

THE CODE OF CONDUCT

The Code of Conduct describes behaviors that are inconsistent with the essential values of the University community. Intentionally attempting or assisting in these behaviors may be considered as serious as engaging in the behavior. A person commits an attempt when, with intent to commit a specific violation of the Code of Conduct, he/she performs any act that constitutes a substantial step toward the commission of that violation. Many Code items are supported by University Policy Statements. The Code of Conduct Charge Codes can be found within the Judicial Affairs Reference and Training Manual at <http://www.sa.psu.edu/ja>. The Code of Conduct behaviors include, but are not limited to:

1. ABUSE/ENDANGERMENT/HAZING OF A PERSON: Physically harming or threatening to harm any person, intentionally or recklessly causing harm to any person or reasonable apprehension of such harm or creating a condition that endangers the health and safety of self or others, including through the facilitation of or participation in any mental or physical hazing activity (also see Policy Statement 8).

2. SEXUAL MISCONDUCT OR ABUSE: The University does not tolerate sexual misconduct or abuse, such as sexual assault, rape (including acquaintance rape) or other forms of nonconsensual sexual activity. Sexual misconduct and abuse can occur between acquaintances or parties unknown to each other. Sexual abuse is attempted or actual unwanted sexual activity, such as sexual touching and fondling. This includes the touching of an unwilling person's intimate parts (defined as genitalia, groin, breast or buttock, or clothing covering them), or forcing an unwilling person to touch another's intimate parts. Sexual misconduct includes, but is not limited to, sexual assault, rape, forcible sodomy or sexual penetration with an inanimate object, intercourse without consent, under conditions of force, threat of force, fear or when a person is unable to give consent because of substance abuse, captivity, sleep or disability (also see Policy AD-12).

3. HARASSMENT CREATING HOSTILE ENVIRONMENT AND HARASSMENT, OR STALKING OF ANY PERSON: Harassment creating a hostile environment is a violation of University policy. Such harassment is a form of discrimination consisting of physical or verbal conduct that (a) is directed at an individual because of the individual's age, ancestry, color, disability or handicap, national origin, race, religious creed, sex, sexual orientation, gender identity or veteran status; and (b) is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education or access to University programs, activities and opportunities.

To constitute harassment creating a hostile environment, the conduct must be such that it detrimentally affects the individual in question and would also detrimentally affect a reasonable person under the same circumstances. This harassment may include, but is not limited to, verbal or physical attacks, threats, slurs, or derogatory comments or threats of such conduct, that meet the definition set forth above. Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs and the status of the individuals involved.

General harassment, stalking of any person is a violation of University policy. A person violates this section when, with intent to harass or alarm another, the person (a) subjects the other person

or group of persons to unwanted physical contact or the threat of such contact; or (b) engages in a course of conduct, including following the person without proper authority, under circumstances which demonstrate intent to place the other person in reasonable fear of bodily injury or to cause the other person substantial emotional distress (also see Policy Statement 7, and Policies AD-41 and AD-42).

4. WEAPONS, FIREARMS, AND PAINTBALL DEVICES: The possession, storing, carrying, or use of any weapon, ammunition, or explosive by any person is prohibited on all University property except by authorized law enforcement officers and other persons specifically authorized by the University. No person shall possess, carry, or use any fireworks on University property, except for those persons authorized by University and local governments to discharge such fireworks as part of a public display. Paintball guns and paintball markers may only be used on the property of the University in connection with authorized University activities and only at approved locations.

5. FIRE SAFETY VIOLATIONS: Tampering with fire or other safety equipment or setting unauthorized fires.

6. ALCOHOL AND/OR DRUGS: Illegally possessing, using, distributing, manufacturing, selling or being under the influence of alcohol or other drugs. Use, possession or distribution of beverages containing alcohol on University property shall comply with the laws of the Commonwealth of PA and University Policies and Rules. Note: Anyone, including those under 21, serving alcohol to persons under 21 is in violation of both University regulations and state law. Also, simply being present in a residence hall room where a quantity of alcoholic beverages is present and/or being served implies possession. Public drunkenness occurs when a person appears in public when intoxicated to the degree that the person may endanger himself or other persons or property, or annoy persons in the vicinity. (also see Policies AD-18 and AD-33 and “Policy Statement on Beverages Containing Alcohol” in Policies and Rules).

7. FALSE INFORMATION: Intentionally providing false or inaccurate information or records to University officials or employees. Providing a false report of an emergency or University rule or Code violation. Knowingly providing false statements or testimony during a University investigation or proceeding.

8. THEFT AND OTHER PROPERTY OFFENSES: Stealing, vandalizing, damaging, destroying, or defacing University property or the property of others.

9. DISRUPTION OF OPERATIONS: Obstruction or disruption of classes, research projects, or other activities or programs of the University; or obstructing access to University facilities, property, or programs. Disruption is defined as an action or combination of actions by one or more individuals that unreasonably interferes with, hinders, obstructs, or prevents the operation of the University or infringes on the rights of others to freely participate in its programs and services (also see Policy Statement 1).

10. ACADEMIC DISHONESTY: Academic integrity is the pursuit of scholarly activity in an open, honest and responsible manner. Academic integrity is a basic guiding principle for all academic activity at The Pennsylvania State University, and all members of the University community are expected to act in accordance with this principle. Consistent with this expectation, students should act with personal integrity, respect other students' dignity, rights and property,

and help create and maintain an environment in which all can succeed through the fruits of their efforts. Academic integrity includes a commitment not to engage in or tolerate acts of falsification, misrepresentation or deception. Such acts of dishonesty violate the fundamental ethical principles of the University community and compromise the worth of work completed by others.

Academic dishonesty includes, but is not limited to, cheating, plagiarism, fabrication of information or citations, facilitation of acts of academic dishonesty by others, unauthorized possession of examinations, submitting work of another person or work previously used without informing the instructor, and tampering with the academic work of other students (also see Faculty Senate Policy 49-20 and G-9 Procedures).

11. FAILURE TO COMPLY: Failing to comply with reasonable directives from University officials when directed to do so. Failure to provide identification or to report to an administrative office or, when reasonable cause exists, failing to leave University-controlled premises or dangerous situations when directed to do so by properly authorized persons, including police and/or other University staff. This charge may be added to other charges, e.g., when a student fails to leave a residence hall during a fire drill and refuses to leave when directed to do so by a University official.

12. FORGERY/ALTERATION: Making, using or possessing any falsified University document or record; altering or forging any University document or record, including identification, meal or access cards. This includes but is not limited to; forging (signing another's name and/or ID number) or mis-signing key request forms, manufacturing IDs or tickets, altering permits, misuse of forms (letterhead stationery, University forms), and keys to mislead.

13. UNAUTHORIZED ENTRY OR USE: Unauthorized entry into or use of property facilities or University facilities including residence halls, classrooms, offices, and other restricted facilities. Unauthorized entry or use of facilities is referred to in University policy regarding the rights of individuals and the rights of the institution. Specifically, policy refers to an "obligation not to infringe upon the rights of all members of the campus to privacy in offices, laboratories and residence hall rooms, and in the keeping of personal papers, confidential records and effects, subject only to the general law and University regulations." The University also has the right to control use and entry into facilities for reasons of security, safety or protection of property. This includes closing facilities at specified times. It should also be recognized that an open or unlocked door is not an invitation to enter and use facilities. The same concept applies to computer entry or misuse.

14. DISORDERLY CONDUCT: Engaging in disorderly, disruptive, lewd or indecent conduct. The item includes but is not limited to: inciting or participating in a riot or group disruption; failing to leave the scene of a riot or group disruption when instructed by officials; disruption of programs, classroom activities or functions and processes of the University; creating unreasonable noise; or creating a physically hazardous or physically offensive condition.

15. VIOLATIONS OF UNIVERSITY REGULATIONS: Violating written University policy or regulations contained in any official publications or administrative announcements, including University Computer policies. University policies and regulations are contained in official publications, administrative announcements, contracts and postings (also see Policy AD-20 and Policy Statement 4).

16. VIOLATION OF LAW: Students are members of the campus, local and state communities. As citizens, students are responsible to the community of which they are a part, and the University neither substitutes for, nor interferes with the regular legal or criminal process. Students are also responsible for offenses against the academic community and in some instances student conduct that violates federal, state, or local law may affect a Substantial University Interest on the University community. Because the University expects students to conduct themselves in accordance with the law, student misconduct that occurs on or off the premises of the University that violates any local, state, or federal law will be reviewed by the University. Criminal or civil decision is not a necessary prerequisite for a disciplinary decision nor is it necessary that criminal or civil charges be lodged against the student either before or after a University decision. Therefore, action taken in a civil or criminal court does not free the student of responsibility for the same conduct in a University proceeding.