter grade off of the final grade for the course.
  - iv. A failing grade for the course.
  - v. Dismissal from the University. The student receives a failing grade for any course she or he committed academic dishonesty in that semester and be administratively withdrawn from all other courses that semester. The University will not readmit the student (applicable only in extreme or flagrant cases; requires consent of the Dean for the school in which the instance occurred and the Dean for the school in which the student is enrolled, if these are different).

- b. Second instance at the University: The student is required to undergo mandatory training in academic honesty as stipulated by the University, at his or her own expense. The instructor consults with the dean of the school, and together they select a penalty from the following range of options:
  - i. A failing grade for the course.
  - ii. Dismissal from the University. The student receives a failing grade for any course she or he committed academic dishonesty in that semester and be administratively withdrawn from all other courses that semester. The University will not readmit the student (applicable in extreme or flagrant cases; requires consent of the Dean for the school in which the instance occurred and the Dean for the school in which the student is enrolled, if these are different).
- c. Third instance at the University: Dismissal from the University. The student receives a failing grade for any course she or he committed academic dishonesty in that semester and be administratively withdrawn from all other courses that semester. The University will not readmit the student. The Dean for the school in which the instance occurred (and the Dean of the School in which the student is enrolled, if these are different) consults with the instructor to determine whether any mitigating circumstances justify a lesser punishment; if not, the student is dismissed.

## RESIDENCE HALL POLICIES

### APPLIANCES

Only University approved appliances are permitted in the residence halls. Please reference the University's Housing Handbook for further details on which appliances are permitted in the residence halls or speak to a Resident Assistant at (949) 307-6216.

### BICYCLES AND RECREATIONAL WHEELED DEVICES

All bicycles and skateboards must be registered with Campus Safety; please visit the Office of Campus Safety to receive registration information. The riding of bicycles, skateboards, scooters, and/or hover boards inside University buildings is prohibited. Storage of these items in hallways is prohibited. Storage of these items in residential rooms is only permitted under the following circumstances:

- The exit door is unobstructed at all times.
- All roommates approve.

For further information, reference *University Policies*: "Bicycles and Recreational Wheeled Devices" on page 17.

### CANDLES/ FIRE SAFETY

Open-flame objects such as candles, candle warmers, incense, incense burners, oil lamps, flammable liquids (e.g. gas/oil) or other items that present a fire hazard are prohibited. For questions about any device, see the CUI Housing Handbook or contact the Office of Residential Education and Services.

### COHABITATION

Spending the night or living together by members of the opposite sex or by romantically involved people and/or people in a sexual relationship, is prohibited.

Residents, who are of the same sex as the host and who are not romantically or sexually involved with the host, may spend no more than three nights per month as a guest in any room to which they are not assigned. Non-residential students, who are of the same sex as the host and who are not romantically or sexually involved with the host, may spend no more than three nights as a guest per month anywhere in University Housing. In addition, each student is allowed no more than two guests at a time in University Housing, unless prior approval has been obtained from the Office of Residential Education and Services.

No overnight guests are permitted during the first two weeks of the academic year or during final examination periods. Guests are only permitted with the consent of the resident's roommate(s).

Please note; this policy could be superseded by community health directives: <https://www.cui.edu/covid-19>.

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## **DECORATIONS/SAFETY PRECAUTIONS**

All decorations or objects must be arranged safely so that they do not cover or block exits, exit signs, walkways, elevators, lights, fire panels, or fire extinguishers. No item should be attached to or hung from any fire safety equipment, including sprinklers. Fresh cut Christmas trees are not allowed in the residence halls. No attachments can be made to the exterior of buildings without prior approval. Electrical cords that are not "surge protected," multiple "surge protected" electrical cords in one outlet, or outlet taps designed to add further plugs to one outlet are not permitted. For further clarification on decorations and the use of extension cords, please contact the Office of Residential Education and Services.

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## **DISPLAYS**

Any display that promotes activities or values that contradict the policies outlined in the Student Code of Conduct or do not align with the University's mission and Christian identity are not permitted. The following is a non-exhaustive list of displays that are prohibited:

- A. Any display that promotes alcohol and/or drug use.
- B. Any alcohol container, including shot glass(es) and/or flasks, or collection thereof.
- C. Any drug paraphernalia, i.e. bong, rolling papers, pipes, images that promote the use of these items, etc.
- D. Any sexual paraphernalia; including but not limited to sexually explicit images.
- E. Any hate speech, including language and/or images that discriminate against protected class populations.
- F. Any display that would constitute a hostile environment including the disparaging of others.

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## **ENTRY AND SEARCH OF ROOMS**

The University recognizes residents' desire for privacy, particularly in the context of their living situation, and will do all it can to protect and guarantee their privacy. However, the University reserves the right to enter a resident's room at any time for the following purposes:

- A. To determine compliance with all relevant health and safety regulations (e.g. fire alarms, lock downs, health and safety checks, etc.);
- B. To provide cleaning and/or pest control;
- C. To perform maintenance work;

- D. To search for missing University property;
- E. To silence unattended loud alarms, music, or disruptive devices;
- F. When a building lock down and inspection is required during a closing period;
- G. To confirm vacant rooms without prior notification;
- H. Where there is reasonable cause to believe that a violation of University policy is occurring or has occurred;
- I. Where there is an indication of danger to life, health, and/or property.

A room search by a designated University staff member –only staff members authorized by the Dean of Students or designee may search a room – may occur if the conditions for room entry exist. Items that violate these University policies may be confiscated. A room search by law enforcement officials must be conducted in accordance with all applicable laws.

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## **GUEST RESPONSIBILITY**

Resident students are accountable for any and all violations their guests may commit while visiting them.

Any student who permits a student who has been expelled, suspended, removed, or otherwise banned from the University's residence halls or campus to gain access to the campus, a building, or a room may be subject to immediate removal from the residence halls and additional sanctions could be assigned.

Please note; this policy could be superseded by community health directives: <https://www.cui.edu/covid-19>.

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## **NETWORK/COMPUTING**

Resident hall students are prohibited from installation of any hubs or other devices that may affect network activity. For questions about any device, see the Office of Residential Education and Services.

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## **NOISE/QUIET HOURS**

Anytime individuals live together in a community, a reasonable level of noise is expected. However, loud or disturbing sounds such as, but not limited to, yelling, stereos, television, video games, bass, musical instruments, etc., which interfere with others' ability to sleep, study, or work are prohibited.

Quiet Hours: Each night between 10:00 p.m. – 10:00 a.m., a greater degree of quiet is expected during "Quiet Hours". The right to quiet supersedes the privilege to make noise, even outside of the designated hours of 10:00 p.m. – 10:00 a.m.

Finals Week Quiet Hours: 24-hour quiet hours are in effect throughout final exams. The Office of Residential Education & Services staff will designate and publicize the days/times when 24-hour quiet hours begin and end.

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## **PETS**

A "pet" is any animal kept for ordinary use and companionship. Except in the residence halls, where fish are permitted in a tank no larger than 10 gallons, pets are prohibited indoors on the University campus. However, the University is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities. Therefore,

assistance animals (Service and Emotional Support Animals), as defined in the University's Animal Policy (pg. 16), are not considered pets and may be brought on campus upon approval from the Disability Access Services. Please see <https://www.cui.edu/studentlife/disability-access-services> for more information.

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## PRIVACY HOURS

The primary purpose for privacy hours is to ensure that privacy is maintained within the residence halls. During privacy hours, students of the opposite sex, and/or students that are romantically or sexually involved, are not allowed to visit inside residence hall rooms/apartments. This policy is in affect year-round, 365 days a year. These hours are in effect each night from 12:00 a.m. – 8:00 a.m. with the exception of weekend nights, Friday night going into Saturday morning and again on Saturday night going into Sunday morning. Friday and Saturday Privacy Hours are in effect from 2:00 a.m. – 8:00 a.m.

- Sunday through Thursday: 12:00 a.m. – 8:00 a.m.
- Friday and Saturday: 2:00 a.m. – 8:00 a.m.

Students in any given room or apartment may desire privacy beyond these hours. These students may establish more restrictive hours through a roommate agreement. Twenty-four-hour co-ed visitation is permitted in the residence hall lounges.

Please note; this policy could be superseded by community health directives: <https://www.cui.edu/covid-19>.

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## ROOM/HALL CHANGE

Unauthorized room or hall changes are prohibited.

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## SHOWER USE

Room guests are not permitted to use the shower in the bathroom of any room, suite, or apartment occupied by students of the opposite sex or with whom they are romantically or sexually involved.

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## WINDOWS

Tampering, blocking, or opening windows that require tools to open are prohibited. Throwing or dropping items from any window is prohibited. Hanging items outside windows without prior permission is also prohibited. Accessing or attempting access through a window is prohibited. Screens must remain in place.

## UNIVERSITY POLICIES

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### ALCOHOL

Students are expected to comply with all federal, state, and local laws. As a Lutheran University, we approach alcohol and other drug abuse with a combination of compassion, encouragement, directness, and concerned firmness. An aspect of this caring approach is the consistent enforcement of the regulations on alcohol and other drugs and substances within this policy. The goals of the University's policies regarding alcohol use are to prevent



underage drinking, to promote individual accountability and moderation, and to establish a safe community. Additionally, the University's works to provide an atmosphere free of coercion for those who choose not to drink alcohol or use drugs, and to maintain an environment that minimizes the effects of alcohol and drug abuse and associated problem behaviors. The possession, use, sale, or distribution of alcoholic beverages by students on University premises is prohibited.

- A. No student, regardless of age, may possess, store, or consume alcoholic beverages on campus.
- B. Providing alcohol or access to alcohol to anyone under the age of 21 is prohibited.
- C. Students are responsible for complying with all University policies related to alcohol consumption including the policies of co-curricular programs, and violations of said policies constitute a violation of this policy.
- D. Excessive alcohol consumption is prohibited. University officials will determine what is excessive based on the physical and mental impairments exhibited.
- E. Persons who host gatherings where alcohol is available to participants should be aware that they will be held responsible for the actions of their guests, including their guests' level of consumption.
- F. Possession or consumption of alcohol by anyone under the age of 21 is prohibited.
- G. Violating any provision of the Code of Conduct while under the influence of alcohol constitutes a violation of this policy.
- H. Common containers (e.g. kegs) are prohibited on campus.
- I. Driving while [intoxicated](#) is prohibited. [Driving under the influence](#) is prohibited.
- J. Students may qualify for amnesty in certain circumstances.

If a student is found responsible for one or more of the policies listed above, there may be additional sanctions imposed depending on the severity of the violation.

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## AMNESTY POLICY

In cases of intoxication, alcohol poisoning, an overdose, or adverse reaction to drugs, health and safety are the University's primary concerns. Individuals are strongly encouraged to call for medical assistance for themselves or others who may be in danger. No student seeking medical treatment for alcohol or drug use will be subject to University disciplinary action for the sole violation of using alcohol or other drugs so long as the student completes all education and counseling programs recommended by the University. This policy extends to a student seeking help for another student.

When there is a question of sexual abuse or assault in a situation involving alcohol or drugs, the student who was sexually abused or assaulted, or a student that intervenes to prevent a sexual assault or otherwise assists a victim or potential victim of sexual assault, and/ or any witnesses, will not be subject to discipline under the University's alcohol and drug policies. The amnesty policy may not be in effect if the University determines that the violation was egregious, which may include an action that places the health and safety of any other person at risk.

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## ANIMALS

Students are prohibited from bringing animals on the University's campus. However, the University is committed to making reasonable modifications to its rules, policies, and practices as required by law to afford people with disabilities an equal opportunity to access its programs, services, and activities. Therefore, assistance animals (Service and Emotional Support Animals), as defined below are not considered pets and may be brought on campus

upon approval from the Disability Access Services. Please see <https://www.cui.edu/studentlife/disability-access-services> for more information.

#### A. Service Animals.

A “service animal” means any dog that is individually trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. For more information refer to the DAS website at <https://www.cui.edu/studentlife/disability-access-services>.

#### B. Emotional Support Animals.

An “Emotional Support Animal” (ESA) is an animal that provides emotional or other support that ameliorates one or more identified symptoms or effects of a person’s disability. Unlike service animals, ESA’s are not required to be trained to perform work or tasks, and they include dogs and other species. Primates such as monkeys are excluded and not allowed. Students with a disability must submit documentation to the University’s Disability Access Services and approval must be granted (preferably at least one month prior to move in) before an ESA can move into campus housing. ESA’s are only permitted in the assigned residential housing assignment, on the center public bike trail, and along Concordia East and West roads for walking. For more information refer to the DAS website at <https://www.cui.edu/studentlife/disability-access-services/housing-accommodations>.

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### ARREST POLICY

Students who are arrested by any law enforcement agency are required to inform the Dean of Students within 72 hours of their release. Students arrested may be subject to University disciplinary action when their conduct violates University standards. Failure to report this information to the Dean of Students will result in a “Noncompliance” charge and may result in further disciplinary action.

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### BICYCLES AND RECREATIONAL WHEELED DEVICES

Riding bicycles, skateboards or other recreational wheeled devices inside University buildings is prohibited. All bicycles and skateboards must be registered with Campus Safety, secured and locked in designated racks, and may not be parked or left unattended in such a manner as to constitute a hazard to other persons. Please visit the Office of Campus Safety to receive registration information. Individuals must dismount in designated spaces on campus.

See the Housing Handbook for conditions under which storing bicycles in the residence halls is permitted.

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### BULLYING

Bullying is aggressive and hostile actions, language (verbal written, or images), technological communication (texting, cell, social media) that imply or are perceived as: threatening, humiliating, intimidating, pressuring, harmful, stalking, hateful, violent behavior or that create a hostile environment directed toward anyone. Such behaviors or communication will not be tolerated and will be subject to disciplinary action.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University’s Policy Against Sexual Misconduct.

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## **BYSTANDING**

Complicity with or failure of any student to address known or obvious violations of the Student Code of Conduct is a violation of this policy. Some examples of violations of this policy include but are not limited to:

- A. A student who is present while any policy violation is occurring, whether on or off campus;
- B. Being present at an off-campus location in which a student is providing alcohol to minors;
- C. A roommate/suitemate does not reveal to the Office of Residential Education & Services that his/her roommate/suitemate has an unauthorized person visiting and/or living in the residence halls;
- D. A member of an extracurricular group who hears another member is repeatedly harassing another individual (e.g., hazing, general harassment, etc.) but does not intervene and/or report the conduct.

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## **COMMUNITY HEALTH DIRECTIVES**

At any point student housing, programs, events, classes, and general practices could be impacted by current community health directives. It is a shared responsibility of each member within the University community to follow community health directives. Failure to comply with community health directives is a violation of this Code of Conduct and may result in the imposition of sanctions. Please refer to and periodically read the updates posted on this website for all current health related directives: <https://www.cui.edu/covid-19>.

At any given time, the following Covid-19 restrictions could be enforced such as social distancing, mask mandates, and no guests allowed in rooms.

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## **COMPUTING/TECHNOLOGY**

The University provides students with access to computer labs, computer networks, and the internet as a privilege—illegal behavior and/or violations of University policy may result in the loss of this privilege. It is the University's intention that these services be utilized primarily for academic pursuits. Students may utilize these services for personal or recreational purposes so long as these activities do not interfere with other students' academic pursuits.

Please note that it is the student's responsibility to protect their own property. The University will not be held liable for damage or loss of privacy due to computer hacking, viruses and/or worms, or other forms of electronic invasion.

- A. Students are not allowed to use campus technology for business purposes.
- B. Students may not use campus technology in ways that are illegal or violate provisions of the Student Code of Conduct.
- C. Students are not permitted to send bulk communications via University systems or via student email accounts.
- D. Unauthorized access of any file, system, or data for any purpose is prohibited.
- E. Unauthorized transfer, copy, downloading and/or uploading of files (including use of peer-to-peer file sharing programs to download copyrighted materials) is prohibited.
- F. Excessive use of network resources may result in available bandwidth being capped.
- G. Use of another individual's identification and/or passwords is prohibited.

- H. The use of technology to send or receive obscene, abusive, or pornographic content is prohibited.
- I. The use of technology to harass any person or persons is prohibited.
- J. The use of computer facilities to interfere with normal operation of the University computer system is prohibited and may be defined by the University as theft and fraud.
- K. Connecting any device (e.g. a hub, switch, or router) other than a personal computer, gaming console, or mobile device (e.g. tablet or smartphone) to the University network is prohibited.
- L. Using any wireless devices that operate at 2.4GHz or 5GHz (e.g. wireless routers/access points, wireless printers, some cordless phones), even if not directly connected to the University network, is prohibited. Cordless phones operating at 900MHz or 1.9GHz (DECT) are permitted.

Please call (949)-214-3175 or email [its@cui.edu](mailto:its@cui.edu) for any questions regarding this policy, or for any immediate assistance needs.

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## **DAMAGE TO PROPERTY**

Damage to or destruction of property, or actions that have the potential for such damage or destruction, is prohibited. Conduct which threatens to damage, alters the appearance or integrity of a facility, or creates hazardous conditions such as dropping, throwing, or causing objects or substances to fall from windows, doors, ledges, balconies, or roofs is also prohibited. This includes, but is not limited to, unauthorized application of graffiti or paint, cultivating plants, unauthorized posting to property, removal of window restrictors, security screens, damage to room based on failed cleanliness, etc., to University, public, or private property. Removing banners, decorations, and other materials is prohibited.

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## **DISRUPTIVE ACTIVITY**

No person or organization may interfere with, disrupt normal activity and operations of, or promote the interference or disruption of students, faculty, administration, staff, or the educational or religious mission of the University or the University's facilities, buildings, or equipment. Any form of expression that interferes with such activities and operations or invades the rights of persons is prohibited.

Noncompliance is considered a violation of this section. Such activity includes, but is not limited to, behavior in a classroom or instructional program that interferes with the instructor or presenter's ability to conduct the class or program.

To remain in the vicinity of activity that is disrupting normal University functions when requested to leave by a University official is prohibited. Bystanders, if their presence incites or adds to the disruption, as well as more active participants in the disruptive activity, may be in violation of this policy as well.

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## **DRONES**

The University does not permit student recreational or commercial use of drones on or around the University campus. Some exceptions may be made with advanced written approval from the Vice President, Dean of Students.

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## **DRUGS**

Students are expected to comply with all federal, state and local laws.

The possession, use, manufacture, sale, or distribution of any counterfeit, illegal, dangerous, "designer," or controlled drug is prohibited. The misuse of prescribed medication, or use of any substance with the intent of becoming impaired/intoxicated is prohibited.

Although California State law permits the use of marijuana for persons over the age of 21, federal laws prohibit marijuana use, possession, and/or cultivation at educational institutions receiving federal funds. Therefore, the use, possession, or cultivation of marijuana for any purposes, including medicinal, is prohibited.

The possession and use of drug paraphernalia is also prohibited.

Violating any other provision of the Code of Student Conduct while under the influence of any illegal or illegally obtained drug is also a violation of this policy. Any diluted, late, missed, forged, or failed University required drug test will constitute a violation of this policy.

This policy may address drug-related offenses which occur on and off campus.

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## **EXPLOSIVES**

The ignition or detonation of anything which could cause damage to persons or property or disruption by fire, smoke, explosion, noxious odors, stain, corrosion or similar means is prohibited. Possession of anything in the nature of fireworks, explosives or chemical explosives is prohibited on any property owned or operated by the University or at off-campus University-sponsored events without prior University authorization.

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## **FALSE STATEMENTS/LYING**

Lying or fraudulent behavior in, or with regard to, any transaction with the University, whether oral or written, is prohibited, including but not limited to misrepresenting the truth before a hearing of the University or knowingly making a false statement orally or in writing to any University official.

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## **FIRE ALARMS/SAFETY EQUIPMENT**

No person shall make, or cause to be made, a false fire alarm or emergency report of any kind. No person shall tamper with, damage, disable, or misuse fire safety equipment including, but not limited to, fire extinguishers, fire hoses, fire alarms, fire doors, and AED units. Tampering with or disabling any fire safety equipment in residential dorm room may result in your immediate removal from residential housing and a fine. Students are required to evacuate any University building when a fire alarm is sounding and/or when instructed to do so in an emergency or drill by University staff.

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## **GAMBLING**

The University prohibits gambling.

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## GENERAL LAWS

Students or student organizations involved in alleged violations of any federal, state, or local laws may be subject to disciplinary action. These allegations will be adjudicated using the University's standard of proof and procedure. Disciplinary action imposed by the University may precede and/or be in addition to any penalty imposed by an off-campus authority.

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## GUEST RESPONSIBILITY

Students are allowed to invite guests onto campus. However, students will be held accountable for any and all violations their guests may commit while visiting them.

Please note; this policy could be superseded by community health directives: <https://www.cui.edu/covid-19>.

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## HARASSMENT

Conduct that creates or attempts to create an intimidating, hostile, or objectively offensive environment for another person is prohibited. Such conduct includes, but is not limited to:

- A. Action(s) or statement(s) that threaten harm or intimidate a person;
- B. Threatening, harassing, or behaving abusively toward members of the university community based on a protected class.
- C. Stalking—a course of conduct directed at a specific person that is unwelcome and would cause a reasonable person to feel fear;
- D. Voyeurism—peeping;
- E. Bullying and cyberbullying—repeated and/or severe aggressive behaviors that intimidate or intentionally harm or control another person physically or emotionally.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University's Policy Against Sexual Misconduct.

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## HARM TO PERSON(S)/THREATS

Actions which result in physical harm, have the potential for physically harming another person, which create conditions that pose a risk of physical harm to another, or which cause reasonable apprehension of physical harm are prohibited. Conduct that threatens to cause harm to persons or creates hazardous conditions for persons is also prohibited.

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## HAZING

Hazing is an act which endangers the mental or physical health or safety of a student or which destroys or removes public or private property, for the purpose of initiation, admission into, affiliation with, or as a condition for continued membership in a group or organization. The express or implied consent of the victim will not be a

defense. Apathy and/or complicity in the presence of hazing are not neutral acts; they are violations of this Code of Conduct.

Hazing includes, but is not limited to:

- A. All forms of physical activity deemed dangerous or harmful;
- B. The application of foreign substances to the body;
- C. Scavenger hunts involving illegal activities, kidnapping, or ditching a member of the community;
- D. Depriving students of sleep;
- E. Not providing decent and edible foods;
- F. Depriving students' means of maintaining personal hygiene;
- G. Forcing, coercing, pressuring, or requiring students to consume alcohol or foreign or unusual amounts of substances;
- H. Nudity or forcing students to dress in a degrading manner.

Psychological hazing, which is any act likely to compromise the dignity of a student, cause embarrassment or shame to a student, cause a student to be the object of ridicule or malicious amusement, or inflict psychological or emotional harm is also prohibited.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University's Policy Against Sexual Misconduct.

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## **HOUSING/RESIDENTIAL REQUIREMENT**

All traditional undergraduate students are required to live in on-campus housing, unless they qualify for one of the following exceptions:

- 1. Living at home with their parents or legal guardian
- 2. 21 years of age before the first day of classes
- 3. Is married or is getting married before the start of the semester
- 4. Are a parent or primary care-giver to their child
- 5. Carrying fewer than 9 units of university course work

All students under the age of 21 at the start of the school year must fill out a Housing Application Form, or Housing Appeal (Request to Commute) Form each academic school year. Further instructions can be found in the Housing Handbook.

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## **INTERFERENCE/OBSTRUCTION OF THE CONDUCT PROCESS**

Interfering in any manner with the student conduct process is prohibited. Examples of violating this policy include, but are not limited to:

- A. Failing to participate in a hearing or investigation;
- B. Colluding with or intimidating witnesses;
- C. Disruption or interference with the orderly conduct during the investigation or hearing process;

- D. Providing false information, misrepresenting information, or intentionally omitting relevant information from an investigation or hearing.

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## **MISUSE OF DOCUMENTS**

Forgery, alteration, or misuse of any document, record, or officially issued identification is prohibited.

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## **MISUSE OF FURNISHINGS**

All University-provided furniture must remain in its assigned unit or space at all times. The relocation of University furniture to or from classrooms, laboratories, common areas, lounges, balconies, patios, residence hall rooms or apartments, storage rooms, or anywhere outside of the buildings is prohibited.

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## **MISUSE OF KEYS**

No person may use or possess any University key without proper authorization. No student is allowed under any condition to have a University key duplicated.

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## **MISUSE OF STUDENT IDENTIFICATION**

Lending a University Student ID card to anyone for reasons not authorized by the University, failing to present a Student ID card when requested by a University official acting in the performance of his or her duties, or possessing or using a fraudulent ID card, may result in disciplinary action.

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## **MOTOR VEHICLES**

Gasoline, electric, or hybrid gasoline and electric powered motor vehicles, including mopeds, scooters, and motorcycles, are to be parked, stored or driven only in designated areas (public lots and roads) and not in the private East and West housing communities. Private vehicles are not permitted inside the housing community or on any unpaved surface at any time. Reckless or unsafe driving and/or not adhering to speed limits or stop signs, parking zones, etc. on campus are prohibited. Unauthorized use of a University golf carts is not allowed, and may be considered a motor vehicle theft.

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## **NONCOMPLIANCE WITH A UNIVERSITY OFFICIAL**

Students and student organizations are expected to comply with and respond appropriately to the reasonable and lawful requests of University officials in the performance of their duties. Failure to comply with a request to meet and/or a directive of a Concordia University Irvine official, e.g., Campus Safety Officer, Office of Residential Education and Services staff (including repeated failure of residential health and safety checks), the Office of Student Conduct, Dean of Students, and/or Athletics staff may result in a charge for non-compliance with a University official and possible further charges. Failure to properly comply with or complete a sanction or obligation resulting from a conduct hearing or adjudication may also be considered noncompliance with a University official. Repeat violations of compliance with a University Official will result in more serious sanctions.



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## **PUBLIC EXPOSURE**

Public exposure, which includes deliberately and publicly exposing one's intimate body parts, public urination or defecation, and public sex acts, is prohibited.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University's Policy Against Sexual Misconduct.

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## **RETALIATION**

Retaliation is defined as any adverse action taken against a person participating in a protected activity because of their participation in that protected activity. Retaliation includes any form of intimidation, threats, coercion, reprisal, or harassment. Retaliation may be in person, through social media, email, text, or other forms of communication, and it may be committed by parties to the complaint resolution procedure, their friends or representatives, or any other person. Retaliation against an individual for alleging harassment or discrimination, supporting a complainant or for assisting in providing information relevant to a claim of harassment or discrimination is a serious violation of University policy and will be treated as an instance of harassment or discrimination.

Acts of alleged retaliation should be reported immediately to the Dean of Students and will be promptly investigated. The University will take all appropriate actions to protect individuals who fear that they may be subjected to retaliation.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University's Policy Against Sexual Misconduct.

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## **SEARCHES**

Any person present on University premises, or at an off-campus University-sponsored function, who is in possession of a bag, purse, backpack, or any other container where weapons, alcohol, drugs, or any other prohibited substance could be contained is subject to search by a University official. This includes, but is not limited to, vehicles parked on University premises when there is reason to believe the vehicle contains any prohibited item.

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## **SEXUAL INTIMACY**

The University community's commitment to the authority of Scripture leads us to believe that a sexual relationship is to be understood and experienced within the context of that mutually acknowledged commitment to lifelong union known as marriage, and that marriage is the lifelong union of one man and one woman. This belief concerning our sexuality is based on our understanding of God's perfect and good design for our sexual lives, on our own experience, and on our knowledge of human development and relational dynamics. It is our conviction that the sexual relationship is best understood as an expression of oneness in marriage and that to understand it or to express it otherwise would diminish the high regard that we have for this gift from God. Therefore, sexual intimacy involving genital contact, outside of marriage is prohibited.

Some behaviors described in this section may also be considered sexual misconduct. In compliance with Title IX of the Education Amendments of 1972, these actions may be processed according to the University's Policy Against Sexual Misconduct.

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## **SEXUAL MISCONDUCT**

The University prohibits all forms of sexual misconduct. For the complete policy, see the *University's Policy Against Sexual Misconduct*.

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## **SOLICITATION/POSTING**

University facilities are intended for purposes as outlined in the University mission statement. Any solicitation should be reported promptly. Sales, solicitation and/or other business may not be conducted on campus or using campus facilities and technologies without prior written permission from the Dean of Students or designee. This includes, but is not limited to, home sale parties or pop-up shops, sales activities using campus technologies and the internet, promotion of parties or outside vendors, and solicitation for involvement in pyramid-type businesses.

The distribution of non-University-sponsored flyers and other marketing materials that have not been approved by the Dean of Students Office, or designee, are prohibited. University approved materials can be posted with approval from the ASCUI Communications Director located in the Center for Student Leadership and Development.

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## **THEFT**

Theft of any kind, including seizing, receiving, or concealing property with knowledge that it has been stolen, is prohibited. Sale, possession, or misappropriation of any property or services without the owner's permission is also prohibited.

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## **TOBACCO/SMOKING**

Smoking and the use of any tobacco products are prohibited inside any University buildings. The use of tobacco by students under age 21 is prohibited; providing tobacco to any student under age of 21 is also prohibited. All smoking must take place in one of the University's two designated smoking areas and must be at least twenty (20) feet outside of any building. Smokers are responsible for the proper disposal of all smoking materials. Possession or use of hookah pipes, electronic cigarettes, vaporizers, and smoking and/or vaping paraphernalia is prohibited.

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## **UNAUTHORIZED PRESENCE OR USE OF UNIVERSITY FACILITIES**

Unauthorized entry into, presence in, or use of University facilities equipment or property that has not been reserved or accessed through appropriate University officials is prohibited. Unauthorized entry into dining facilities, offices, maintenance closets, etc., is prohibited. Students and guests are prohibited from entering University buildings during break time without authorization. Students are not to access known restricted areas including, but not limited to, emergency exit doors, fire escape doors, attic/roof access doors, ledges, fire escapes, attic spaces, rooftops, construction areas, etc.

Trespassing and utilizing any private property including, but not limited to, an association swimming pool or recreation facility not owned by the University are illegal and prohibited.

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## **WEAPONS**

The possession or use of firearms or weapons of any other kind including but not limited to knives with a blade over 2.5 inches (other than kitchen knives), slingshots, explosives, bows and arrows, metal knuckles, hunting equipment, nunchucks, razors, stun guns, any device which closely resembles a firearm such as paintball guns, BB guns, and air pellet guns is prohibited. Additionally, all other weapons listed under California penal code section 12020, and/or other weapons considered illegal or dangerous by a university official are prohibited on campus premises. Weapons intended for decoration or display, or which hold sentimental value, are prohibited.

Items used aggressively or for violent purposes are prohibited and may constitute a violation of this policy.

## **III. PROCEDURES**

### **REPORTING**

The University will review and/or investigate any and all reports of alleged violations of the Student Code of Conduct or any University policy. The University is required to report all allegations of sexual assault, violent crimes, and hate crimes to local law enforcement. However, under State law, the Complainant may request that the report not identify the parties.

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### **REPORTING AN ALLEGATION OF VIOLATION OF POLICY:**

Anyone who believes the Student Code of Conduct or a University policy has been violated should contact one of the following:

Megan Bouslaugh: Vice President for Student Affairs, Dean of Students, Chief Title IX Coordinator, Office of Student Conduct, Center for Student Leadership Development, CSLD 101, (949) 214-3057, [megan.bouslaugh@cui.edu](mailto:megan.bouslaugh@cui.edu)

Monique Nunes: Director of Diversity and Success Coaching, Lead Conduct Officer, Center for Student Leadership Development, [monique.nunes@cui.edu](mailto:monique.nunes@cui.edu), (949) 214-3039

Erin Komin: Director of Residential Education and Housing Services, Rho 101, (949) 214-3047, [erin.komin@cui.edu](mailto:erin.komin@cui.edu)

Campus Safety: Administration Building, Suite 120, (949) 214-3000.

RES Life: Contact a Resident Director (RD) or Resident Assistant (RA), (949) 307-6216, to report a violation of policy.

Reports can also be submitted online via Concordia University Irvine's Title IX Website on our [Complaint Form](#).

For more information on the University's reporting requirements specific to discrimination, see the Clery Report found at <http://www.cui.edu/studentlife/campus-safety/index/id/12840>

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### **STATEMENT ON CONFIDENTIALITY AND PRIVACY:**

If the complainant would like the details of an incident to be kept confidential, the complainant may speak with on-campus counselors, campus health service providers, a sexual assault victim advocate, off-campus local rape crisis counselors, domestic violence resources, state assistance agencies, and members of the clergy who will maintain confidentiality. Non-Mandatory Reporters at Concordia include:

- A. Rev. Quinton Anderson, BMC 102; (949) 214-3024
- B. Any counselor in the Wellness Center; (949) 214-3104

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### **POLICY ON STUDENT WITHDRAWALS WITH PENDING DISCIPLINARY ACTION:**

Should a student decide to withdraw or otherwise not participate in an investigation and/or hearing, the process will nonetheless proceed to resolution in the student's absence, and, if the student is found responsible, the student will not be permitted to return to the University until all sanctions have been completed.

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### **STATEMENT OF THE COMPLAINANT'S RIGHTS:**

- To be treated with respect by University officials.
- To take advantage of campus support resources (such as the Counseling Center, the Wellness Center, and Campus Ministries).
- To experience a safe living, educational, and work environment, free from retaliation.
- To have an advisor or advocate during this process.
- To have allegations heard in substantial accordance with these procedures.
- To refuse to have an allegation resolved through informal resolution procedures.
- To present witnesses and inculpatory and exculpatory evidence to investigator(s) and/or hearing board.
- To full participation in any process whether the injured party is serving as the complainant or the University is initiating an investigation.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident. For further information, reference the University: "Amnesty Policy."
- To be informed in writing of the outcome/resolution of the complaint, the sanctions where appropriate, and the rationale for the outcome.

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### **STATEMENT OF RESPONDENTS'S RIGHTS:**

- To be treated with respect by University officials.
- To take advantage of campus support resources (such as the Counseling Center, the Wellness Center, and Campus Ministries).
- To experience a safe living, educational, and work environment, free from retaliation.
- To have an advisor/advocate during this process.
- To have allegations heard in substantial accordance with these procedures.
- To refuse to have an allegation resolved through informal resolution procedures.
- To present witnesses and inculpatory and exculpatory evidence to investigator(s) and/or hearing board.
- To receive amnesty for minor student misconduct (such as alcohol or drug violations) that is ancillary to the incident. For further information, reference the *University*: "Amnesty Policy."
- To be presumed not responsible for any policy violation(s).

- To be informed in writing of the outcome/resolution of the complaint and the rationale for the outcome.

## INVESTIGATIONS

### ALLEGATION/REPORT AND REVIEW/INVESTIGATION

Upon receipt of an allegation of a violation of the Student Code of Conduct or a University policy, the appropriate administrator or individual designated by the Dean of Students will review the allegation(s) and/or grievance(s) to determine whether there are sufficient grounds to believe that a violation of the Code of Conduct occurred. He/she will review the circumstances and facts of the report and determine the identity of the individuals with knowledge concerning the matter. This review may include discussion with faculty, staff or students. Interim actions/restrictions (see Interim Actions section) may be imposed at this time. If it is determined that there are sufficient grounds to believe that a violation of the Code of Conduct occurred, the student(s) will receive a written notice of the charge(s) and an investigation will commence. Based on the information gathered through the investigation a student may be charged with additional University policy violations than stated in the initial notification letter.

In all cases, the University will seek to have all cases reach timely resolution from notice of the allegation, barring exigent circumstances. If exigent circumstances exist, the Dean of Students or designee will provide notice to the parties (if appropriate) of any delays or extensions.

### IN INSTANCES OF ALLEGATIONS OF SEXUAL MISCONDUCT

In instances where a violation of the University's Policy Against Sexual Misconduct may have occurred, the action will be processed according to the University's Policy Against Sexual Misconduct.

### INTERIM ACTIONS/RESTRICTIONS

The University may take interim actions as necessary to protect the community from a threat to the health or safety of the community as a whole, to any particular member of the community, or in cases where there may be a risk of a substantial disruption to the normal operations of the University. In exigent circumstances, the student may request a stay of sanctions, but such requests must be submitted to the Dean of Students within three business days. These actions may include, but are not limited to:

### INTERIM SUSPENSION

A student/organization that is suspended on an interim basis is subject to all of the same restrictions as if he/she/it had been suspended as a final sanction.

### INTERIM RESTRICTION

These restrictions may include, but are not limited to: restricted access to facilities, housing and/or events, no-contact orders with specific individuals, etc. or any other restrictions deemed necessary by the Dean of Students, or designee, to be necessary to achieve the goals stated above. (NOTE: Concordia will not pay for or make any arrangements for housing for any student removed from housing on an interim basis.)

\*Altering any of these restrictions may be predicated on the requirement to engage in a psychological assessment, drug/alcohol testing, interviews, etc. at the discretion of the Dean of Students or designee.

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## **NOTICE OF ALLEGATIONS/NOTICE OF DISCIPLINARY HEARING**

If, as a result of preliminary review, the appropriate administrator or designated staff member determines that an investigation should be initiated, the student will receive proper notice of an investigation and disciplinary hearing sufficiently in advance to afford the student a reasonable opportunity to prepare a response. Notice will be sent via the student's eagles email, and/or hand delivered. It is the student's responsibility to check their eagles email daily.

Notice will include the following:

- A. Specific alleged violations of policy(s); and
- B. The place and time of the hearing, or a request that the student arrange a time within a specified time period.

## **STUDENT CONDUCT HEARINGS**

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### **ADMINISTRATIVE HEARING**

An administrative hearing conducted by a hearing officer(s) is the most common way a student conduct case is adjudicated. The investigator may be the same individual that conducts the preliminary review, if necessary, and will generally be the same individual that conducts the administrative hearing. During the hearing, the student has the right to hear and present information related to the disciplinary process and the allegations against him or her. The hearing officer and/or investigator will make a finding of responsibility and assign sanctions, if necessary.

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### **BOARD HEARING**

The Dean of Students, or his/her designee, may decide in the best interest of the community and the student(s) involved, that a panel of board members will conduct the hearing in a student conduct case, make a determination of responsibility, and/or recommend sanctions as needed. The Student Conduct Board consists of a represented group of trained University faculty, staff, and/or students selected by the Dean of Students or his/her designee. The student's right to hear and present information related to the disciplinary process and the allegations against him or her will occur with this represented board instead of an individual administrator. The Dean of Students, or his or her designee, will notify the parties in writing of the panel's finding(s) and sanction(s), if appropriate.

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### **NOTES:**

Should a student fail to schedule and/or attend an Administrative Hearing or a Board Hearing, a determination is made about his or her involvement without his or her input, and the student's right to appeal is forfeited.

During Fall and Spring Final Exams, the disciplinary process is condensed (except for cases that are processed under the University's Policy Against Sexual Misconduct) in order to ensure that student conduct cases are adjudicated in a timely manner. Students will have all the rights to a fundamentally fair process (i.e. notice, a hearing, a fair decision, the option to appeal), but the adjudication process will be compressed. Extra staff will be utilized during this time to ensure that allegations of misconduct are handled expeditiously and fairly.

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## **FINDINGS**

Following the hearing, the administrator hearing the case, Hearing Officer, or the Student Conduct Board, will submit the finding[s] and sanction[s], if appropriate. The student will receive, in writing, the decision via eagles email or hand delivery.

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### **NO FINDING**

In these cases where there is no finding, the Hearing Officer or the Conduct Board has made a determination that the Respondent is in no way involved in a violation of policy. The Respondent's name will be cleared for purposes of third party reporting, but the record of the investigation will be retained. This finding is not subject to any appeal.

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### **NOT RESPONSIBLE**

In these cases where the conclusion is "not responsible", the Hearing Officer or Conduct Board has determined that insufficient evidence exists for a finding of responsible for any of the allegations. Parties may appeal the finding by following the appeal procedure outlined in this Code. Upon a decision on appeal or expiration of the appeal period, the case is closed and a record of the decision is retained.

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### **RESPONSIBLE**

The Hearing Officer or Conduct Board determines that sufficient evidence exists for a finding of "Responsible" for a violation of any university policy. Parties may appeal the finding by following the appeal procedure outlined in this Code. Upon a decision on appeal or expiration of the appeal period, the case is closed and a record of the decision is retained.

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## **ROLE OF ADVISORS**

The student may be advised by any person of his or her choosing during any meeting or hearing, but the advisor may not participate directly with the exception of conducting cross-examination of parties and witnesses in the event of a hearing before a hearing board.

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## **PROCEEDINGS ARE PRIVATE**

All persons present during a hearing or participating in an investigation are expected to maintain the privacy of the proceedings, subject to University consequences for failure to do so. While the contents of the hearings and investigations are private, the parties have discretion to share their own experiences if they so choose, and should discuss doing so with their advisors/advocates.

In hearings involving more than one respondent or in which two reporting parties have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Dean of Students and/or Title IX Coordinator may permit the hearing pertinent to each respondent to be conducted separately. In joint hearings, separate determinations of responsibility will be made for each respondent.

## SANCTIONS - STUDENTS

The following University-wide disciplinary sanctions may be imposed upon students found responsible for a violation of the Code of Conduct. All sanctions may be imposed either singularly or in combination.

The purposes of imposing sanctions are twofold: one, to protect the University community from behavior which is detrimental to the community and/or the educational mission of the University; and two, to assist students in identifying acceptable parameters and consequences of future behavior. The sanction(s) imposed is/are intended to correspond with the severity or frequency of violations, as well as the student's willingness to recommit him/herself to behaviors that fall within the Student Code of Conduct and are consistent with the mission and values of the University. Sanctions may be enhanced for conduct motivated by discrimination of a protected class. Other factors that may affect the sanctions are:

- A. The nature, severity of, and circumstances surrounding the violation;
- B. An individual's disciplinary history;
- C. Previous complaints or allegations involving similar conduct;
- D. The need for sanctions/responsive actions to bring an end to the actions that were in violation of the Code;
- E. The need for sanctions/responsive actions to prevent the future recurrence of the actions that were in violation of the Code;
- F. The need to remedy the effects of the actions that were in violation of the Code on the victim and/or the community.

## SANCTION OPTIONS

### ASSESSMENTS

Students who are found responsible for violating the University's alcohol or drug policies may be sanctioned an assessment with counselors in the Wellness Center for the purpose of assessing behaviors involving issues of drug and/or alcohol use.

### COACHING SESSIONS

Students may be sanctioned to have meetings with the University's Diversity and Student Success Coach for the purpose of evaluating and debriefing the behaviors involving the student's policy violation(s).

### EDUCATIONAL QUIZES

Students who are found responsible for violating University policies may be required to purchase books and take an online quiz via BlackBoard to help educate and bring awareness to your choices around the stated policy violation(s).

### EXPULSION

Expulsion is dismissal from the University without the ability to apply for re-admittance.



Any student expelled for disciplinary reasons must vacate the campus within the period of time noted in the notice of expulsion (typically immediately). The student may not return to campus or University property without prior written permission by the Dean of Students or designee. Failure to comply with this request will constitute criminal trespass.

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#### REFLECTION/EDUCATION PAPER

Students may be sanctioned to write a formal reflection essay to examine his/her actions surrounding the policy violation(s).

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#### REVOKE ACCEPTANCE

The University reserves the right to refuse or revoke admittance and/or dismiss any person who does not conform either to the stated guidelines and regulations governing student conduct, or to the expressed principles, policies, and expectations of the University.

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#### SUSPENSION

Suspension is denial of enrollment, attendance, and other privileges at the University for a specified period of time. Permission to apply for re-admission upon termination of the period may be granted with or without conditions/restrictions. Students may be required to complete a period of disciplinary probation upon their return to the University.

Any student suspended for disciplinary reasons must vacate the campus within the period of time noted in the notice of suspension (typically immediately). The student may not return to campus or University property during the term of the suspension without prior written permission by the Dean of Students or designee. Failure to comply with this request will constitute criminal trespass.

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#### UNIVERSITY PROBATION

A period of review and observation during which a student is under an official notice that subsequent violations of University rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from the University. While on conduct probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or University privileges (see Conditions/Restrictions below).

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#### CONDITIONS/RESTRICTIONS

The University may place limitations upon a student's behavior and/or University privileges for a period of time or place an active obligation to complete a specified activity. This sanction may include, but is not limited to: restricted access to the campus or parts of campus, a hold on student record disabling a student from enrolling in classes or receiving transcripts, denial of the right to represent the University in any way, denial of housing or parking privileges, required attendance at a workshop, or participation in public service.

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#### WRITTEN WARNING

An official reprimand that makes the misconduct a matter of record in University files. Any further misconduct could result in further disciplinary action.

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### FINES/RESTITUTION

An order may be issued to make restitution or to pay a fine when a student has engaged in conduct including, but not limited to, the damage or destruction of property, the theft or misappropriation of property, fraudulent behavior, violations of the alcohol and/or drug policies, violations of the fire safety policies, or repeated violations of university policy. Restitution may be appropriate when such property belongs to an individual, group, or the University and may be in the form of payment, community service, or other special activities designated by the hearing authority. In addition, fines may be assessed as a punitive measure.

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### WITHHOLDING DIPLOMA

The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has a complaint pending or as a sanction if the student is found responsible for an alleged violation.

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### REVOCATION OF DEGREE

The University reserves the right to revoke a degree awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

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### LOSS OF PRIVILEGES

Students may lose privileges such as leadership opportunities, living on campus, campus employment, co-curricular activities, parking, etc., as appropriate due to a violation of a Student Code of Conduct policy.

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### OTHER SANCTIONS

The University reserves the right to impose other sanctions as necessary to remain consistent with the mission and vision of the University. These may include, but are not limited to: mandated psychological assessment at the student's expense, research projects, drug/alcohol classes or testing at the student's expense, proof of employment or attendance at classes, etc.

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## RESIDENTIAL SPECIFIC SANCTIONS

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### EXPULSION FROM THE RESIDENCE HALLS

Expulsion is an immediate removal from University housing with no ability to return.

Any student permanently removed from University housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence

hall without prior written permission by the Dean of Students or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

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## **SUSPENSION FROM THE RESIDENCE HALLS**

Suspension is an immediate removal from University housing for a set period of time with an ability to reapply to return to University housing.

Any student removed from University housing for disciplinary reasons must vacate the hall within the period of time noted in the notice of removal (typically immediately). The student may not return to any residence hall without prior written permission by the Dean of Students or designee. Failure to comply with this request will constitute criminal trespass. Additionally, anyone removed from housing for disciplinary reasons remains subject to the termination clause of the housing contract, including payment of any fees or penalties.

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## **PROBATION FROM THE RESIDENCE HALLS**

Residential Probation is a period of review and observation during which a student is under an official notice that subsequent violations of University rules, regulations, or policies are likely to result in a more severe sanction including suspension or expulsion from University housing. While on Residential Probation, a student may be considered to be "not in good standing" and may face specific limitations on his or her behavior and/or University privileges.

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## **HOUSING RELOCATION**

Housing Relocation is an immediate removal from a specific residence within University housing and reassignment to another hall/room.

Any student removed from any specific hall/room within University housing for disciplinary reasons must vacate that hall/room within the period of time noted in the notice of relocation (typically immediately). The student may not return to the residence hall from which they were removed without prior written permission by the Dean of Students or designee. Failure to comply with this request may constitute criminal trespass and will result in more severe disciplinary action.

## **SANCTIONS – STUDENT ORGANIZATIONS**

The following disciplinary sanctions may be imposed upon student organizations when they have been found responsible for violating the Code of Conduct or the Social Media Manager Policy. All sanctions may be imposed either individually or in combination. Disciplinary sanctions are imposed for the purpose of holding student organizations and their membership accountable for their actions and the actions of their guest(s), whether on campus or at any off campus organization-sponsored function.

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## **PERMANENT REVOCATION OF ORGANIZATIONAL REGISTRATION**

Permanent revocation of the organization's registration means revocation without the ability to apply for new registration. Any organization whose registration is permanently revoked must cease all organizational activities upon receipt of the notice of permanent revocation. Any member of an organization whose registration has been permanently revoked shall relinquish any appointed or elected office held with that organization's governing body. Balances of all organizational funds granted by the University and/or the Student Government are to be surrendered to the Dean of Students or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to revocation may be reassigned to other eligible University organizations.

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## **SUSPENSION**

Suspension means denial of rights and privileges of a registered organization for a specified period of time. Any organization whose registration is suspended or revoked must cease all organizational activities upon receipt of the notice of revocation or suspension. Any member of a suspended organization may not hold an appointed or elected office with that organization's governing body for the duration of the organization's period of suspension. Balances of all organizational funds granted by the University and/or the Student Government are to be surrendered to the Dean of Students or designee. Office or housing space assigned by the University shall be vacated within five (5) business days (an organization under emergency suspension may be required to vacate space more quickly) from the date the notice of suspension is issued. Space vacated due to suspension may be reassigned to other eligible University organizations. Leave to reapply for registration as a student organization may be granted with or without qualifications. Office or housing space assigned prior to suspension will not automatically be reassigned. The organization may reapply for a space assignment, subject to availability. Suspended organizations will automatically be placed on probationary status for a minimum of one academic year following their renewed registration.

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## **PROBATION**

A period of review and observation during which a student organization is under official notice that subsequent violations of University rules, regulations, or policies could result in a more severe sanction including suspension. During the probationary period, a student organization is deemed "not in good standing" with the University and may be subject to one or any combination of the following conditions and/or restrictions:

- A. Denial of the right to represent the University;
- B. Denial of the right to maintain an office or other assigned space on University property;
- C. Denial of the privileges of:
  - 1. Receiving or retaining funding;
  - 2. Participating in intramurals;
  - 3. Sponsoring any social event;
  - 4. Sponsoring any speaker or guest on campus;
  - 5. Participating in any social event;
  - 6. Co-sponsoring any social event or other activity;
  - 7. Membership recruitment.

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## **CONDITIONS/RESTRICTIONS**

The University may place limitations upon a student organization's privileges for a period of time or an active obligation to complete a specified activity or activities. This sanction may include, for example, denial of housing or social privileges, etc.

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## **WRITTEN WARNING**

An official written reprimand making the misconduct a matter of record in University files for a specified period of time. Any further misconduct may result in further disciplinary action.

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## **RESTITUTION/FINES**

An organization may be ordered to make restitution or to pay a fine when the organization has engaged in conduct including but not limited to: the damage or destruction of property, the theft or misappropriation of property, fraudulent or disruptive behavior, violations of the alcohol and/or drug policies, or violations of the fire safety policies. Such property may belong to an individual, group, or the University. Restitution may be in the form of financial payment, public service, or other special activities designated by the hearing authority. Additional fines may be assessed as a punitive measure.

## **APPEALS**

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### **GENERAL GUIDELINES**

- A. Any party to a complaint (the Complainant or Respondent) may submit an appeal to the Office of Student Conduct and Care. The Office of Student Conduct and Care will assign an Appeal Officer who was not involved in the original investigation and hearing.
- B. All sanctions instituted by the original Hearing Officer or Board are to be implemented while an appeal is pending, unless a request for a stay of sanctions, or postponement, has been requested in writing and that request has been granted. Students must submit a request for a stay of sanctions to the Dean of Students within three business days of the date their decision letter was sent.
- C. The presumptive stance of the Appeal Officer is to be that the original hearing body was correct in its initial finding. The burden is on the appellant to show error as outlined below in the Grounds for Appeal.
- D. Appeals are not intended to be full re-hearings of the allegation(s). In most cases, appeals are confined to a review of the written documentation or notes from the original hearing, and pertinent documentation regarding the grounds for appeal.
- E. The Appeal Officer may at his/her discretion, request information from the original Hearing Officer or board. In rare cases, the Appeal Officer will interview persons involved in the original hearing and investigation.

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### **GROUND'S FOR APPEAL**

- A. A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.).
- B. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included. Refusal to provide responses during a hearing precludes use of this ground for appeal.

- C. The sanctions fall outside the parameters of institutional norms.

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## PROCEDURES

Students should submit a typed letter of appeal, or designated appeal form, to the Office of Student Conduct, or Dean of Students, within three business days of the date on the decision letter. Students will have only one opportunity to appeal. Students who did not schedule and attend the original hearing forfeit the right to appeal a decision.

The appointed Appeals Officer, or his/her designee, reserves the right to determine if an appeal will be presented to the Student Conduct Appeals Board or remain an administrative appeal. Upon review of the case, the appeals officer or appeals board may:

- A. Affirm or reverse the findings of responsibility.
- B. Affirm the finding(s) and modify, either to increase or decrease, the sanctions imposed.

## ADMINISTRATIVE APPEALS HEARING

ADMINISTRATIVE APPEAL HEARINGS ARE MOST COMMON AND ARE ADJUDICATED BY ONE APPEAL OFFICER. THE APPEAL OFFICER WILL ENDEAVOR TO PROVIDE THE STUDENT WITH A DECISION WITHIN 30 DAYS OF RECEIPT OF THE FILING OF THE APPEAL. THE DECISION WILL BE COMMUNICATED TO THE STUDENT VIA EAGLES EMAIL, HAND-DELIVERED LETTER, PHONE OR COMBINATION OF THESE MEANS. THE DECISION OF THE APPEAL OFFICER IS FINAL.

STUDENT CONDUCT APPEALS BOARD

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The Student Conduct Appeals Board consists of a represented group of University faculty, staff and students selected by the Vice President/Dean of Students or his/her designee. The Student Conduct Appeals Board may establish rules and guidelines, as appropriate, for any given hearing but does not have the authority to interpret or modify University policy or the Student Code of Conduct. The decision of the Student Conduct Appeal Board is final.

# Student Code of Conduct

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